SENATE—*Monday, September 18, 1995*

(Legislative day of Tuesday, September 5, 1995)

The Senate met at 9:45 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, we begin the work of this week with the affirmation of the psalmist, "The Lord is my strength and my shield; my heart trusted in Him, and I am helped; therefore my heart greatly rejoices."—Psalm 28:7. Thank You for the joy we experience when we receive Your unqualified grace and unlimited goodness. Your joy is so much more than mere happiness that is dependent on circumstances and the attitudes of others. When we allow You to fill us with Your love, an artesian joy floods our minds and hearts. We remember times when we trusted You and You helped us, and joy bursts within us. With Your joy we can face difficulties, deal with impossible situations, and endure the most frustrating problems. You are the source of our strength for the tasks of this day, wisdom for the decisions of this week, and encouragement for the challenges ahead of us. You know what we need before we ask You, and You guide us to ask for what is Your will for us. May the joy we experience with You radiate on our faces and be expressed in our attitudes. This is the day You have made; we will rejoice and be glad in it. In the name of our Lord, who brought us joy. Amen.

SCHEDULE

Mr. MURKOWSKI addressed the Chair.

The PRESIDENT pro tempore. The able Senator from Alaska is recognized.

Mr. MURKOWSKI. Good morning, Mr. President. On behalf of the leader, and for the information of all Senators, this morning there will be a period for morning business until the hour of 10 a.m.

Immediately following morning business, the Senate will begin consideration of H.R. 1976, the Agriculture Appropriations bill.

The majority leader has indicated that Senators are expected to offer their amendments to the bill. However, no rollcall votes will occur before 5:15 p.m. today.

Members are also alerted that the Senate will complete action on the welfare reform bill tomorrow, with rollcall votes on the welfare reform bill beginning at approximately 2:45 p.m. on Tuesday.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10 a.m., with Senators permitted to speak therein for up to 5 minutes each.

AN INVASION OF PRIVACY

Mr. MURKOWSKI. Mr. President, I would like to speak this morning relative to an incident that occurred last Tuesday, and I think, if I recall correctly, the senior Senator from West Virginia also had such an incident which, to me, amounted to a certain invasion of privacy.

Last Tuesday, Mr. President, I was leaving my home to walk to my car and, as I rounded the corner, a neighbor asked me why someone was videotaping our block. I smiled at her and said, "Well, I have no idea." As I came around the corner, I was confronted by a news crew from an organization called "A Current Affair." As I attempted to walk toward my car, I found that there was a request for an interview. I said, "We have a number of votes and I am sorry, but I have to go to work." As I proceeded to walk toward my car, I was confronted not only with the microphone and a cameraman, but somebody carrying the cord and a couple of other people and, I assume, a director.

I said, "I am sorry, but if you want an interview I would be happy to accommodate you at my office."

Well, as I began to get closer and closer to the car, I finally became aware that there was a question that was forthcoming, and it was, "Why have you voted against the highway bill?" I said, "You have the wrong Senator. I have no jurisdiction over highways. You must want somebody else." I was thinking of TRENT LOTT who lives next door. But clearly they were not after TRENT LOTT; they were after me.

The next question was, "Senator, why did you vote against the highway funding legislation and vote for logging roads?" I responded by saying, "You really do not know anything about logging roads," and I went to my car and I closed the door and they said, "Well, you have some stock in one of the logging companies in Alaska." I responded by saying, "No, I do not have that stock," closed the door and backed out.

Then I found that later on in the day this organization from "A Current Affair" had contacted my stockbroker after we had released a public statement, and I will have that printed in the RECORD, relative to the disposal of some of my holdings in natural resource stocks.

They had the gall to suggest that perhaps my broker had predated or backdated the letter, indicating the actual date on which I sold my stock.

Now, Mr. President, we are all victims of living in a glasshouse in our particular business, but I find this kind of activity a personal affront to my own integrity and my own personal affairs.

Nevertheless, I think that we are all subject to this kind of harassment from time to time, but I did want the RECORD to note the circumstances surrounding this particular event.

As a consequence, Mr. President, of allegations concerning private holdings that I have had in various resource companies that I have held for a number of years—some for as many as 40 years have been held in my family—and criticism associated with that, when I first came to this body I declared all my personal holdings.

There was criticism from some that I should sell those holdings because I did have small amounts in organizations such as Chevron Corp., James River, Louisiana Pacific, RTZ, Champion International.

Then I moved the shares into a blind trust, Mr. President, and moved my assets into a blind trust. Then I was criticized for hiding my assets.

Again, after a short period of time, having placed my assets in a blind trust, I released them and have publicly disclosed all of them ever since.

As a consequence, Mr. President, I have absolutely nothing to hide about my personal investments. I try to invest in my home State of Alaska, developing resources and creating jobs. I think that is probably the best evidence of my commitment to my State of Alaska.

All my interests are disclosed publicly, and the fact that a producer from "A Current Affair" thinks they bear some kind of additional public disclosure, why, they are certainly welcome to that conclusion.

The bottom line, evidently, Mr. President, is that "A Current Affair" intends to do some kind of exposé on logging in my State. I have had my press secretary cooperating with them,

● 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

giving them the names of knowledgeable people in Alaska and Sitka, Ketchikan that they can contact with regard to the specifics of any question regarding logging in our State on public lands.

Mr. President, for the RECORD I supply a statement from my broker to be printed in the RECORD dated July 20, 1995, verifying the following securities were sold on July 17, 1995, covering Champion International, Chevron Corp., James River, Louisiana Pacific, and RTZ. The value of those stocks at the time they were sold was $57,272.89.

I also ask unanimous consent that it be printed in the RECORD that these stock holdings were sold 4 days prior to the introduction of legislation covering the Southeast Alaska Jobs and Community Protection Act which proposes to expand the timber harvest in the Tongass National Forest. These were done prior to any substantive action occurring on the opening of the Arctic National Wildlife Refuge oil exploration development or before my committee, the Committee on Energy and Natural Resources, subsequently took up the debate on the mining reform legislation.

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

LEGG MASON WOOD WALKER, INC.,
Alexandria, VA, July 20, 1995.

Re Account number, name of Frank H. Murkowski and Nancy G. Murkowski.

Senator FRANK H. MURKOWSKI,
Washington DC.

DEAR SENATOR MURKOWSKI: This is to verify that the following securities were sold on July 17, 1995 from the above account.

Security	Shares	Amount
Champion Intl Corp	100	$5,638.30
Chevron Corp	324	15,307.79
James River Corp	395	10,532.13
Louisiana Pacific	750	20,068.87
RTZ Corp PLC ADR	100	5,725.80
Total		57,272.89

Sincerely,

LAWRENCE D. BERBERIAN,
Vice President, Investments Retirement Plan Consultant.

MURKOWSKI VERIFIES HE SOLD ALL NATURAL RESOURCE STOCKHOLDINGS BEFORE INTRODUCING TONGASS BILL

WASHINGTON.—In response to a request from one of the tabloid TV programs, A Current Affair, Alaska Sen. Frank Murkowski today released proof that as he announced more than a month ago, that he had sold all of his stock in natural resouce firms before introducing forestry-related legislation concerning the Tongass National Forest in Southeast Alaska.

Murkowski, chairman of the Senate Energy and Natural Resources Committee, July 17 sold all of his stock holdings in five companies that deal with natural resource issues: one energy company, three timber-related companies, (only one having operations in Alaska) and one mining company. The sale came four days before Murkowski introduced the Southeast Alaska Jobs and Community Protection Act and before any substantive action occurred on either opening of the Arctic National Wildlife Refuge to oil exploration/development or before his committee substantively took up debate of mining reform legislation.

"I've never been asked before in a cordial fashion whether I sold my stock in all these companies. Since I have now been asked, the answer is yes I did months ago to prevent ridiculous media speculation from interferring with substantive debate over a number of vital national resource policy issues," said Murkowski.

"Normally I would follow proper Senate procedures and not unveil my stock transactions, until my annual May financial disclosure statement. But given the level of unresearched and incorrect media reports this summer, it probably is better to release this information now," said Murkowski, who added that these sales in no way lessen his commitment to invest in Alaska-related firms whenever possible.

"My goal still is to invest in companies that provide jobs and make investments in Alaska. That is what I can do as an individual to help Alaska's economy and the creation of jobs which always has been my guiding investment principle," said Murkowski.

Murkowski has responded repeatedly through his press office to a producer from the program A Current Affair giving them the appropriate contacts in Alaska so they can gain factual comments on the Tongass. The Senator announced in Sitka Aug. 12 and Ketchikan Aug. 13 that he had disposed of some stock. Today, Murkowski released to the public the same information he gave to the program to confirm that the sales took place before he introduced the Tongass legislation.

Mr. MURKOWSKI. To make a long story short, Mr. President, I no longer hold any resource development-type stocks in my personal portfolio and feel that I have acted appropriately with regard to full disclosure on my personal assets. I believe that there is no conflict of any kind other than the effort to proceed with responsible development in my State of Alaska relative to jobs, the economy, and the economic contribution Alaska can make as a resource-rich State to our overall economy in this Nation.

I am proud of my personal efforts to abide by the Senate rules and the rules of disclosure. Again, I somewhat resent being ambushed on my way to work last Tuesday.

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the quorum call be rescinded. I will speak as in morning business for 4 or 5 minutes.

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

REIMBURSING MEMBERS' COSTS AT CHARITABLE EVENTS

Mr. MURKOWSKI. Mr. President, sometimes this body resembles, at least to me, perhaps "The Gang That Couldn't Shoot Straight." Let me share an example from Alaska relating to Senate passage of new restrictions on the acceptance of gifts by Senators, which was recently adopted by this body.

In crafting this new rule, we were certainly shooting at the Senate's past practices, where some Members inappropriately did accept gifts from lobbyists. Unfortunately, the target that we actually hit with our shots were the charities that had committed absolutely no wrongdoings, unless trying to raise money from time to time for the needy is now, somehow, inappropriate in this body.

First, let me make it clear that I fully support the new rule limiting gifts to Senators from any one source to $100 and making all gifts over $10—whether they be lunch or a fruit basket—count against the limit. Through that limit, the Senate has gone a long way to end the public perception that lawmakers give special favors to those who take us to lunch or take us to dinner or whatever.

But the new rule contains a glaring inconsistency and a level of hypocrisy that leaves a sour taste in my mouth. The chief problem is that under the measure we now have adopted, private parties would not be able to reimburse Members for the costs of transportation and lodging to a charitable event. But Senators still would be permitted to be privately reimbursed if they travel to a fundraising event, in Hollywood or San Francisco or Florida, for another Senator, and they could receive reimbursement for lodging—a clear inconsistency. We cannot do it for charity; but we can do it for politics.

Some suggest that politics is our business and that is why we should be allowed to continue to do it. But charity is also a worthy cause. Every Senator has, at one time or another, made a campaign appearance for his party or another member of his party. But the Senate now has created a system where politicians can travel all over this country attending political fundraisers and be reimbursed for travel and lodging but cannot be reimbursed for participating in charity events. This means the Senator can accept travel, lodging and dinner in some plush spot, elbow to elbow, on occasion, perhaps, with lobbyists, if he or she is raising money for a political group but cannot be reimbursed for participation in a charity event.

The source of funds for both charity and political events is often the same, donations of lobbyists and political action committees. The irony is that inside the beltway, charities still will be able to encourage the participation of business executives with the presence of Senators as a lure, but the charities in the distant States such as mine, in Alaska, will be shut out of the means

to raise funds for worthy causes such as breast cancer detection screening.

Last year my wife, Nancy, and I were the honorary chairs of a charity fishing tournament held outside Ketchikan, AK. The tournament raised $150,000 for the Breast Cancer Detection Center of Fairbanks. Money for the center was used to pay for a new mammography machine. The center, founded in 1976 by my wife and a group of Fairbanks women, provides free or reduced-cost breast cancer examination for about 2,200 women a year on average. Over the years, women from 81 Alaska villages have benefited from these tests.

This year, we proceeded with a second event at a place called Waterfall, near Ketchikan. We raised approximately $210,000 and were able to give the Breast Cancer Detection Center of Alaska $200,000 to allow them to order a mobile mammogram unit, which will be traversing the highways of Alaska next spring. It will be able to be utilized on the ferry systems and by barge systems and will be brought into the remote villages. This is a van, equipped with a mammography machine. It will also be able to be transported by the Air National Guard into some of the 220 rural villages in my State.

This unit is going to be vital to preserve the health of Alaska's women, including many Native women. I might add, the State's breast cancer mortality is the second highest in the Nation. One in eight Alaska women will develop breast cancer, with about 50 a year dying from that disease. Breast cancer screening can reduce this rate by some 30 percent.

My clear preference would have been to allow Senators to continue to come to this charity event, events approved previously by the Senate Ethics Committee to guarantee that they were legitimate charities. It seems to me, when Congress attacks charity events while leaving big loopholes for political travel, it simply puts us all in the bull's eye, furthering the public's growing skepticism toward public officials.

The gift rule and related lobbying reform legislation that the Senate has approved overall are certainly good steps to restore public confidence in the Senate and Congress. But why shoot down legitimate charities? Mr. President, that is just what we have done.

I thank the Chair and yield the floor.

I thank my colleague for allowing me this extra time.

TRIBUTE TO FAYE BROWN

Mr. HEFLIN. Mr. President, I want to take a moment to commend and congratulate Faye Brown, who will be retiring from the bankruptcy administrator's office in Birmingham at the end of this month. She has been a fixture at the bankruptcy court and administrator's office for many years.

Faye graduated from Dale County High School in Ozark, AL; in 1950 and attended Howard College, now Samford University, graduating in 1954. From 1966 to 1971, she served as the personal secretary to Judge Robert S. Vance. In 1972, she was appointed deputy clerk for the bankruptcy court.

From 1979 to 1985, Faye was the secretary to Judge Stephen B. Coleman, Chief Judge of the United States Bankruptcy Court for the Northern District of Alabama. In 1985, after Judge Coleman's retirement, she became the asset closing clerk for the bankruptcy clerk's office, serving there for the next 7 years. In 1992, she obtained her current position and the one from which she is retiring this month, that of bankruptcy analyst.

Faye Brown has done an outstanding job over the many years of her career. In many ways, she is the institutional memory of her office, and knows the in's and out's of the bankruptcy court as well as anyone, and her expertise and dedication will be sorely missed. I congratulate her for a job well done and wish her all the best for a long, healthy, and happy retirement. It is surely well-earned.

POW-MIA RECOGNITION DAY

Mr. SIMPSON. Mr. President, on Friday, I joined with the Members of this body, and with all the citizens of our Nation, in commemorating the American service members who are missing in action and whose fates yet remain unknown.

Our Nation honored those who are missing, both for their service and for their sacrifice.

We acknowledged the shared loss inflicted upon all of us when young men and women are sent to war and do not return to us. We expressed our understanding of the terrible frustration, and, yes, even the anger, energized in us by the fact that the fates of those American service members remain unknown.

We restated our sacred obligation to take every reasonable step to obtain the fullest possible accounting for those still missing.

We endorsed anew our national commitment to recover and identify the remains of the honored dead.

Yes, it is so important to honor our missing service members. And it is necessary to ever remember our obligations, both to them and to their families.

Yet it is also important to acknowledge that there are practical and realistic limits to what can ever be learned. There are mysteries that will remain forever unsolved in this world.

We do our Nation's service members no justice if we fail to take every single reasonable step to recover them when they are lost from our midst. But we do them no honor—yes, we even dishonor them—if we are to allow their loss to become an albatross forever about the necks of our caring countrymen.

Mr. President, Friday our Nation paused to commemorate our missing in action, including members of my own family in World War II. Today, and every day, we must remember their service and their sacrifice. And today, and every day, our Nation can continue to honor them by ensuring that America remains wholly committed, at home and abroad, to the freedoms they fought to preserve forever.

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, the impression will not go away: The $4.9 trillion Federal debt stands today as a sort of grotesque parallel to television's energizer bunny that appears and appears and appears in precisely the same way that the Federal debt keeps going up and up and up.

Politicians like to talk a good game—and "talk" is the operative word—about reducing the Federal deficit and bringing the Federal debt under control. But watch how they vote. Control, Mr. President. As of Friday, September 15, at the close of business, the total Federal debt stood at exactly $4,962,989,568,088.23 or $18,839.59 per man, woman, child on a per capita basis. Res ipsa loquitur.

Some control, isn't it?

Mr. DOLE. Mr. President, is the leader time reserved?

The PRESIDING OFFICER. Yes.

TRIBUTE TO RUTH ANN KOMAREK

Mr. DOLE. Mr. President, I rise today to recognize a valued member of my staff whose length of service to me and the people of Kansas is nothing short of remarkable. Ruth Ann Komarek has just completed her 30th year of working for me. That is three, zero, Mr. President.

A native of Ellinwood, KS, Ruth Ann came to my office from the Federal Bureau of Investigation in 1965, while I was still serving in the House of Representatives. She made the transition with me to the Senate in 1968, and she has been hard at work ever since.

Ruth Ann serves as my office manager and supervisor of my mail operation, a mammoth task to say the least. Virtually every letter, fax, postcard, and package that comes into my office passes through her hands. That represents thousands upon thousands of pieces of correspondence every week. She gets each one where it needs to go and tries to make sure that every Kansan who writes to me gets a timely response.

Ruth Ann also spends a lot of time keeping the rest of the staff—especially the interns—in line. New staffers learn that her gruff exterior hides a

heart of gold and a great sense of humor, but after she has laid down the law and made them earn their way.

I am proud to recognize Ruth Ann Komarek for all her hard work for me, the Senate, and for Kansas. I look forward to her continued service in the coming years.

Mr. DOLE. Mr. President, I would like to take a moment to commend my colleague from New Hampshire, Senator JUDD GREGG, for the Medicare Improvement and Choice Care Provision Act which he introduced last week.

The Medicare Program has received a great deal of attention in the last year, particularly since early April when the Medicare trustees report stated that the Medicare Program will become insolvent in just 7 years.

Mr. President, Senator GREGG and all Republicans took this report very seriously. But, as anyone who has worked on this issue knows, to ensure the solvency of this program is going to require a great deal of commitment on the part of Congress and the administration.

Our goal is very simple—to preserve, strengthen, and protect the Medicare Program. Today 37 million disabled and elderly Americans rely on Medicare for their health care. For their sake and for the millions of Americans who will rely on this program in the future, we need to take action.

And that is exactly what Senator GREGG has done. The bill that he has introduced not only preserves and protects the current Medicare Program, it also strengthens the program to move it successfully into the 21st century.

Mr. President, as I have said many times in this Chamber, the United States has the best health care system in the world. There is no other nation that compares to the quality of care delivered by our providers, our technology, and our innovation. Although Medicare has provided invaluable health care services to millions and millions of Americans, in some areas it has not kept pace with many of the advances in health care delivery enjoyed by the private sector.

The bill introduced by Senator GREGG restructures Medicare so that its beneficiaries receive the same range of choices and possibilities that those with private insurance receive today. At the same time, it leaves traditional Medicare completely in place for those Medicare beneficiaries who are happy with the care and services they receive today.

Mr. President, Senator GREGG deserves a great deal of credit for the leadership he has demonstrated on this very complex issue. As Congress is about to begin a very serious debate on Medicare reform in the coming weeks, the work of Senator GREGG will no doubt be an invaluable benefit.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business, extended, is now closed.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

The PRESIDING OFFICER. Under the provisions of the order, the hour of 10 o'clock having arrived and passed, the Senate will now proceed to consideration of H.R. 1976, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1976) making appropriations for agriculture, rural development, Food and Drug Administration, and related agencies programs for the fiscal year ending September 30, 1996, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

H.R. 1976

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 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1996, and for other purposes, namely:

TITLE I

AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING, AND MARKETING

OFFICE OF THE SECRETARY

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the Secretary of Agriculture, and not to exceed $75,000 for employment under 5 U.S.C. 3109, **[$10,227,000]** *$12,801,000*, of which **[$7,500,000]** *$10,000,000, to remain available until expended*, shall be available for InfoShare: *Provided*, That not to exceed $11,000 of this amount, along with any unobligated balances of representation funds in the Foreign Agricultural Service shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary.

EXECUTIVE OPERATIONS

CHIEF ECONOMIST

For necessary expenses of the Chief Economist, including economic analysis, risk assessment, cost benefit analysis, and the functions of the World Agricultural Outlook Board, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), and including employment pursuant to the second sentence of the section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $5,000 is for employment under 5 U.S.C. 3109, **[$3,948,000]** *$3,814,000*.

NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $25,000 is for employment under 5 U.S.C. 3109, $11,846,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $5,000 is for employment under 5 U.S.C. 3109, $5,899,000.

CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 is for employment under 5 U.S.C. 3109, $4,133,000: *Provided*, That the Chief Financial Officer shall reinstate and market cross-servicing activities of the National Finance Center**[**: *Provided further*, That none of the funds appropriated or otherwise made available by this Act shall be used to obtain, modify, re-engineer, license, operate, implement, or expand commercial off-the-shelf financial management software systems or existing commercial off-the-shelf system financial management contracts, beyond general ledger systems and accounting support software, at the National Finance Center until thirty legislative days after the Secretary of Agriculture submits to the House and Senate Committees on Appropriations a complete and thorough cost-benefit analysis and a certification by the Secretary of Agriculture that this analysis provides a detailed and accurate cost-benefit analysis comparison between obtaining or expanding commercial off-the-shelf software systems and conducting identical or comparable software systems acquisitions, re-engineering, or modifications in-house**]**.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary salaries and expenses of the Office of the Assistant Secretary for Administration to carry out the programs funded in this Act, $596,000.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92-313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture *under 40 U.S.C. 486*, for programs and activities of the Department which are included in this Act, $110,187,000, of which $20,216,000 shall be retained by the Department for the operation, maintenance, and repair of Agriculture buildings: *Provided*, That in the event an agency within the Department should require modification of space needs, the Secretary of Agriculture may transfer a share of that agency's appropriation made available by this Act to this appropriation, or may transfer a share of this appropriation to that agency's appropriation, but such transfers shall not exceed 5 percent of the funds made available for space rental and related costs to or from this account. In addition, for construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the programs of the Department, where not otherwise provided, $25,587,000, to remain available until expended; making a total appropriation of $135,774,000.

ADVISORY COMMITTEES (USDA)

For necessary expenses for activities of advisory committees of the Department of Agriculture which are included in this Act, [$800,000] *$650,000*: *Provided*, That no other funds appropriated to the Department in this Act shall be available to the Department for support of activities of advisory committees.

HAZARDOUS WASTE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. 9607(g), *and* section 6001 of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6961, $15,700,000, to remain available until expended: *Provided*, That appropriations and funds available herein to the Department for Hazardous Waste Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

For Personnel, Operations, Information Resources Management, Civil Rights Enforcement, Small and Disadvantaged Business Utilization, Administrative Law Judges and Judicial Officer, Disaster Management and Coordination, and Modernization of the Administrative Process, $27,986,000, to provide for necessary expenses for management support services to offices of the Department and for general administration and disaster management of the Department, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 is for employment under 5 U.S.C. 3109: *Provided*, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551–558.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

For necessary salaries and expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded in this Act, including programs involving intergovernmental affairs and liaison within the executive branch, [$3,797,000: *Provided*, That no other funds appropriated to the Department in this Act shall be available to the Department for support of activities of congressional relations] *$1,764,000*.

OFFICE OF COMMUNICATIONS

For necessary expenses to carry on services relating to the coordination of programs involving public affairs, for the dissemination of agricultural information, and the coordination of information, work, and programs authorized by Congress in the Department, $8,198,000, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 shall be available for employment under 5 U.S.C. 3109, and not to exceed $2,000,000 may be used for farmers' bulletins.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and the Inspector General Act of 1978, as amended, $63,639,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, as amended, including a sum not to exceed $50,000 for employment under 5 U.S.C. 3109; and including a sum not to exceed [$95,000] *$125,000* for certain confidential operational expenses including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95–452 and section 1337 of Public Law 97–98: *Provided, That funds transferred to the Office of the Inspector General through forfeiture proceedings or from the Department of Justice Assets Forfeiture Fund or the Department of the Treasury Forfeiture Fund, as a participating agency, as an equitable share from the forfeiture of property in investigations in which the Office of Inspector General participates, or through the granting of a Petition for Remission or Mitigation, shall be deposited to the credit of this account for law enforcement activities authorized under the Inspector General Act of 1978, as amended, to remain available until expended.*

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $27,860,000.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS

For necessary salaries and expenses of the Office of the Under Secretary for Research, Education and Economics to administer the laws enacted by the Congress for the Economic Research Service, the National Agricultural Statistics Service, the Agricultural Research Service and the Cooperative State Research, Education, and Extension Service, $520,000.

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service in conducting economic research and analysis, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627) and other laws, [$53,131,000] *$53,526,000*: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225).

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service in conducting statistical reporting and service work, including crop and livestock estimates, statistical coordination and improvements, and marketing surveys, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627) and other laws, $81,107,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $40,000 shall be available for employment under 5 U.S.C. 3109.

AGRICULTURAL RESEARCH SERVICE

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to enable the Agricultural Research Service to perform agricultural research and demonstration relating to production, utilization, marketing, and distribution (not otherwise provided for); home economics or nutrition and consumer use including the acquisition, preservation, and dissemination of agricultural information; and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100, [$705,610,000] *$707,000,000*: *Provided*, That appropriations hereunder shall be available for temporary employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $115,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: *Provided further*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided the cost of constructing any one building shall not exceed $250,000, except for headhouses or greenhouses which shall each be limited to $1,000,000, and except for ten buildings to be constructed or improved at a cost not to exceed $500,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or $250,000, whichever is greater: *Provided further*, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: *Provided further*, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): *Provided further*, That the foregoing limitations shall not apply to the purchase of land at Beckley, West Virginia: *Provided further*, That not to exceed $190,000 of this appropriation may be transferred to and merged with the appropriation for the Office of the Under Secretary for Research, Education and Economics for the scientific review of international issues involving agricultural chemicals and food additives: *Provided further*, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law: *Provided further*, That all rights and title of the United States in the property known as USDA Houma Sugar Cane Research Laboratory, consisting of approximately 20 acres in the City of Houma and 150 acres of farmland in Chacahula, Louisiana, including facilities and equipment, shall be conveyed to the American Sugar Cane League *Foundation*: *Provided further*, That all rights and title of the United States in the Agricultural Research Station at Brawley, California, consisting of 80 acres of land, including facilities and equipment, shall be conveyed to Imperial County, California: *Provided further*, That all rights and title of the United States in the Pecan Genetics and Improvement Research Laboratory, consisting of 84.2 acres of land, including facilities and equipment, shall be conveyed to Texas A&M University: *Provided further*, That the property originally conveyed by the State of Tennessee to the U.S. Department of Agriculture, Agricultural Research Service, in Lewisburg, Tennessee be conveyed to the University of Tennessee.

None of the funds in the foregoing paragraph shall be available to carry out research related to the production, processing or marketing of tobacco or tobacco products.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, $30,200,000, to remain available until expended (7 U.S.C. 2209b): *Provided*, That funds may be received from any State, other political subdivision, organization, or individual

for the purpose of establishing any research facility of the Agricultural Research Service, as authorized by law.

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, including **[$166,165,000]** *$171,304,000* to carry into effect the provisions of the Hatch Act (7 U.S.C. 361a–361i); **[$20,185,000]** *$20,809,000* for grants for cooperative forestry research (16 U.S.C. 582a–582–a7); **[$27,313,000]** *$28,157,000* for payments to the 1890 land-grant colleges, including Tuskegee University (7 U.S.C. 3222); **[$31,930,000]** *$40,670,000* for special grants for agricultural research (7 U.S.C. 450i(c)); **[$11,599,000]** *$9,769,000* for special grants for agricultural research on improved pest control (7 U.S.C. 450i(c)); **[$98,165,000]** *$99,582,000* for competitive research grants (7 U.S.C. 450i(b)); **[$5,051,000]** *$5,551,000* for the support of animal health and disease programs (7 U.S.C. **[195]** *3195*); **[$1,150,000]** *$500,000* for supplemental and alternative crops and products (7 U.S.C. 3319d); *$500,000 for grants for research pursuant to the Critical Agricultural Materials Act of 1984 (7 U.S.C. 178) and section 1472 of the Food and Agriculture Act of 1977, as amended (7 U.S.C. 3318), to remain available until expended;* $475,000 for rangeland research grants (7 U.S.C. 3331–3336); $3,500,000 for higher education graduate fellowships grants (7 U.S.C. 3152(b)(6)), to remain available until expended (7 U.S.C. 2209b); $4,350,000 for higher education challenge grants (7 U.S.C. 3152(b)(1)); $1,000,000 for a higher education minority scholars program (7 U.S.C. 3152(b)(5)), to remain available until expended (7 U.S.C. 2209b); $4,000,000 for aquaculture grants (7 U.S.C. 3322); **[$8,000,000]** *$8,112,000* for sustainable agriculture research and education (7 U.S.C. 5811); *$9,207,000 for a program of capacity building grants to colleges eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321–326 and 328), including Tuskegee University, to remain available until expended (7 U.S.C. 2209b);* and **[$6,289,000]** *$10,686,000* for necessary expenses of Research and Education Activities, of which not to exceed $100,000 shall be for employment under 5 U.S.C. 3109; in all, **[$389,172,000]** *$418,172,000.*

None of the funds in the foregoing paragraph shall be available to carry out research related to the production, processing or marketing of tobacco or tobacco products.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

For establishment of a Native American institutions endowment fund, as authorized by Public Law 130–382 (7 U.S.C. 301 note.), $4,600,000.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities and for grants to States and other eligible recipients for such purposes, as necessary to carry out the agricultural research, extension, and teaching programs of the Department of Agriculture, where not otherwise provided, $57,838,000, to remain available until expended (7 U.S.C. 2209b).

EXTENSION ACTIVITIES

Payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, Northern Marianas, and American Samoa: For payments for cooperative extension work under the Smith-Lever Act, as amended, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93–471, for retirement and employees' compensation costs for extension agents and for costs of penalty mail for cooperative extension agents and State extension directors, **[$264,405,000]** *$272,582,000;* payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, **[$59,588,000]** *$61,431,000;* payments for the pest management program under section 3(d) of the Act, $10,947,000; payments for the farm safety program under section 3(d) of the Act, **[$2,898,000]** *$2,988,000;* payments for the pesticide impact assessment program under section 3(d) of the Act, $3,363,000; payments to upgrade 1890 land-grant college research, extension, and teaching facilities as authorized by section 1447 of Public Law 95–113, as amended (7 U.S.C. 3222b), **[$7,664,000]** *$7,901,000,* to remain available until expended; payments for the rural development centers under section 3(d) of the Act, **[$921,000]** *$950,000;* payments for a groundwater quality program under section 3(d) of the Act, **[$10,897,000]** *$11,234,000;* payments for the agricultural telecommunications program, as authorized by Public Law 101–624 (7 U.S.C. 5926), **[$1,184,000]** *$1,221,000;* payments for youth-at-risk programs under section 3(d) of the Act, **[$9,700,000]** *$10,000,000; payments for a Nutrition Education Initiative under 3(d) of the Act, $4,265,000;* payments for a food safety program under section 3(d) of the Act, **[$2,400,000]** *$2,475,000;* payments for carrying out the provisions of the Renewable Resources Extension Act of 1978, **[$3,241,000]** *$3,341,000;* payments for Indian reservation agents under section 3(d) of the Act, **[$1,697,000]** *$1,750,000;* payments for sustainable agriculture programs under section 3(d) of the Act, $3,463,000; *payments for rural health and safety education as authorized by section 2390 of Public Law 101–624 (7 U.S.C. 2661 note, 2662), $2,750,000;* payments for cooperative extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321–326, 328) and Tuskegee University, **[$24,708,000]** *$25,472,000;* and for Federal administration and coordination including administration of the Smith-Lever Act, as amended, and the Act of September 29, 1977 (7 U.S.C. 341–349), as amended, and section 1361(c) of the Act of October 3, 1980 (7 U.S.C. **[301n]** *301 note*), and to coordinate and provide program leadership for the extension work of the Department and the several States and insular possessions, **[$6,181,000]** *$10,998,000;* in all, **[$413,257,000]** *$437,131,000: Provided,* That funds hereby appropriated pursuant to section 3(c) of the Act of June 26, 1953, and section 506 of the Act of June 23, 1972, as amended, shall not be paid to any State, the District of Columbia, Puerto Rico, Guam, or the Virgin Islands, Micronesia, Northern Marianas, and American Samoa prior to availability of an equal sum from non-Federal sources for expenditure during the current fiscal year.

OFFICE OF THE ASSISTANT SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

For necessary salaries and expenses of the Office of the Assistant Secretary for Marketing and Regulatory Programs to administer programs under the laws enacted by the Congress for the Animal and Plant Health Inspection Service, Agricultural Marketing Service, and the Grain Inspection, Packers and Stockyards Administration, $605,000.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For expenses, not otherwise provided for, including those pursuant to the Act of February 28, 1947, as amended (21 U.S.C. 114b–c), necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; to discharge the authorities of the Secretary of Agriculture under the Act of March 2, 1931 (46 Stat. 1468; 7 U.S.C. 426–426b); and to protect the environment, as authorized by law, **[$333,410,000]** *$329,125,000,* of which $4,799,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions: *Provided,* That in fiscal year 1996, amounts in the agricultural quarantine inspection user fee account shall be available for authorized purposes without further appropriation: *Provided further,* That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: *Provided further,* That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $40,000 shall be available for employment under 5 U.S.C. 3109: *Provided further,* That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: *Provided further,* That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as he may deem necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious diseases or pests of animals, poultry, or plants, and for expenses in accordance with the Act of February 28, 1947, as amended, and section 102 of the Act of September 21, 1944, as amended, and any unexpended balances of funds transferred for such emergency purposes in the next preceding fiscal year shall be merged with such transferred amounts: *Provided further,* That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

In fiscal year 1996 the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, *modernization,* and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, **[$12,541,000]** *$4,973,000,* to remain available until expended.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses to carry on services related to consumer protection, agricultural marketing and distribution, transportation, and regulatory programs, as authorized by law, and for administration and coordination of payments to States; including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $90,000 for employment under 5 U.S.C. 3109, [$46,662,000] *$46,517,000*, including funds for the wholesale market development program for the design and development of wholesale and farmer market facilities for the major metropolitan areas of the country: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $58,461,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: *Provided*, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Appropriations Committees.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than $10,451,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and the Agricultural Act of 1961.

In fiscal year 1996, no more than $23,900,000 in section 32 funds shall be used to promote sunflower and cottonseed oil exports as authorized by section 1541 of Public Law 101-624 (7 U.S.C. 1464 note), and such funds shall be used to facilitate additional sales of such oils in world markets.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of [1956] *1946* (7 U.S.C. 1623(b)), [$1,000,000] *$1,200,000*.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the United States Grain Standards Act, as amended, for the administration of the Packers and Stockyards Act, for certifying procedures used to protect purchasers of farm products, and the standardization activities related to grain under the Agricultural Marketing Act of 1946, as amended, including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $25,000 for employment under 5 U.S.C. 3109, [$23,058,000] *$23,289,000*: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

INSPECTION AND WEIGHING SERVICES

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Not to exceed $42,784,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: *Provided*, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Appropriations Committees.

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

For necessary salaries and expenses of the Office of the Under Secretary for Food Safety to administer the laws enacted by the Congress for the Food Safety and Inspection Service, [$450,000] *$440,000*.

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry on services authorized by the Federal Meat Inspection Act, as amended, the Poultry Products Inspection Act, as amended, and the Egg Products Inspection Act, as amended, [$540,365,000] *$568,685,000*, and in addition, $1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1017 of Public Law 102-237: *Provided*, That this appropriation shall not be available for shell egg surveillance under section 5(d) of the Egg Products Inspection Act (21 U.S.C. 1034(d)): *Provided further*, That this appropriation shall be available for field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $75,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

OFFICE OF THE UNDER SECRETARY FOR FARM AND FOREIGN AGRICULTURAL SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Farm and Foreign Agricultural Services to administer the laws enacted by Congress for the Consolidated Farm Service Agency, Foreign Agricultural Service, and the Commodity Credit Corporation, $549,000.

CONSOLIDATED FARM SERVICE AGENCY

SALARIES AND EXPENSES

For necessary expenses for carrying out the administration and implementation of programs [delegated to the Consolidated Farm Service Agency by the Secretary under the Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994] *administered by the Consolidated Farm Service Agency*, [$788,388,000] *$805,888,000*: *Provided*, That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: *Provided further*, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account: *Provided further*, That these funds shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed [$500,000] *$1,000,000* shall be available for employment under 5 U.S.C. 3109.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987, as amended (7 U.S.C. 5101-5106), [$2,000,000] *$3,000,000*.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers for milk or cows producing such milk and manufacturers of dairy products who have been directed to remove their milk or dairy products from commercial markets because it contained residues of chemicals registered and approved for use by the Federal Government, and in making indemnity payments for milk, or cows producing such milk, at a fair market value to any dairy farmer who is directed to remove his milk from commercial markets because of (1) the presence of products of nuclear radiation or fallout if such contamination is not due to the fault of the farmer, or (2) residues of chemicals or toxic substances not included under the first sentence of the Act of August 13, 1968, as amended (7 U.S.C. 450j), if such chemicals or toxic substances were not used in a manner contrary to applicable regulations or labeling instructions provided at the time of use and the contamination is not due to the fault of the farmer, $100,000, to remain available until expended (7 U.S.C. 2209b): *Provided*, That none of the funds contained in this Act shall be used to make indemnity payments to any farmer whose milk was removed from commercial markets as a result of his willful failure to follow procedures prescribed by the Federal Government: *Provided further*, That this amount shall be transferred to the Commodity Credit Corporation: *Provided further*, That the Secretary is authorized to utilize the services, facilities, and authorities of the Commodity Credit Corporation for the purpose of making dairy indemnity disbursements.

OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS

For grants and contracts pursuant to section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279), $2,000,000, to remain available until expended.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by 7 U.S.C. 1928-1929, to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, [$585,000,000] *$610,000,000*, of which $550,000,000 shall be for guaranteed loans; operating loans, [$2,300,000,000] *$2,450,000,000*, of which $1,700,000,000 shall be for unsubsidized guaranteed loans and $200,000,000 shall be for subsidized guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, $750,000; for emergency insured loans, $100,000,000 to meet the needs resulting from natural disasters; and for credit sales of acquired property, [$22,500,000] *$21,696,000*.

For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans, [$28,206,000] *$34,053,000*, of which $20,019,000 shall be for guaranteed loans; operating loans, [$91,000,000] *$111,505,000*, of which $18,360,000 shall be for unsubsidized guaranteed loans and $17,960,000 shall be for

subsidized guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, $206,000; for emergency insured loans, $32,080,000 to meet the needs resulting from natural disasters; and for credit sales of acquired property, [$4,113,000] *$3,966,000*.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, [$221,541,000] *$227,258,000*, which shall be transferred to and merged with the following accounts in the following amounts: [$208,446,000] *$214,163,000* to "Salaries and Expenses"; $318,000 to "Rural Utilities Service, Salaries and Expenses"; and $171,000 to "Rural Housing and Community Development Service, Salaries and Expenses".

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 516 of the Federal Crop Insurance Act, as amended, such sums as may be necessary, to remain available until expended (7 U.S.C. 2209b).

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

For fiscal year 1996, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed (estimated to be $10,400,000,000 in the President's fiscal year 1996 Budget Request (H. Doc. 104–4)), but not to exceed $10,400,000,000, pursuant to section 2 of the Act of August 17, 1961, as amended (15 U.S.C. 713a–11).

OPERATIONS AND MAINTENANCE FOR HAZARDOUS WASTE MANAGEMENT

For fiscal year 1996, the Commodity Credit Corporation shall not expend more than $5,000,000 for expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. 9607(g), and section 6001 of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6961: *Provided*, That expenses shall be for operations and maintenance costs only and that other hazardous waste management costs shall be paid for by the USDA Hazardous Waste Management appropriation in this Act.

TITLE II

CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary salaries and expenses of the Office of the Under Secretary for Natural Resources and Environment to administer the laws enacted by the Congress for the Forest Service and the Natural Resources Conservation Service, $677,000.

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–590f) including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed $100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, [$629,986,000] *$637,860,000, to remain available until expended (7 U.S.C. 2209b)*, of which not less than $5,852,000 is for snow survey and water forecasting and not less than $8,875,000 is for operation and establishment of the plant materials centers: *Provided*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed $250,000: *Provided further*, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a: *Provided further*, That this appropriation shall be available for technical assistance and related expenses to carry out programs authorized by section 202(c) of title II of the Colorado River Basin Salinity Control Act of 1974, as amended (43 U.S.C. 1592(c)): *Provided further*, That no part of this appropriation may be expended for soil and water conservation operations under the Act of April 27, 1935 (16 U.S.C. 590a–590f) in demonstration projects: *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225) and not to exceed $25,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service *(16 U.S.C. 590e–2)*.

RIVER BASIN SURVEYS AND INVESTIGATIONS

For necessary expenses to conduct research, investigation, and surveys of watersheds of rivers and other waterways, in accordance with section 6 of the Watershed Protection and Flood Prevention Act approved August 4, 1954, as amended (16 U.S.C. 1006–1009), $8,369,000: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $60,000 shall be available for employment under 5 U.S.C. 3109.

WATERSHED PLANNING

For necessary expenses for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. 1001–1008), $5,630,000: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $50,000 shall be available for employment under 5 U.S.C. 3109.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, [and only high-priority projects authorized by the Flood Control Act (33 U.S.C. 701, 16 U.S.C. 1006a),] in accordance with the Watershed Protection and Flood Prevention Act approved August 4, 1954, as amended (16 U.S.C. 1001–1005, 1007–1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), and in accordance with the provisions of laws relating to the activities of the Department, $100,000,000, to remain available until expended (7 U.S.C. 2209b) *(of which $15,000,000 shall be available for the watersheds authorized under the Flood Control Act approved June 22, 1936 (33 U.S.C. 701, 16 U.S.C. 1006a), as amended and supplemented)*: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $200,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That not to exceed $1,000,000 of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93–205), as amended, including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction.

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended (7 U.S.C. 1010–1011; 76 Stat. 607), and the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), and the provisions of the Agriculture and Food Act of 1981 (16 U.S.C. 3451–3461), $27,000,000, to remain available until expended (7 U.S.C. 2209): Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $50,000 shall be available for employment under 5 U.S.C. 3109.

FORESTRY INCENTIVES PROGRAM

For necessary expenses, not otherwise provided for, to carry out the program of forestry incentives, as authorized in the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101), including technical assistance and related expenses $6,325,000, to remain available until expended, as authorized by that Act.

COLORADO RIVER BASIN SALINITY CONTROL PROGRAM

For necessary expenses for carrying out a voluntary cooperative salinity control program pursuant to section 202(c) of title II of the Colorado River Basin Salinity Control Act, as amended (43 U.S.C. 1592(c)), to be used to reduce salinity in the Colorado River and to enhance the supply and quality of water available for use in the United States and the Republic of Mexico, $1,000,000, to remain available until expended (7 U.S.C. 2209b), to be used for the establishment of on-farm irrigation management systems, including lateral improvement measures, for making cost-share payments to agricultural landowners and operators, Indian tribes, irrigation districts and associations, local governmental and nongovernmental entities, and other landowners to aid them in carrying out approved conservation practices as determined and recommended by the Secretary, and for associated costs of program planning, information and education, and program monitoring and evaluation.

[WATERSHED SURVEYS AND PLANNING

[For necessary expenses to conduct research, investigation, and surveys of watersheds of rivers and other waterways, and for small watershed investigations and planning,

in accordance with the Watershed Protection and Flood Prevention Act approved August 4, 1954, as amended (16 U.S.C. 1001–1009), $14,000,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $110,000 shall be available for employment under 5 U.S.C. 3109.

[CONSERVATION PROGRAMS

[For necessary expenses, not otherwise provided for, in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended (7 U.S.C. 1011; 76 Stat. 607), and the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), and the provisions of the Agriculture and Food Act of 1981 (16 U.S.C. 3451–3461), to carry out the program of forestry incentives, as authorized in the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101), including technical assistance and related expenses, and for carrying out a voluntary cooperative salinity control program pursuant to section 202(c) of title II of the Colorado River Basin Salinity Control Act, as amended (43 U.S.C. 1592(c)), to be used to reduce salinity in the Colorado River and to enhance the supply and quality of water available for use in the United States and the Republic of Mexico, to be used for the establishment of on-farm irrigation management systems, including related lateral improvement measures, for making cost-share payments to agricultural landowners and operators, Indian tribes, irrigation districts and associations, local governmental and nongovernmental entities, and other landowners to aid them in carrying out approved conservation practices as determined and recommended by the Secretary, and for associated costs of program planning, information and education, and program monitoring and evaluation, $36,000,000, to remain available until expended (7 U.S.C. 2209, 16 U.S.C. 590p(b)(7)): *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $50,000 shall be available for employment under 5 U.S.C. 3109.]

WETLANDS RESERVE PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the wetlands reserve program pursuant to subchapter C of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3837), [$210,000,000] *$77,000,000*, to remain available until expended: *Provided*, That the Secretary is authorized to use the services, facilities, and authorities of the Commodity Credit Corporation for the purpose of carrying out the wetlands reserve program.

CONSOLIDATED FARM SERVICE AGENCY

AGRICULTURAL CONSERVATION PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry into effect the program authorized in sections 7 to 15, 16(a), 16(f), and 17 of the Soil Conservation and Domestic Allotment Act approved February 29, 1936, as amended and supplemented (16 U.S.C. 590g–590o, 590p(a), 590p(f), and 590q), and sections 1001–1004, 1006–1008, and 1010 of the Agricultural Act of 1970, as added by the Agriculture and Consumer Protection Act of 1973 (16 U.S.C. 1501–1504, 1506–1508, and 1510), and including not to exceed $15,000 for the preparation and display of exhibits, including such displays at State, interstate, and international fairs within the United States, [$75,000,000] *$50,000,000*, to remain available until expended (16 U.S.C. 590o), for agreements, excluding administration but including technical assistance and related expenses (16 U.S.C. 590o), except that no participant in the agricultural conservation program shall receive more than $3,500 per year, except where the participants from two or more farms or ranches join to carry out approved practices designed to conserve or improve the agricultural resources of the community, or where a participant has a long-term agreement, in which case the total payment shall not exceed the annual payment limitation multiplied by the number of years of the agreement: *Provided*, That no portion of the funds for the current year's program may be utilized to provide financial or technical assistance for drainage on wetlands now designated as Wetlands Types 3 (III) through 20 (XX) in United States Department of the Interior, Fish and Wildlife Circular 39, Wetlands of the United States, 1956: *Provided further*, That such amounts shall be available for the purchase of seeds, fertilizers, lime, trees, or any other conservation materials, or any soil-terracing services, and making grants thereof to agricultural producers to aid them in carrying out approved farming practices as authorized by the Soil Conservation and Domestic Allotment Act, as amended, as determined and recommended by the county committees, approved by the State committees and the Secretary, under programs provided for herein: *Provided further*, That such assistance will not be used for carrying out measures and practices that are primarily production-oriented or that have little or no conservation or pollution abatement benefits: *Provided further*, That not to exceed 5 percent of the allocation for the current year's program for any county may, on the recommendation of such county committee and approval of the State committee, be withheld and allotted to the Natural Resources Conservation Service for services of its technicians in formulating and carrying out the agricultural conservation program in the participating counties, and shall not be utilized by the Natural Resources Conservation Service for any purpose other than technical and other assistance in such counties, and in addition, on the recommendation of such county committee and approval of the State committee, not to exceed 1 percent may be made available to any other Federal, State, or local public agency for the same purpose and under the same conditions: *Provided further*, That not to exceed [$11,000,000] *$15,000,000* of the amount appropriated shall be used for water quality payments and practices in the same manner as permitted under the program for water quality authorized in chapter 2 of subtitle D of title XII of the Food Security Act of 1985, as amended (16 U.S.C. 3838 et seq.).

CONSERVATION RESERVE PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the conservation reserve program pursuant to the Food Security Act of 1985 (16 U.S.C. 3831–3845), $1,781,785,000, to remain available until expended, to be used for Commodity Credit Corporation expenditures for cost-share assistance for the establishment of conservation practices provided for in approved conservation reserve program contracts, for annual rental payments provided in such contracts, and for technical assistance.

TITLE III

RURAL ECONOMIC AND COMMUNITY DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL ECONOMIC AND COMMUNITY DEVELOPMENT

For necessary salaries and expenses of the Office of the Under Secretary for Rural Economic and Community Development to administer programs under the laws enacted by the Congress for the Rural Housing and Community Development Service, Rural Business and Cooperative Development Service, and the Rural Utilities Service of the Department of Agriculture, $568,000.

RURAL COMMUNITY ADVANCEMENT PROGRAM

For the cost of direct loans, loan guarantees and grants, as authorized by 7 U.S.C. 1926, 1928, and 1932, and 86 Stat. 661–664, as amended; and 42 U.S.C. 1485 and 1490(a), $528,839,000, to remain available until expended, to be available for loans and grants for rural water and waste disposal and solid waste management grants, new construction of section 515 rental housing, direct loans and loan guarantees for community facilities, loan guarantees for business and industry assistance, and grants for rural business enterprise: Provided, That the costs of direct loans and loan guarantees, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That of the total amount appropriated, $20,044,000 shall be for empowerment zones and enterprise communities, as authorized by Public Law 103–66: Provided further, That if such funds are not obligated for empowerment zones and enterprise communities by June 30, 1996, they shall remain available for other authorized purposes under this head: Provided further, That of the total amount appropriated, not to exceed $4,500,000 shall be available for contracting with the National Rural Water Association or an equally qualified national organization for a circuit rider program to provide technical assistance for rural water systems: Provided further, That of the total amount appropriated, not to exceed $20,000,000 shall be available for water and waste disposal systems to benefit the Colonias along the United States/Mexico border, including grants under section 306(c).

In addition, for administrative expenses necessary to carry out direct loans, loan guarantees, and grants, $58,051,000, of which $57,614,000 shall be transferred to and merged with "Rural Housing and Community Development Service, Salaries and Expenses"; "Rural Utilities Service, Salaries and Expenses"; and "Rural Business and Cooperative Development Service, Salaries and Expenses".

RURAL HOUSING AND COMMUNITY DEVELOPMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Rural Housing and Community Development Service, including administering the programs authorized by the Consolidated Farm and Rural Development Act, as amended, title V of the Housing Act of 1949, as amended, and cooperative agreements, [$42,820,000] *$50,346,000*: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of 706(a) of the Organic Act of 1944, and not to exceed $500,000 may be used for employment under 5 U.S.C. 3109.

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, as amended, to be available from funds in the rural housing insurance fund, as follows: [$2,250,000,000] *$2,700,000,000* for loans to

section 502 borrowers, as determined by the Secretary, of which $1,700,000,000 shall be for unsubsidized guaranteed loans; $35,000,000 for section 504 housing repair loans; $15,000,000 for section 514 farm labor housing; $150,000,000 for section 515 rental housing; $600,000 for site loans; and [$35,000,000] *$42,484,000* for credit sales of acquired property[: *Provided*, That notwithstanding section 520 of the Housing Act of 1949, the Secretary of Agriculture may make loans under section 502 of such Act for properties in the Pine View West Subdivision, located in Gibsonville, North Carolina, in the same manner as provided under such section for properties in rural areas].

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, [$118,335,000] *$212,790,000*, of which $2,890,000 shall be for unsubsidized guaranteed loans; section 504 housing repair loans, $14,193,000; section 514 farm labor housing, $8,629,000; section 515 rental housing, $82,035,000[, provided the program is authorized for fiscal year 1996]; and credit sales of acquired property, [$6,100,000] *$7,405,000*.

[In addition, for the cost (as defined in section 502 of the Congressional Budget Act of 1974) of guaranteed loans under a demonstration program of loan guarantees for multifamily rental housing in rural areas, $1,000,000, to be derived from the amount made available under this heading for the cost of low-income section 515 loans and to become available for obligation only upon the enactment of authorizing legislation.]

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, [$385,889,000] *$389,818,000*, of which [$372,897,506] *$376,860,000* shall be transferred to and merged with the appropriation for "Rural Housing and Community Development Service, Salaries and Expenses".

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, as amended, [$535,900,000] *$540,900,000*; and in addition such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: *Provided*, That of this amount not more than $5,900,000 shall be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed $10,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: *Provided further*, That agreements entered into or renewed during fiscal year 1996 shall be funded for a five-year period, although the life of any such agreement may be extended to fully utilize amounts obligated.

SELF-HELP HOUSING LAND DEVELOPMENT FUND

For the principal amount of direct loans, as authorized by section 523(b)(1)(B) of the Housing Act of 1949, as amended (42 U.S.C. 1490c), $603,000.

For the cost of direct loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, $31,000.

[COMMUNITY FACILITY LOANS PROGRAM ACCOUNT

[(INCLUDING TRANSFERS OF FUNDS)

[For the cost of direct loans, $34,880,000, and for the cost of guaranteed loans, $3,555,000, as authorized by 7 U.S.C. 1928 and 86 Stat. 661–664, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such sums shall remain available until expended for the disbursement of loans obligated in fiscal year 1996: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $200,000,000 and total loan principal, any part of which is to be guaranteed, not to exceed $75,000,000: *Provided further*, That of the amounts available for the cost of direct loans not to exceed $1,208,000, to subsidize gross obligations for the principal amount not to exceed $6,930,000, shall be available for empowerment zones and enterprise communities, as authorized by Public Law 103–66: *Provided further*, That if such funds are not obligated for empowerment zones and enterprise communities by June 30, 1996, they remain available for other authorized purposes under this head.

[In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $8,836,000, of which $8,731,000 shall be transferred to and merged with the appropriation for "Salaries and Expenses".]

VERY LOW-INCOME HOUSING REPAIR GRANTS

For grants to the very low-income elderly for essential repairs to dwellings pursuant to section 504 of the Housing Act of 1949, as amended, $24,900,000, to remain available until expended.

RURAL HOUSING FOR DOMESTIC FARM LABOR

For financial assistance to eligible nonprofit organizations for housing for domestic farm labor, pursuant to section 516 of the Housing Act of 1949, as amended (42 U.S.C. 1486), $10,000,000, to remain available until expended.

MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), $12,650,000, to remain available until expended (7 U.S.C. 2209b).

SUPERVISORY AND TECHNICAL ASSISTANCE GRANTS

For grants pursuant to sections 509(f) and 525 of the Housing Act of 1949, $1,000,000.

RURAL COMMUNITY FIRE PROTECTION GRANTS

For grants pursuant to section 7 of the Cooperative Forestry Assistance Act of 1978 (Public Law 95–313), [$1,000,000] *$3,000,000* to fund up to 50 percent of the cost of organizing, training, and equipping rural volunteer fire departments.

COMPENSATION FOR CONSTRUCTION DEFECTS

For compensation for construction defects as authorized by section 509(c) of the Housing Act of 1949, as amended, $495,000, to remain available until expended.

RURAL HOUSING PRESERVATION GRANTS

For grants for rural housing preservation as authorized by section 552 of the Housing and Urban-Rural Recovery Act of 1983 (Public Law 98–181), $11,000,000.

RURAL BUSINESS AND COOPERATIVE DEVELOPMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Rural Business and Cooperative Development Service, including administering the programs authorized by the Consolidated Farm and Rural Development Act, as amended; section 1323 of the Food Security Act of 1985; the Cooperative Marketing Act of 1926; for activities relating to the marketing aspects of cooperatives, including economic research findings, as authorized by the Agricultural Marketing Act of 1946; for activities with institutions concerning the development and operation of agricultural cooperatives; and cooperative agreements; [$9,520,000] *$9,013,000*: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of 706(a) of the Organic Act of 1944, and not exceed $250,000 may be used for employment under 5 U.S.C. 3109.

[RURAL BUSINESS AND INDUSTRY LOANS PROGRAM ACCOUNT

[(INCLUDING TRANSFERS OF FUNDS)

[For the cost of guaranteed loans, $6,437,000, as authorized by 7 U.S.C. 1928 and 86 Stat. 661–664, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such sums shall remain available until expended for the disbursement of loans obligated in fiscal year 1996: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of guaranteed loans of $500,000,000: *Provided further*, That of the amounts available for the cost of guaranteed loans including the cost of modifying loans, $148,000, to subsidize gross obligations for the loan principal, any part of which is guaranteed, not to exceed $10,842,000, shall be available for empowerment zones and enterprise communities, as authorized by Public Law 103–66: *Provided further*, That if such funds are not obligated for empowerment zones and enterprise communities by June 30, 1996, they remain available for other authorized activities under this head.

[In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $14,868,000, of which $14,747,000 shall be transferred to and merged with the appropriation for "Salaries and Expenses".]

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

[For the cost of direct loans as authorized by the rural development loan fund (42 U.S.C. 9812(a)) for empowerment zones and enterprise communities, as authorized by title XIII of the Omnibus Budget Reconciliation Act of 1993, $4,322,000, to subsidize gross obligations for the principal amount of direct loans, $7,246,000.]

For the cost of direct loans, $17,895,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)): Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans of $30,000,000: Provided further, That through June 30, 1996, of these amounts, $6,484,000 shall be available for the cost of direct loans, for empowerment zones and enterprise communities, as authorized by title XIII of the Omnibus Budget Reconciliation Act of 1993, to subsidize gross obligations for the principal amount of direct loans, $10,870,000.

In addition, for administrative expenses necessary to carry out the direct loan programs, $1,476,000, of which $1,470,000 shall be transferred to and merged with the appropriation for "Salaries and Expenses".

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the principal amount of direct loans, as authorized under section 313 of the Rural

Electrification Act, for the purpose of promoting rural economic development and job creation projects, $12,865,000.

For the cost of direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, $3,729,000.

In addition, for administrative expenses necessary to carry out the direct loan program, [$584,000] *$724,000*, which shall be transferred to and merged with the appropriation for "Salaries and Expenses".

ALTERNATIVE AGRICULTURAL RESEARCH AND COMMERCIALIZATION REVOLVING FUND

For necessary expenses to carry out the Alternative Agricultural Research and Commercialization Act of 1990 (7 U.S.C. 5901–5908), [$5,000,000] *$10,000,000* is appropriated to the alternative agricultural research and commercialization revolving fund.

[RURAL BUSINESS ENTERPRISE GRANTS

[For grants authorized under section 310B(c) and 310B(j) (7 U.S.C. 1932) of the Consolidated Farm and Rural Development Act to any qualified public or private nonprofit organization, $45,000,000, of which $8,381,000 shall be available through June 30, 1996, for assistance to empowerment zones and enterprise communities, as authorized by title XIII of the Omnibus Budget Reconciliation Act of 1993, after which any funds not obligated shall remain available for other authorized purposes under this head: *Provided*, That $500,000 shall be available for grants to qualified nonprofit organizations to provide technical assistance and training for rural communities needing improved passenger transportation systems or facilities in order to promote economic development.]

RURAL TECHNOLOGY AND COOPERATIVE DEVELOPMENT GRANTS

For grants pursuant to section 310(f) of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1932), [$1,500,000] *$1,500,000, of which $1,300,000 may be available for the appropriate technology transfer for rural areas program.*

RURAL UTILITIES SERVICE

RURAL ELECTRIFICATION AND TELEPHONE LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936, as amended (7 U.S.C. 935), shall be made as follows: 5 percent rural electrification loans, $90,000,000; 5 percent rural telephone loans, $70,000,000; cost of money rural telephone loans, $300,000,000; municipal rate rural electric loans, [$500,000,000] *$550,000,000*; and loans made pursuant to section 306 of that Act, $420,000,000, to remain available until expended.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct and guaranteed loans authorized by the Rural Electrification Act of 1936, as amended (7 U.S.C. 935), as follows: cost of direct loans, $35,126,000; cost of municipal rate loans, [$54,150,000] *$59,565,000*; cost of money rural telephone loans, $60,000; cost of loans guaranteed pursuant to section 306, $2,520,000: *Provided*, That notwithstanding [sections 305(c)(2) and] *section* 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 percent per year.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, [$29,982,000] *$32,183,000*, which shall be transferred to and merged with the appropriation for "Salaries and Expenses".

RURAL TELEPHONE BANK PROGRAM ACCOUNT

The Rural Telephone Bank is hereby authorized to make such expenditures, within the limits of funds available to such corporation in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out its authorized programs for the current fiscal year. During fiscal year 1996 and within the resources and authority available, gross obligations for the principal amount of direct loans shall be $175,000,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct loans authorized by the Rural Electrification Act of 1936, as amended (7 U.S.C. 935), [$770,000] *$5,023,000*.

In addition, for administrative expenses necessary to carry out the loan programs, [$3,541,000] *$6,167,000*.

DISTANCE LEARNING AND MEDICAL LINK GRANTS

For necessary expenses to carry into effect the programs authorized in sections 2331–2335 of Public Law 101–624, $7,500,000, to remain available until expended.

[RURAL DEVELOPMENT PERFORMANCE PARTNERSHIPS PROGRAM

[(INCLUDING TRANSFERS OF FUNDS)

[For the cost of direct loans, loan guarantees, and grants, as authorized by 7 U.S.C. 1926, 1928, and 1932, $435,000,000, to remain available until expended, to be available for loans and grants for rural water and waste disposal and solid waste management grants: *Provided*, That the costs of direct loans and loan guarantees, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That of the total amount appropriated, not to exceed $4,000,000 shall be available for contracting with the National Rural Water Association or other equally qualified national organization for a circuit rider program to provide technical assistance for rural water systems: *Provided further*, That of the total amount appropriated, not to exceed $18,700,000 shall be available for water and waste disposal systems to benefit the Colonias along the United States/Mexico border, including grants pursuant to section 306C: *Provided further*, That of the total amount appropriated, $18,688,000 shall be for empowerment zones and enterprise communities, as authorized by Public Law 103–66: *Provided further*, That if such funds are not obligated for empowerment zones and enterprise communities by June 30, 1996, they shall remain available for other authorized purposes under this head.

[In addition, for administrative expenses necessary to carry out direct loans, loan guarantees, and grants, $12,740,000, of which $12,623,000 shall be transferred and merged with "Rural Utilities Service, Salaries and Expenses".]

SALARIES AND EXPENSES

For necessary expenses of the Rural Utilities Service, including administering the programs authorized by the Rural Electrification Act of 1936, as amended, and the Consolidated Farm and Rural Development Act, as amended, [$19,211,000] *$18,449,000*, of which $7,000 shall be available for financial credit reports: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of 706(a) of the Organic Act of 1944, and not to exceed $103,000 may be used for employment under 5 U.S.C. 3109.

TITLE IV

DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION AND CONSUMER SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Food, Nutrition and Consumer Services to administer the laws enacted by the Congress for the Food and Consumer Service, [$440,000] *$540,000*.

FOOD AND CONSUMER SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the National School Lunch Act (42 U.S.C. 1751–1769b), and the applicable provisions other than [section 17] *sections 17, 19, and 21* of the Child Nutrition Act of 1966 (42 U.S.C. 1772–1785, and 1789); [$7,952,424,000] *$7,952,610,000*, to remain available through September 30, 1997, of which [$2,354,566,000] *$2,354,752,000* is hereby appropriated and $5,597,858,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): *Provided*, That up to $3,964,000 shall be available for independent verification of school food service claims[: *Provided further*, That $1,900,000 shall be available to provide financial and other assistance to operate the Food Service Management Institute.

[Notwithstanding any other provision of law, no funds other than provided in this Act may be available for nutrition education and training and the Food Service Management Institute.]

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $3,729,807,000, to remain available through September 30, 1997: *Provided*, That for fiscal year 1996, $20,000,000 that would otherwise be available to States for nutrition services and administration shall be made available for food benefits: *Provided further*, That $4,000,000 from unobligated balances for supervisory and technical assistance grants may be transferred to and merged with this account: *Provided further*, That up to $6,750,000 may be used to carry out the farmers' market nutrition program from any funds not needed to maintain current caseload levels: *Provided further*, That none of the funds in this Act shall be available to pay administrative expenses of WIC clinics except those that have an announced policy of prohibiting smoking within the space used to carry out the program: *Provided further, That on or after July 1, 1996, any funds recovered from the previous fiscal year in excess of $100,000,000 may be transferred by the Secretary of Agriculture to the Rural Community Advancement Program and shall remain available until expended: Provided further, That none of the funds provided in this Act shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) (as in effect on September 13, 1995).*

COMMODITY SUPPLEMENTAL FOOD PROGRAM

For necessary expenses to carry out the commodity supplemental food program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c (note)), including not less than $8,000,000 for the projects in Detroit, New Orleans, and Des Moines, $86,000,000 to remain available through

September 30, 1997: Provided, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program: Provided further, That twenty percent of any Commodity Supplemental Food Program funds carried over from fiscal year 1995 shall be available for administrative costs of the program.

FOOD STAMP PROGRAM

For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011–2029), [$27,097,828,000] *$28,097,828,000*: *Provided*, That funds provided herein shall remain available through September 30, 1996, in accordance with section 18(a) of the Food Stamp Act: *Provided further, That $1,000,000,000 of the foregoing amount shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations*: *Provided further*, That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act: *Provided further*, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: *Provided further*, That $1,143,000,000 of the foregoing amount shall be available for nutrition assistance for Puerto Rico as authorized by 7 U.S.C. 2028.

[COMMODITY ASSISTANCE PROGRAM

[For necessary expenses to carry out the commodity supplemental food program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c(note)), section 204(a) of the Emergency Food Assistance Act of 1983, as amended, and section 110 of the Hunger Prevention Act of 1988, $168,000,000, to remain available through September 30, 1997: *Provided*, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program: *Provided further*, That none of the funds in this Act or any other Act may be used for demonstration projects in the emergency food assistance program.]

FOOD DONATIONS PROGRAMS FOR SELECTED GROUPS

For necessary expenses to carry out section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c (note)), section 4(b) of the Food Stamp Act (7 U.S.C. 2013(b)), and section 311 of the Older Americans Act of 1965, as amended (42 U.S.C. 3030a), [$215,000,000] *$217,250,000*, to remain available through September 30, 1997: *Provided, That notwithstanding any other provision of law, for meals provided pursuant to the Older Americans Act of 1965, a maximum rate of reimbursement to States will be established by the Secretary, subject to reduction if obligations would exceed the amount of available funds, with any unobligated funds to remain available only for obligation in the fiscal year beginning October 1, 1996.*

For necessary expenses to carry out section 110 of the Hunger Prevention Act of 1988, $40,000,000.

THE EMERGENCY FOOD ASSISTANCE PROGRAM

For making payments to States to carry out the Emergency Food Assistance Act of 1983, as amended, $40,000,000: Provided, That, in accordance with section 202 of Public Law 98–92, these funds shall be available only if the Secretary determines the existence of excess commodities: Provided further, That none of the funds in this Act or any other Act may be used for emergency food assistance program demonstration projects.

FOOD PROGRAM ADMINISTRATION

For necessary administrative expenses of the domestic food programs funded under this Act, [$108,323,000] *$107,215,000*, of which $5,000,000 shall be available only for simplifying procedures, reducing overhead costs, tightening regulations, improving food stamp coupon handling, and assistance in the prevention, identification, and prosecution of fraud and other violations of law; *and $750,000 shall be available for investing in an automated data processing infrastructure for the Food and Consumer Service*: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $150,000 shall be available for employment under 5 U.S.C. 3109.

TITLE V

FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954, as amended (7 U.S.C. 1761–1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed $128,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), [$123,520,000] *$124,775,000*, of which $5,176,000 may be transferred from Commodity Credit Corporation funds, $2,792,000 may be transferred from the Commodity Credit Corporation program account in this Act, and $1,005,000 may be transferred from the Public Law 480 program account in this Act: *Provided*, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1736) and the foreign assistance programs of the International Development Cooperation Administration (22 U.S.C. 2392).

None of the funds in the foregoing paragraph shall be available to promote the sale or export of tobacco or tobacco products.

PUBLIC LAW 480 PROGRAM AND GRANT ACCOUNTS

(INCLUDING TRANSFERS OF FUNDS)

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1691, 1701–1715, 1721–1726, 1727–1727f, 1731–1736g), as follows: (1) $291,342,000 for Public Law 480 title I credit, including Food for Progress programs; (2) $25,000,000 is hereby appropriated for ocean freight differential costs for the shipment of agricultural commodities pursuant to title I of said Act and the Food for Progress Act of 1985, as amended; (3) $821,100,000 is hereby appropriated for commodities supplied in connection with dispositions abroad pursuant to title II of said Act; and (4) $50,000,000 is hereby appropriated for commodities supplied in connection with dispositions abroad pursuant to title III of said Act *and shall be financed from funds credited to the Commodity Credit Corporation pursuant to section 426 of Public Law 103–465*: *Provided*, That not to exceed 15 percent of the funds made available to carry out any title of said Act may be used to carry out any other title of said Act: *Provided further*, That such sums shall remain available until expended (7 U.S.C. 2209b).

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of direct credit agreements as authorized by the Agricultural Trade Development and Assistance Act of 1954, as amended, and the Food for Progress Act of 1985, as amended, including the cost of modifying credit agreements under said Act, $236,162,000.

In addition, for administrative expenses to carry out the Public Law 480 title I credit program, and the Food for Progress Act of 1985, as amended, to the extent funds appropriated for Public Law 480 are utilized, $1,750,000.

SHORT-TERM EXPORT CREDIT

The Commodity Credit Corporation shall make available not less than $5,200,000,000 in credit guarantees under its export credit guarantee program for short-term credit extended to finance the export sales of United States agricultural commodities and the products thereof, as authorized by section 202(a) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641).

INTERMEDIATE-TERM EXPORT CREDIT

The Commodity Credit Corporation shall make available not less than $500,000,000 in credit guarantees under its export credit guarantee program for intermediate-term credit extended to finance the export sales of United States agricultural commodities and the products thereof, as authorized by section 202(b) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641).

COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's export guarantee program, GSM–102 and GSM–103, $3,381,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which not to exceed $2,792,000 may be transferred to and merged with the appropriation for the salaries and expenses of the Foreign Agricultural Service, and of which not to exceed $589,000 may be transferred to and merged with the appropriation for the salaries and expenses of the Consolidated Farm Service Agency.

TITLE VI

RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for rental of special purpose space in the District of Columbia or elsewhere; and for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $25,000; $904,694,000, of which not to exceed $84,723,000 in fees pursuant to section 736 of the Federal Food, Drug, and Cosmetic Act may be credited to this appropriation and remain available until expended: *Provided*, That fees derived from applications received during fiscal year 1996 shall be subject to the fiscal year 1996 limitation: *Provided further*, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701.

In addition, fees pursuant to section 354 of the Public Health Service Act may be credited to this account, to remain available until expended.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, [$15,350,000] *$8,350,000*, to remain available until expended (7 U.S.C. 2209b).

RENTAL PAYMENTS (FDA)

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92-313 for programs and activities of the Food and Drug Administration which are included in this Act, $46,294,000: *Provided*, That in the event the Food and Drug Administration should require modification of space needs, a share of the salaries and expenses appropriation may be transferred to this appropriation, or a share of this appropriation may be transferred to the salaries and expenses appropriation, but such transfers shall not exceed 5 percent of the funds made available for rental payments (FDA) to or from this account.

DEPARTMENT OF THE TREASURY

FINANCIAL MANAGEMENT SERVICE

PAYMENTS TO THE FARM CREDIT SYSTEM FINANCIAL ASSISTANCE CORPORATION

For necessary payments to the Farm Credit System Financial Assistance Corporation by the Secretary of the Treasury, as authorized by section 6.28(c) of the Farm Credit Act of 1971, as amended, for reimbursement of interest expenses incurred by the Financial Assistance Corporation on obligations issued through 1994, as authorized, $15,453,000.

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act, as amended (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles; the rental of space (to include multiple year leases) in the District of Columbia and elsewhere; and not to exceed $25,000 for employment under 5 U.S.C. 3109; [$49,144,000] *$54,058,000*, including not to exceed $1,000 for official reception and representation expenses: *Provided*, That the Commission is authorized to charge reasonable fees to attendees of Commission sponsored educational events and symposia to cover the Commission's costs of providing those events and symposia, and notwithstanding 31 U.S.C. 3302, said fees shall be credited to this account, to be available without further appropriation.

FARM CREDIT ADMINISTRATION

ADMINISTRATIVE PROVISION

SEC. 601. (a) For purposes of the administration of chapter 89 of title 5, United States Code, any period of enrollment under a health benefits plan administered by the Farm Credit Administration prior to the effective date of this Act shall be deemed to be a period of enrollment in a health benefits plan under chapter 89 of such title.

(b)(1) An individual who, on September 30, 1995, is covered by a health benefits plan administered by the Farm Credit Administration may enroll in an approved health benefits plan described under section 8903 or 8903a of title 5, United States Code—

(A) either as an individual or for self and family, if such individual is an employee, annuitant, or former spouse as defined under section 8901 of such title; and

(B) for coverage effective on and after September 30, 1995.

(2) An individual who, on September 30, 1995, is entitled to continued coverage under a health benefits plan administered by the Farm Credit Administration—

(A) shall be deemed to be entitled to continued coverage under section 8905a of title 5, United States Code, for the same period that would have been permitted under the plan administered by the Farm Credit Administration; and

(B) may enroll in an approved health benefits plan described under sections 8903 or 8903a of such title in accordance with section 8905A of such title for coverage effective on and after September 30, 1995.

(3) An individual who, on September 30, 1995, is covered as an unmarried dependent child under a health benefits plan administered by the Farm Credit Administration and who is not a member of family as defined under section 8901(5) of title 5, United States Code—

(A) shall be deemed to be entitled to continued coverage under section 8905a of such title as though the individual had, on September 30, 1995, ceased to meet the requirements for being considered an unmarried dependent child under chapter 89 of such title; and

(B) may enroll in an approved health benefits plan described under section 8903 or 8903a of such title in accordance with section 8905a for continued coverage on and after September 30, 1995.

(c) The Farm Credit Administration shall transfer to the Federal Employees Health Benefits Fund established under section 8909 of title 5, United States Code, amounts determined by the Director of the Office of Personnel Management, after consultation with the Farm Credit Administration, to be necessary to reimburse the Fund for the cost of providing benefits under this section not otherwise paid for by the individual's covered by this section. The amount so transferred shall be held in the Fund and used by the Office in addition to the amounts available under section 8906(g)(1) of such title.

(d) The Office of Personnel Management—

(1) shall administer the provisions of this section to provide for—

(A) a period of notice and open enrollment for individuals affected by this section; and

(B) no lapse of health coverage for individuals who enroll in a health benefits plan under chapter 89 of title 5, United States Code, in accordance with this section; and

(2) may prescribe regulations to implement this section.

TITLE VII—GENERAL PROVISIONS

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the fiscal year 1996 under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 665 passenger motor vehicles, of which 642 shall be for replacement only, and for the hire of such vehicles.

SEC. 702. Funds in this Act available to the Department of Agriculture shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901-5902).

SEC. 703. Not less than $1,500,000 of the appropriations of the Department of Agriculture in this Act for research and service work authorized by the Acts of August 14, 1946, and July 28, 1954, *and* (7 U.S.C. 427, 1621-1629), and by chapter 63 of title 31, United States Code, shall be available for contracting in accordance with said Acts and chapter.

SEC. 704. The cumulative total of transfers to the Working Capital Fund for the purpose of accumulating growth capital for data services and National Finance Center operations shall not exceed $2,000,000: *Provided*, That no funds in this Act appropriated to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency administrator.

SEC. 705. New obligational authority provided for the following appropriation items in this Act shall remain available until expended (7 U.S.C. 2209b): Animal and Plant Health Inspection Service, the contingency fund to meet emergency conditions, and integrated systems acquisition project; *Consolidated Farm Service Agency, salaries and expenses funds made available to county committees;* and Foreign Agricultural Service, middle-income country training program.

New obligational authority for the boll weevil program; up to 10 percent of the screwworm program of the Animal and Plant Health Inspection Service; Food Safety and Inspection Service, field automation and information management project; funds appropriated for rental payments; funds for the Native American institutions endowment fund in the Cooperative State Research, Education, and Extension Service, and funds for the competitive research grants (7 U.S.C. 450i(b)) shall remain available until expended.

SEC. 706. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 707. Not to exceed $50,000 of the appropriations available to the Department of Agriculture in this Act shall be available to provide appropriate orientation and language training pursuant to Public Law 94-449.

SEC. 708. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 709. Notwithstanding any other provision of this Act, commodities acquired by the Department in connection with Commodity Credit Corporation and section 32 price support operations may be used, as authorized by law (15 U.S.C. 714c and 7 U.S.C. 612c), to provide commodities to individuals in cases of hardship as determined by the Secretary of Agriculture.

SEC. 710. None of the funds in this Act shall be available to reimburse the General Services Administration for payment of space rental and related costs in excess of the amounts specified in this Act; nor shall this or any other provision of law require a reduction in the level of rental space or services below that of fiscal year [1994] *1995* or prohibit an expansion of rental space or services with the use of funds otherwise appropriated in this Act. Further, no agency of the Department of Agriculture, from funds otherwise available, shall reimburse the General Services Administration for payment of space rental and related costs provided to such agency at a percentage rate which is greater than is available in the case of funds appropriated in this Act.

SEC. 711. None of the funds in this Act shall be available to restrict the authority of the Commodity Credit Corporation to lease space for its own use or to lease space on behalf of other agencies of the Department of Agriculture when such space will be jointly occupied.

SEC. 712. [None] *With the exception of grants awarded under the Small Business Innovation*

Development Act of 1982, Public Law 97-219, as amended (15 U.S.C. 638), none of the funds in this Act shall be available to pay indirect costs on research grants awarded competitively by the Cooperative State Research, Education, and Extension Service that exceed 14 percent of total Federal funds provided under each award.

SEC. 713. Notwithstanding any other provisions of this Act, all loan levels provided in this Act shall be considered estimates, not limitations.

SEC. 714. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in fiscal year 1996 shall remain available until expended to cover obligations made in fiscal year 1996 for the following accounts: the rural development loan fund program account; the Rural Telephone Bank program account; the rural electrification and telecommunications loans program account; and the rural economic development loans program account.

SEC. 715. Such sums as may be necessary for fiscal year 1996 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 716. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c; popularly known as the "Buy American Act").

(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 717. Notwithstanding the Federal Grant and Cooperative Agreement Act, marketing services of the Agricultural Marketing Service may use cooperative agreements to reflect a relationship between Agricultural Marketing Service and a State or Cooperator to carry out agricultural marketing programs.

SEC. 718. PROHIBITION ON USE OF FUNDS FOR HONEY PAYMENTS OR LOAN FORFEITURES.—Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act shall be used by the Secretary of Agriculture to provide for a total amount of payments and/or total amount of loan forfeitures to a person to support the price of honey under section 207 of the [Agriculture] *Agricultural* Act of 1949 (7 U.S.C. 1446h) and section 405A of such Act (7 U.S.C. 1425a) in excess of zero dollars in the 1994, 1995, and 1996 crop years.

SEC. 719. None of the funds in this Act may be used to retire more than 5 percent of the Class A stock of the Rural Telephone Bank.

SEC. 720. None of the funds appropriated or otherwise made available by this Act may be used to provide benefits to households whose benefits are calculated using a standard deduction greater than the standard deduction in effect for fiscal year 1995.

SEC. 721. None of the funds made available in this Act may be used for any program, project, or activity when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any applicable Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

[SEC. 722. None of the funds made available in this Act shall be used to increase, from the fiscal year 1995 level, the level of Full Time Equivalency Positions (whether through new hires or by transferring full time eqivalents from other offices) in any of the following Food and Drug Administration offices: Office of the Commissioner, Office of Policy, Office of External Affairs (Immediate Office, as well as Office of Health Affairs, Office of Legislative Affairs, Office of Consumer Affairs, and Office of Public Affairs), and the Office of Management and Systems (Immediate Office, as well as Office of Planning and Evaluation and Office of Management).

[SEC. 723. None of the funds made available in this Act may be used to provide assistance to, or to pay the salaries of personnel who carry out a market promotion program pursuant to section 203 of the Agricultural Trade Act of 1978 (7 U.S.C. 5623) that provides assistance to, the U.S. Mink Export Development Council or any mink industry trade association.]

SEC. 724. None of the funds appropriated or otherwise made available by this Act shall be used to enroll in excess of 100,000 acres in the fiscal year 1996 wetlands reserve program, as authorized by 16 U.S.C. 3837.

SEC. 725. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries of personnel who carry out an export enhancement program (estimated to be $1,000,000,000 in the President's fiscal year 1996 Budget (H. Doc. 104-4)) if the aggregate amount of funds and/or commodities under such program exceeds $800,000,000.

SEC. 726. None of the funds made available in this Act shall be used to pay the salaries of personnel to provide assistance to livestock producers under provisions of title VI of the Agricultural Act of 1949 if crop insurance protection or noninsured crop disaster assistance for the loss of feed produced on the farm is available to the producer under the Federal Crop Insurance Act, as amended.

SEC. 727. None of the funds appropriated or otherwise made available by this Act shall be used to enroll additional acres in the Conservation Reserve Program authorized by 16 U.S.C. 3831-3845: Provided, That 1,579,000 new acres shall be enrolled in the program in the year beginning January 1, 1997.

SEC. 728. DISASTER ASSISTANCE FOR INSECT DAMAGE TO 1995 COTTON CROP.—(a) IN GENERAL.—Notwithstanding any other provision of law, such sums as may be necessary, not to exceed $41,000,000, of funds of the Commodity Credit Corporation shall be available, through April 15, 1996, to producers of the 1995 crop of cotton that was adversely affected by insect damage under terms and conditions determined by the Secretary of Agriculture.

(b) ADDITIONAL ASSISTANCE.—Any assistance provided under subsection (a) shall be in addition to any assistance provided under Public Law 103-354 or any other provision of law.

SEC. 729. None of the funds appropriated or otherwise made available by this Act may be used to develop compliance guidelines, implement or enforce a regulation promulgated by the Food Safety and Inspection Service on August 25, 1995 (60 Fed. Reg. 44396): Provided, That this regulation shall take effect only if legislation is enacted into law which directs the Secretary of Agriculture to promulgate such regulation, or the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition and Forestry receive and approve a proposed revised regulation submitted by the Secretary of Agriculture.

This Act may be cited as the "Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1996".

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, this bill proposes fiscal year 1996 funding for the Department of Agriculture, the Food and Drug Administration, the Commodity Futures Trading Commission, and expenses and payments of the farm credit system. As reported, the bill recommends total new budget authority for this new fiscal year of $63.8 billion. This is $5.2 billion less than the fiscal year 1995 level. It is $2.6 billion less than the President's fiscal year 1996 budget request. But it is $1.2 billion more than the level recommended in bill passed by the House of Representatives.

One interesting thing to observe about this bill is that over 63 percent of the funds proposed to be appropriated in this legislation for the Department of Agriculture will go to funding the Nation's domestic food assistance programs. I can recall, when I was first honored by being given the opportunity of chairing this subcommittee in 1981, the majority of the funds appropriated to the Department of Agriculture for its activities went to funding support activities for production agriculture—reimbursements to the Commodity Credit Corporation, for example, for net realized losses; funds for agriculture research; for soil and water conservation; for rural development. And included in these activities were, of course, the food and nutrition programs such as the Food Stamp Program, Women, Infants, and Children Program; the School Lunch Programs, elderly feeding programs, commodity distribution programs, a wide variety of domestic food assistance programs.

But, today, we have seen a trend which has now reached a point where the clear majority of the funding required by the Department of Agriculture is for the food and nutrition programs rather than for traditional agriculture programs. So, as we discuss and consider any amendments that

Senators will offer to this bill, we must keep in mind that we are doing our part in this bill to meet the challenge of deficit reduction, in trying to control the growth of spending at the Federal level.

We have $5.2 billion proposed in this bill, less than the amount of budget authority in this fiscal year. I think it is a clear illustration of the commitment of this subcommittee to fulfill the commitment that we have all made in the budget resolution to get better control over our spending practices at the Federal level and to meet the challenge of balancing the budget under the plan to do so over the next 7 years.

To compare the 63 percent level of funding of domestic food programs in this bill with previous years, in this fiscal year those funds total 58 percent of the budget authority in this bill. Including congressional budget scorekeeping adjustments and prior-year spending actions, this bill recommends total discretionary spending of $13.310 billion in budget authority and $13.608 billion in outlays for fiscal year 1996. These amounts are consistent with the subcommittee's discretionary spending allocations.

As a result of these constraints of allocation and the budget resolution assumptions and directions, few funding increases are recommended in this bill for any programs and activities under the jurisdiction of the subcommittee. Most programs are funded at or below this current fiscal year level.

There is one significant program increase provided in this bill, a $260 million increase for the WIC Program, the Women, Infants, and Children Program. This is the same as contained in the bill passed by the House. This increase is necessary if we are going to maintain the 1995 WIC caseload levels during the next year.

Other discretionary spending increases include an additional $17.9 million for rural housing rental assistance to meet the estimated costs of contract renewal and servicing requirements; an increase of $42.9 million to continue the efforts of the Food Safety and Inspection Service to assure the safety of our Nation's food supply; a $5.1 million net increase in rural housing loan program authorizations; a $50 million increase in farm operating loans; and a $33 million increase for the food donations program on Indian reservations. Except for rural housing, all of these increases fall well below the increased levels requested by the President in the budget submission we received this year.

There are funds in the bill for agriculture research and extension programs. In my judgment, the $1 billion—a little over $1 billion—appropriated for these activities are funds well invested. We are confronted right now with a real challenge in the production agriculture area because of increased competition from overseas, producers in the international marketplace.

We are confronted with new challenges of pest management, of trying to improve yields while at the same time preserving in a more aggressive way our soil and water resources. To accomplish all of that, and to still make it possible for farmers to operate profitably, we have to invest in upgrading and maintaining our modern technological advantage.

That is the key to the future productivity of our Nation's farmers. That is the key to the realization of the expectations of the American people to have an adequate supply of reasonably priced food and consumer products. So that is why this part of the bill, in my view, is so important.

I wish we had the ability under the constraints of the budget and our allocation to appropriate more money for these purposes. Much of this research is done in Agriculture Research Service facilities throughout the country. These are Department of Agriculture-operated research facilities such as here in the Washington area, in Beltsville, MD, and throughout the country. Other research is done through the Cooperative State Research, Education, and Extension Service account that is funded in this bill, where funds are made available to university and college-research facilities and other sponsoring entities, where funds are matched by the Federal Government to help pay the costs of important research in the agriculture food production and related areas of concern.

So although the $1.025 billion for agriculture research and extension program activity is $22 million less than this current year's level and $17 million less than the President's request, it is $30 million more than recommended in the House-passed bill. So, in conference we will have a challenge to negotiate what we hope will be an increase in the allocation of funds for these purposes.

For extension activities, the bill provides $2 million less than the current year's level. But that level of funding is still $24 million over the House bill level.

For farm credit programs, the bill provides $3.2 billion in loan levels, which is an increase of $174 million from the House-recommended level.

The bill also recommends funding for a new Rural Community Advancement Program. We have recommended the consolidation of funding for seven rural development grant and loan programs under one account, consistent with the Senate Agriculture Committee's actions on these programs.

Senators will remember that we have just completed authorizing a reorganization of the Department of Agriculture. This has principally been driven by the leadership of the distinguished Senator from Indiana [Mr. LUGAR] who, as the ranking Republican member of the Agriculture Committee a few years ago, strongly urged our committee to pressure the administration to embark upon a reorganization program. As a matter of fact, current law authorized many of the steps that were urged to be taken by Senator LUGAR, and others, in this area.

But the administration wanted the Congress involved because obviously there were controversies. There were differences of opinion about how far to go, how much to change, which offices to close, how to consolidate regional offices, and where the new offices would be relocated—a wide range of controversial and political hot potato-type issues which the Senate Agriculture Committee worked on very hard.

Senator LEAHY was chairman when our effort began and now, under the chairmanship of Senator LUGAR with Senator LEAHY as ranking member, we are monitoring. We are monitoring the reorganization effort to ensure that, first of all, it is consistent with the new authorities for reorganization granted by the Congress to the President and the administration and that it also is undertaken in a way that makes the Department more efficient and saves money and cuts down the costs that are unnecessary—in many areas, where there has been duplication and overlapping—unnecessary expenditures of funds.

So this bill we are presenting today carries forward some of the principles contained in the Department of Agriculture Reorganization Act and emphasizes consolidation for the purpose of improving delivery of services as well as the efficiency of the Department of Agriculture.

So we spell out in this bill the consolidation of funding for some of these programs so that our bill will reflect the changes and the efforts that have been made or proposed by both the administration and the Congress.

The administration proposed to consolidate a number of programs that we disagreed with them about—their total number was 12 programs—into something called the rural performance partnership initiative. But our proposal consolidates only 7 programs, and represents a reduction of 15.9 percent from the current appropriations level versus the House bill, which proposes a 17.7-percent reduction.

One thing that we were concerned about—I will have to be candid with Senators—is that the administration was suggesting almost a block-grant-type approach to the administration, that they could then allocate to State administrators and give them a wide range of discretion without oversight authority in the Congress for how these programs were to be administered.

I think it would be an abrogation of congressional responsibility if we went

along with that recommendation as I understood it. We are for giving more flexibility to managers and administration officials, but we are not prepared at this point to just simply send a lump sum appropriation to the Department of Agriculture and say, "Why don't you use this any way you think is appropriate."

We are here in a representative capacity for the States, and on the House side for individual citizens, and we have a role to play in this. We are taking that role very seriously. So in our oversight hearings and in the hearings we had in the beginning of this year, where administration officials came to testify about their proposals and how the funds that we would appropriate would be needed, we questioned them very carefully about their intentions in using these funds and how they would shift funds from one activity to another based on local situations.

So what I am saying is that we are in favor of consolidation, we are in favor of giving managers more authority than they may have been given in the past in the strict categories of funding, but we are not willing to turn loose completely of our responsibilities to monitor carefully the administration of these programs and the expenditure of these funds for rural development activities. Rural water and sewer system projects and loans to help build infrastructure facilities in areas that are economically disadvantaged are all a part of this effort. Housing programs, which have been given less than the funds we think are needed by the other body, are also very important.

There are a lot of unmet needs in many parts of the country in this area of concern. In my State of Mississippi, we hope to continue to have a very aggressive effort by the Federal agencies in that State to help improve the economic opportunities of those who live in the small towns and rural communities, opportunities for jobs, opportunities to enjoy a standard of living that will be attractive rather than so unattractive that people are forced to move into the cities. We think that is bad public policy, to see the rural communities deteriorate to such a point where they are uninhabitable and folks do not want to live there anymore.

That is a real problem we face, and we are trying to do something about that in the way we are funding programs in this legislation. States have responsibilities, too. Of course, the private sector does. But we have in this bill some special efforts that we hope will provide incentives for economic activity in rural areas and small towns. We are going to continue to monitor the administration's activities to be sure they are working.

For discretionary conservation programs, the bill recommends $6 million more than the House level. It also provides $2.9 billion in total rural housing loan authorizations. This is $457 million more than the House level and $146 million more than the President's request. So we are committed in this legislation to doing something about rural housing.

The other agencies that are funded in this bill, as I mentioned at the outset, include the Commodity Futures Trading Commission, the Food and Drug Administration, and expenses of the Farm Credit Administration.

We trust that the funds proposed to be appropriated for these agencies meet the needs of these agencies. There is always a request for more funding than we are able to provide because we are cutting spending, and we have to remind those who come to testify before our committee that this applies to everybody. There is very little opportunity to provide increases. I have highlighted some of the increases. But it is very rare to see any account in this bill that is funded above the current level of funding. However, the bill does allow increases in funding for some FDA activities, food and drug activities, supported by the authorized Prescription Drug Act, and mammography facilities inspection user fee collections.

This, incidentally, is the same amount as recommended by the other body.

The bill also provides a $1 billion Food Stamp Program reserve which was not recommended by the House. The administration strongly urged the inclusion of a reserve, and traditionally there has been a reserve to allow for unforeseen activities, economic problems, natural disasters which would cause an emergency need for food stamps that might run the program above the expected level of funding. The administration wanted us to appropriate $2.5 billion, but we think the amount we have in the bill will be sufficient to protect the continuation of benefits in the event of any unexpected rise in program participation levels.

In addition, the bill provides $20.5 million above the House level for the Consolidated Farm Service Agency as well as $10 million for InfoShare. This is the Department's project to integrate its information systems, to improve service delivery to those who depend upon farm and rural service agency activities.

Most of the money in this bill—80 percent—is required to be appropriated under the mandates of Federal law. Only 20 percent of the total amount funded in this bill is discretionary. And so when Senators are looking at this bill and they are saying, well, we can add money or we can take money out, you are only going to be able to suggest amendments to 20 percent of the total $63.8 billion contained in this bill. The other funds that are appropriated are required to be spent by law. We do not have any choice. That is why it is important for us to continue our efforts on the second track of changing the law in many areas so that the future requirements for funding will be less than they are today in those areas in which Congress decides to make changes. If we are going to get to that balanced budget figure in 7 years, we are going to have to make changes not only in the appropriations of funds as these bills come up but, more importantly, in the requirements of law that force Congress to spend money every year. So this bill contains 80 percent mandatory expenditures.

To conclude, Mr. President, almost all agriculture and rural development programs have been reduced below current levels to meet the subcommittee's lower discretionary spending allocations. Further cuts in spending limitations have been necessary to offset the few increases that are provided in the bill.

Mr. President, it has been a distinct pleasure and privilege for me to continue to have the honor of working with the distinguished ranking member of the subcommittee, Senator BUMPERS of Arkansas.

He is my neighbor. He is my friend. He has been my colleague now in the Senate for 16 years. I have been here 16 years. I think he was elected to the Senate the same year I was elected to the House.

So we have been here for long enough, I suppose, to know the accounts and to know and understand the needs of our States. And this bill reflects a consensus of Republican and Democratic interests as represented on our subcommittee. And I believe that the bill represents a balanced and responsible level of funding recommendations within the limited resources available to this subcommittee.

I urge my colleagues to support this legislation. I know there may be some differences of opinion on specific items in the bill. But if there are, I hope Senators will bring them up. If they have amendments, we will be glad to consider them. We hope to be able to complete action on this bill tomorrow. And under the unanimous-consent agreement, there will not be any votes on any amendments today before the hour of 5:15 p.m.

I also want to thank all the members of the subcommittee who have helped us develop this legislation. We had a lot of hearings. We had an opportunity to look at the President's budget request. Other requests that Members have suggested we considered. We have tried to be fair with everybody. And I hope that Senators will agree and also agree that this bill does recommend an investment of funds and an allocation of available resources that will help sustain our effort to continue to be the most productive agriculture economy in the world. We have a lot at stake in

maintaining this ability, not only to feed and clothe our own citizens here in the United States, but to use this great resource as an economic benefit to create jobs through the sale of agriculture commodities and foodstuffs throughout the world.

We are the largest economic exporter of food commodities in the world. This year we are going to bring into our economy a total of about $50 billion that would represent the value of exports that have been generated by our farm and food industries. So there is a tremendous amount depending upon the support activities that we have funded in this bill. So I hope Senators will support the legislation. And we would appreciate it very much, if you do have amendments, to please bring them to the floor and let us debate them today, complete our debate on as many as we can so we can pass the bill tomorrow.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, first, I want to thank my distinguished colleague from Mississippi, Senator COCHRAN, chairman of this subcommittee, for his very kind and generous remarks directed toward me. And I would like to reciprocate by saying that this committee has always been marked by a lot of conciliation and cooperation. I chaired the subcommittee for a couple of years. I did my very best to collaborate and cooperate with Senator COCHRAN when he was ranking member. And we have had that kind of relationship. And I think the Senate would be well served if every committee chairman and ranking member could stand on the floor and honestly say that they have had fine cooperation with each other.

That is not to say that Senator COCHRAN and I have agreed on every jot and tittle in the bill. We have not. But considering the limitations under which he has been laboring, namely, what we call the 602(b) allocation, I think he has performed an outstanding—an outstanding—job of cutting this budget dramatically in accordance with the 602(b) allocation and yet funding programs that both he and I believe are absolutely critical to rural development and agriculture in this country.

Some $40.2 billion, or 63 percent, of the total funds in this bill go to funding the Nation's domestic food assistance programs: food stamps, national school lunch program, elderly feeding programs, supplemental feeding programs for women, infants and children, usually described as the WIC program. Everybody believes—it is a strange thing—I must say this, some of the social programs which have fallen into disrepute around here and everybody wants to cut has not been true of the WIC program. Everybody knows that if a poor pregnant woman does not get a decent protein diet, the child is going to be brain deficient. And everybody knows that for virtually pennies that can be curbed and eliminated. And the WIC program is designed to make sure that poor pregnant women get a decent diet because we all benefit from that.

I might digress just a moment to say, Mr. President, that everybody in this world was not so favored as I was. I chose my parents very well. A lot of people have not had that opportunity. And so this idea of, "Smell me, why can't everybody be rich and beautiful like me?" has come into too much vogue in the U.S. Congress.

There are an awful lot of people who never had a chance from day one. And some of these programs that everybody thinks were put in over the past years, starting with Franklin Roosevelt, were done just on a whim and caprice or to get votes—there is enough of that to make that characterization credible—but people should realize that these programs were designed to fulfill a purpose. Why does anybody think we have Social Security?

Incidentally, now I am not here just to deliver a moral sermonette this morning, but just to make a few points I do not think hurts occasionally. Why do you think we have Social Security? I am not going to belabor the point. Everybody knows why we have Social Security. It is because parents were oftentimes sort of thrown on the mercy of society because their children either would not or could not take care of them.

So Franklin Roosevelt very wisely decided everybody is entitled to a little dignity in their old age. And that is the reason it is easily the most popular social program that has ever been developed in this country. And now it is not particularly a social program because it is self-funding.

And why is it we have food stamps, which is within the jurisdiction of this committee? We have food stamps because we made a conscious decision in about 1972 that we did not want any child in this country going hungry.

I just returned from a trip abroad which included Mongolia. I notice that the First Lady visited Mongolia about a week after some of us were there. You always learn more on those trips than you think you are going to. Ulaanbaatar, the capital of Mongolia, which is struggling to democratize, which needs our help, has 4,000 children under 10 years of age on the streets. And they die in the wintertime. Strangely enough, that city's motto is "The coldest capital in the world." They need a new PR agent. I cannot imagine anybody wanting to visit a city because it is the coldest city in the world as a capital city.

But my wife Betty, who has spent her life in children's programs, got extremely concerned about that when we got there and discovered that. And she went to some of the facilities where they care for children. And she said these children—they have a central heating system there, which serves virtually the whole city. Can you imagine—can you imagine being dependent on one gigantic pipe to heat an entire city? Well, anyway, these children live in those pipes in the wintertime, but even so they die in great numbers. They are cast out by their families, abandoned by their families through no fault of their own.

In this country, we decided in 1972 that we did not want street children, we did not want any child to suffer from lack of food. So that is the reason we have food stamps.

I use those illustrations simply because they are two of the most powerful I can think of. But back to the WIC Program, we have fully funded WIC, as long as I can remember in this committee, whether the Republicans or the Democrats are in charge. The Senator from Mississippi has very consciously and nobly made sure that that program was fully funded in this budget.

Mr. President, while we have an awful lot of money in this budget, the amount that the chairman and the committee has to deal with is very small by comparison. Out of $60 billion plus in the bill, virtually all of it is entitlements, such as food stamps—$28 billion this year, with a $1 billion reserve. The President wanted a $2.5 billion reserve. That simply is not possible within the framework of the amount of money with which we had to deal. Of the $60 billion plus this committee deals with, only $13.6 billion is available to us in outlays; that is, the money that will actually be spent in 1996. So we met our allocation. We cut in places where it hurts.

The President says he will veto the House bill, for reasons I am not going to belabor here. I do not believe the President will veto this bill, though he has voiced some concerns.

So, Mr. President, having said all of those things, I would be remiss if I did not say there is one thing that still troubles me about the bill and the only really serious disagreement—and this is a friendly disagreement with my distinguished chairman—and that is the Market Promotion Program.

Both the House and Senate have funded the Market Promotion Program, I believe, at $110 million. The House put $110 million in, and that is what the Senate bill has. Senator BRYAN and I will attempt to strike that from this bill at some point during the deliberation on it.

Again, I am not going to belabor that except simply to say I have always—no, not always, I think I may have supported this once or twice—but for the past 3 or 4 years, I have been very much opposed to the Market Promotion Program because it gives money to the biggest corporations in

America to help them sell not wheat, not corn abroad—we have $2 billion in export incentives now, this is only $110 million. This helps McDonald's, for example, introduce the Big Mac around the world.

I do not know what McDonald's sales are. My guess would be somewhere between $10 billion and $15 billion a year. My question is, why on Earth should we be subsidizing McDonald's? Why should we be subsidizing Gallo Wine, another company not exactly a pauper? There are literally hundreds of corporations on the list, and virtually every one of them are quite able to do these things on their own.

I just simply cannot support that. Last year, we got beat badly. I think we got 36 votes last year—37. We only got 37 votes last year to kill this program. So it seems to me well and healthy. The phones are ringing off the wall now by the companies who enjoy the few million bucks they get out of that program every year.

It is an amazing thing, is it not, how everybody knows exactly when these appropriations bills are coming up. This morning, I watched an ad by the Boeing Corp. It shows all these children in the classroom talking about how wonderful space is, shown intermittently with people space walking. It just so happens that the space station is on the agenda this week. So all these ads start flooding television, and I know that my efforts to kill the space station are probably dead on arrival.

When I think about how we had to labor over this bill to provide money for wastewater and drinking water for rural areas, and as we cut education unbelievably, and as we cut welfare unbelievably, as we are now proposing to cut the earned income tax credit, which I think is one of the best programs to deal with welfare we have ever invented, and then I see us headed toward a $94 billion—$94 billion—to throw something into space that we might use to go to Mars. Forget all that medical science research. The Russians have had space stations up for 20 years. If they have gotten anything out of it, they have very carefully guarded it. Nobody knows what it is.

We have been sending shuttles up for as long as I can remember now, and what have we gotten out of it? I noticed this week they developed some tools that they say will work to put the space station together.

I do not want to do the space station debate here. I am simply saying that the deficit is the No. 1 problem in the country, and everybody wants to do something about it, including yours truly. I have been standing back there at my desk since I have been in the Senate saying that. It is a question of priorities. We do not need the space station; we need to educate our children. We do not need the Market Promotion Program; we need to build water and sewer facilities for our rural people under the heading of rural development. We need it for Head Start.

This morning when I went downstairs, Betty was sitting with a man who used to be the dean of the department of public health at Harvard, Howard Hyatt. Over the years, because of Betty's activities in the immunization programs and the peace movement, she got to know Dr. Hyatt. He is secretary of the American Academy of Arts and Sciences. So I got a chance to visit with him for about 30 minutes before I came to work.

He says the American Academy of Arts and Sciences have a lot of projects going, but one of their new ones is literacy. That does not sound very sexy; everybody talks about literacy. But what they want to do, of course, is to develop a program, as they are doing in a pilot program in Boston right now, to try to develop early intervention, which is the key to everything. If a child cannot read, the child has not a dog's chance.

So I told him I would try to help. That is what Head Start is all about, early intervention, teaching children to read.

Mr. President, one of the things trendy in this country is everybody wants to jump on agriculture. You read all those stories lately about how terrible agriculture is and how much they suck out of the Federal Treasury. The truth of the matter is, the American farmers still produce food for the American consumers at a smaller price than any nation on Earth. Happily, commodity prices are at a point now where these subsidies do not amount to nearly as much as they used to, but everybody wants to do away with them. We produce rice in our State and we will ship it to Japan for $250 a ton. The Japanese farmers get $900 a ton for growing rice in their own country.

Mr. President, I understand that Senator REID has an amendment and will be here shortly to offer it. I hope that during the course of the day, we can dispose of some of these amendments, start voting on them at 5:15 this afternoon, and finish this bill no later than tomorrow.

Again, my sincere thanks and congratulations to Senator COCHRAN for the magnificent job he has done under unbelievably difficult circumstances.

I yield the floor.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator from Arkansas for his kind remarks and for his help and hard work in putting together this legislation.

When we presented this bill to the full Committee on Appropriations, a number of committee amendments were adopted and approved at that point. I am going to propose a unanimous-consent request that these committee amendments be considered and agreed to, en bloc, with some exceptions which will include two amendments that we adopted, one of which had to do with an earmark of funds that would be available to the Secretary of Agriculture for additional and supplemental disaster assistance and, in addition, to the catastrophic crop insurance benefits that are available to agriculture producers. During the full committee markup, Senator KERREY of Nebraska indicated that he would offer an amendment to strike that provision. So that is exempted from this request.

There is also a provision in the bill dealing with a regulation promulgated by the Department of Agriculture relating to the labeling of frozen poultry products. One or more of the Senators from California will offer an amendment on that subject. So that amendment is exempted from this proposal.

With that explanation, Mr. President, I ask unanimous consent that the committee amendments to H.R. 1976 be considered and agreed to, en bloc, with the exception of the portion of the committee amendment appearing on page 83, line 4, down through and including line 2 on page 84, provided that no points of order are waived thereon, and that the measure, as amended, be considered as original text for the purpose of further amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

So the committee amendments were considered and agreed to, en bloc, with the exception of the committee amendment beginning on page 83, line 4, through page 84, line 2.

Mr. COCHRAN. Mr. President, I hope Senators will—as suggested by the distinguished Senator from Arkansas—come to the floor now and offer amendments. We will be happy to debate them and consider them.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

PRIVILEGE OF THE FLOOR

Mr. BUMPERS. Mr. President, I ask unanimous consent that Phil Schwab, a congressional fellow in the Democratic leader's office, be granted floor privileges during floor consideration of the agriculture appropriations bill.

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

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that the pending committee amendment be temporarily laid aside.

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

AMENDMENT NO. 2685

(Purpose: To prohibit the use of any funds appropriated under this act for Board of Tea experts)

Mr. REID. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID], for himself and Mr. BROWN, proposes an amendment numbered 2685.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . BOARD OF TEA EXPERTS.

None of the funds appropriated under this Act may be used for the salaries or expenses of the Board of Tea experts established under section 2 of the Act entitled "An Act to prevent the importation of impure and unwholesome tea", approved March 2, 1897 (21 U.S.C. 42).

Mr. REID. Mr. President, I have heard my friend, the senior Senator from Arkansas and ranking member and comanager of this bill, on many occasions stand on this floor and talk about things he has done or tried to do over the years that keep coming back. Well, this amendment takes second fiddle to none of the amendments that the Senator from Arkansas has offered.

Mr. President, 2 years ago, I offered an amendment to do away with a tea tasting board. The amendment passed. Everyone thought the tea tasting board was history. Wrong. This organization, which was founded and formed in 1897, is back with a vengeance. How? No one seems to know. But it is back spending taxpayers' money tasting tea.

Mr. President, this amendment is offered on behalf of myself and Senator BROWN of Colorado. I would like the RECORD to reflect that.

Mr. President, when I offered this amendment 2 years ago, there was general acceptance that this was the right thing to do. Why? Because it does not seem appropriate anymore that we need people to swish tea around in their mouth to determine if the texture is right and the taste is just right. This is an anachronism that should have gone out right after the turn of the century. Yet, with the new century fast approaching, they are still swishing tea.

I have learned in recent months that my efforts to eliminate the Board of Tea experts somehow was lost in the bureaucratic shuffle that takes place during the conference held on this bill and that takes place in the bowels of the Agricultural Department.

There is no reason for this tea tasting board. The reason people are upset with Government is because of things like this. You would think that a group of gentlemen and ladies working together would have had the courtesy to say, "Senator REID, we are going to keep the Tea Tasting Board; we do not care what you do on the floor." But rather than do that, they sneak around in the dark of the night in some office room here in Washington and figure out a way to thwart the will of Congress.

My amendment passed both bodies 2 years ago, but the Board is still here. This is the reason people are upset about Government.

Is there a single human being in the United States that favors a tea tasting board or the Board of Tea experts? Is there anybody that favors this? The answer is no, unless you are one of the tea tasters. There is no reason for this. Yet, we are spending a couple hundred thousand dollars a year of taxpayers' money having people meet in some fancy office room and swish tea around in their mouth.

I see no reason, Mr. President, why those in this country who enjoy drinking tea need someone else to tell them what tastes good. I guess I should not feel as upset as I am, because I have to tell you, these tea tasting people have resiliency. When I was a little kid, we would chase lizards, grab a lizard and sometimes jerk off the tail by mistake. But it did not matter, the tail grew back.

These tea-tasting people are just like the lizards. You grab them and jerk something off and they are right back.

I repeat, I should not feel alone because President Nixon tried to get rid of the tea-tasting board. They outsmarted him. He was not easy to outsmart.

I tell you, Mr. President, as long as I am here, I am going to stand and talk about this board of tea experts and tell the American people what an absolute waste of taxpayers' money it is to have them spend $200,000 a year swishing tea around in their mouths so they can get their expenses paid for a little jaunt to wherever they hold this event every year.

The tea expert board was created as part of the Tea Import Act of 1897. I did not make a mistake. I did not say 1987, I said 1897. There are six outside experts and there is even a person from the FDA that comprises this board.

They are supposed to set standards for tea. As part of their duties, of course, they taste this tea. As I have indicated, Mr. President, the cost of this is about $200,000 a year. The industry brags that they offset this by about $70,000 a year with some fee they charge the tea importers.

This might not seem like a lot of money when we talk about billions of dollars every year. This is the kind of thing that causes people to lose their good feeling about government.

No matter how often you stamp this insect out, it comes back. Nobody wants them. We have to do away with this.

Now, I think that probably the Food and Drug Administration and other organizations may need to set some standards on tea. I hope so. Just like they set standards on other things that are imported. But a tea-tasting board? A Board of Tea experts? I think the only tea party we need is a congressional tea party to once and for all drown the organization. Put it out of its misery. There is not anybody in the United States that is going to stand up and cheer for the Board of Tea experts. It seems inappropriate and, I think, morally reprehensible to expend moneys from the Treasury for a program like this.

Mr. President, I always try to do things the right way. Maybe what we should do is have a vote on this. I have the exact words of the Senator from Arkansas—the exact words. "I have some very good news indeed for the Senator from Nevada. I am not about to stand here and defend an appropriation for a tea-testing board. We will accept his amendment."

Well, maybe what we need to do is get a vote on this thing. When the managers of a bill, I learned a long time ago, say they will accept an amendment, I think that is usually the way to go but maybe what we need to do is have 100 Senators walk up here and vote on this tea-testing board and maybe that will send a bigger message to the House and maybe to these people in the Agriculture Department that there are certain things we need to get rid of.

Now, Mr. President, I have worked on other things that are really hotly contested and debated issues. The wool and mohair subsidy; that was an issue that had some merit on both sides. I acknowledge that.

As the Senator from Mississippi and the managers of this bill know, either on this bill or at some subsequent time, I am going to do some work on the sugar subsidy. There are merits on both sides of that. I understand that.

The same on the peanut subsidy. Although I think we should get rid of the sugar subsidy and peanut subsidy, there is at least an argument that can be made for those programs. No one is going to get on the floor and defend a Board of Tea experts.

Mr. President, I think we should have a vote on this. I think we should walk in here and rather than have this just accepted, I think we will have a vote on this, whether the U.S. Senate really sincerely wants to send a message to the Agriculture Department that we ought to get rid of this. We want to send a message to the Federal Government generally, these are the kinds of programs that are wasteful and we need not spend taxpayers' money on them.

When we are cutting personnel to our National Park System, when we are debating how much we are going to hurt agriculture, when we are talking about Medicare cuts, can we not cut, once and for all, the tea-tasting board?

Mr. President, I understand the unanimous-consent request that was granted last Friday that we will have votes at a later time. On this amendment, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. COCHRAN. Mr. President, as the Senator discussed his amendment, I recalled that we had this issue before the Senate, as he said, 2 years ago. My recollection is that we agreed at that time that there should not be any Federal funds appropriated by the Congress for this Board of Tea experts, and we specifically included language in the bill that prohibited any funds appropriated in the legislation be used for that purpose.

I am told, as we were sitting here trying to recall the exact details of that, that the FDA does have some responsibility, under its authority to inspect imported foodstuffs, to determine whether they are safe for human consumption. There is some authority for them to inspect imported foods, and this is an imported consumable food, but that no funds would be used that were appropriated especially for paying expenses of this Board of Tea experts. Our recollection is that industry decided that they would provide the funds to carry out the work that was being done.

I thought that is what was being done. We are checking with the FDA right now to get a reaction from that agency and to find out exactly what their side of the story is. Are they using funds we are appropriating after we have specifically prohibited the use of Federal funds for that purpose?

I want to know the answer to that because I agree with the Senator from Nevada, if we have legislated a prohibition on the use of appropriated funds and this agency continues to use funds that are not authorized, we need to know about it. We need to get somebody up here to answer to that.

I am sympathetic with the amendment the Senator is offering. I urge the Senate approve it.

If, in fact, they are not using appropriated funds, I do not see any point in kicking a dead mule. We could bring the dead mule in here and have all 100 Senators line up here and come kick it if that would make us all feel better, but I do not see any point in going through that. I do not see any need for voting on it if it is not happening and they are not using the appropriated money. I sympathize with the Senator and appreciate his bringing it to the floor of the Senate.

Mr. REID. Mr. President, I appreciate the manner in which the Senator from Mississippi has responded. I could not agree more. The information we have is until recently the American taxpayers directly paid more than 60 percent of the Board's $200,000 annual cost.

In 1993, the cost was shifted to the American Tea Consumers by raising the fee of 3.5 percent per hundred weight of tea imported to 10 cents. Nonetheless, the taxpayers continue to fund the salary of the chief tea taster, maintain the Federal tearooms, and other related activities. That is what the taxpayers should not be involved in.

I am all for the Food and Drug Administration making sure that the tea that is very popular in this country is safe and is good to drink. But, Mr. President, we have coffee, we have all other kinds of programs that the FDA is involved in, and we do not believe we need a board of coffee experts.

I accept what the Senator has said. If it can be shown, of course, they are not doing this—which I think will be hard to show, because vouchers have already been expended—I will be happy to withdraw my request for a recorded vote. I really think Senator BROWN and I have something to say, and that is let us stop this. This is outrageous.

I appreciate the support of the managers of the bill.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I, like the Senator from Mississippi, thought we put this thing to bed 2 years ago. I may be mistaken. These things have a way of resurrecting themselves, even when Senators think they have taken care of it. But I think the vote, if there is a rollcall vote, will be 100 to zip to discontinue this program, or at least discontinue any Federal taxpayers' money being used in it.

I hope either way the Senator will vitiate his request for the yeas and nays because rollcalls take 20 to 30 minutes. My guess is, the way we compute costs of the operation of this body, the rollcall vote will take up almost enough time to cancel out any savings we get by torpedoing the Tea Board. So I hope the Senator will think about that during the day and possibly vitiate his request for the yeas and nays, because I can assure him, every single Senator in the U.S. Senate feels the same way he does.

Mr. REID. Mr. President, let me respond to the managers of this bill. The only reason we need a rollcall vote is so the Senate is on record strongly supporting this amendment. I have the greatest confidence in the Senator from Mississippi and the Senator from Arkansas. I do not know of two more qualified people to handle an appropriations bill, especially an agriculture appropriations bill, than these two distinguished Senators.

Therefore, based on the statements that they just made and regardless of what we find out during the course of the day from our staffs, which I think will confirm basically what I have stated here today—but based on the assurance they will do everything they can to make sure the conference language is very clear that the Federal Government should no longer be involved in the Board of Tea tasting experts, if they need one let it be paid for out of the private sector, I withdraw my request for a recorded vote.

I also believe each time 100 Senators come over here with staff and everything, it costs the taxpayers money and we should not do that needlessly.

So based upon what they have just stated here on the Senate floor, I ask unanimous consent my request for a recorded vote on the amendment now before the Senate be withdrawn.

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

The Senator from Mississippi.

Mr. COCHRAN. I thank the distinguished Senator from Nevada not only for his decision to vitiate the yeas and nays on his amendment, but for his kind comments about the managers of the bill and our efforts to manage this bill for the Senate. He is a good friend and one of the best friends I have in the Senate. I admire and respect him. We continue to enjoy working with him on matters of mutual concern that come before the Senate.

Mr. President, I do not know we have adopted the amendment. We probably need to do that.

If there is no further debate, we ask the amendment be agreed to.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2685) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. BUMPERS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, we do know of a number of amendments Senators intend to offer to this legislation. We hope we can proceed to consider them in an orderly way. It would be a shame to have periods of time when we do not have amendments being debated or considered by the Senate during today and then wait until tomorrow and everybody wants to offer their amendments tomorrow just before we are going to vote on final passage.

So I encourage Senators to come to the floor now, as Senator REID from Nevada has done, to present their amendments and let us dispose of the amendments or at least debate them, and if we need to have record votes then we will order record votes. We could have a record vote—I know at least one is ordered under the agreement, maybe two; one, at least, after

5:15 today. Then the other votes, if they are needed, will occur tomorrow. We have an order already entered for two amendments to be voted on, and final passage of the welfare reform bill tomorrow at 2:45. There is a period of time tomorrow set aside for concluding remarks on welfare reform.

So as Senators can see, we need to make progress today so we can complete action on this bill and all amendments to it, if at all possible, by noon tomorrow. That was our commitment to the majority leader when we were authorized to take this bill up today, and that is why we began on the bill at 10 o'clock, so Senators could come and offer their amendments and have them debated today. So we hope Senators will cooperate with the managers of the bill in that regard.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2686 TO COMMITTEE AMENDMENT ON PAGE 83, LINE 4, THROUGH PAGE 84, LINE 2

Mr. DASCHLE. Mr. President, on behalf of Senators KERREY and KOHL, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Dakota (Mr. DASCHLE), for Mr. KERREY, for himself and Mr. KOHL, proposes an amendment numbered 2686 to committee amendment on page 83, line 4, through page 84, line 2.

Mr. DASCHLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 83, strike line 4 through line 15;

On page 43, line 17; strike $528,839,000 and insert in its place $563,839,000;

On page 52, line 18; strike $17,895,000 and insert in its place $22,395,000;

On page 52, line 24; strike $30,000,000 and insert in its place $37,544,000;

On page 55, line 1; strike $1,500,000 and insert in its place $3,000,000.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the amendment be laid aside until later today.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. I ask unanimous consent that further proceedings under the quorum call be dispensed with.

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

Mr. DOLE. Mr. President, let me indicate to my colleagues that we are on the Agriculture appropriations bill. The managers are available, ready to do business, but nobody is coming forth with amendments. So I urge my colleagues on both sides of the aisle to bring over their amendments. Senator COCHRAN is here. Senator BUMPERS is available. They are ready to do battle or do business, whichever.

We need to finish six appropriations bills before October 1. As I have also indicated, if we finish the six appropriations bills, there is a possibility we will have a recess period for 5 days, which I hope will be an incentive to some of my colleagues to speed up the process.

So, after this bill tomorrow, of course, we will vote on the historic welfare reform bill at probably about 3:30, after disposing of a couple other amendments. But we would like to complete action on the ag appropriations bill by noon tomorrow and then move to another appropriations bill, possibly foreign operations, which we think we could finish in a day and a half. And then it gets a little more difficult. But my view is, with the cooperation of everyone with the managers, we could complete action, say, by September 30, a week from Saturday, probably with a Saturday session.

We probably would not finish all the conference reports, but at least have completed action on the appropriations bills. That would help avoid what some have referred to as a train wreck because we could continue the Government with a continuing resolution. It would not be a very—we can do that quite easily.

On behalf of the managers, I want to make a plea to my colleagues on both sides of the aisle that they are here, they are ready for business, and we would like to complete action on this bill by noon tomorrow. Thank you.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

AMENDMENT NO. 2687 TO COMMITTEE AMENDMENT ON PAGE 83, LINE 4, THROUGH PAGE 84, LINE 2

(Purpose: To eliminate the Board of Tea Experts)

Mr. BROWN. Mr. President, I rise to offer an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 2687 to committee amendment on page 83, line 4, through page 84, line 2.

At the appropriate place in the amendment insert the following:

(a) None of the funds appropriated or made available to the Federal Drug Administration by this Act shall be used to operate the Board of Tea Experts and related activities.

(b) The Tea Importation Act (21 U.S.C. 41 et seq.) is repealed.

Mr. BROWN. Mr. President, I am not sure the amendment makes it clear, but I ask unanimous consent that this be considered as an amendment to the committee amendment that is before the body at this point.

Mr. President, I know the body has already discussed the tea-tasting board. The distinguished chairman of the Appropriations Subcommittee has correctly pointed out we no longer fund in the ag bill the cost of their activities, at least in terms of their per diem.

As I understand it right now, the per diem of $50 a day is now paid for by the tea-tasting experts themselves. In addition, they pay their own cost of travel and living expenses going to and from Washington to perform their duties.

But, Mr. President, there also exists in our Federal law a requirement for the Food and Drug Administration to pay for the employees that sample the tea. And that is what this amendment gets at. It gets at that cost that is mandated by the Tea Importation Act by repealing it.

Thus, this amendment will not only forbid the paying of the salaries by the FDA employees, but will also repeal the Tea Importation Act. Mr. President, this is a significant step because it says a lot about our commitment as a country to competition.

Currently, the Tea Importation Act can be used to keep out a product from the United States. In effect, what it does is give to the industry the ability to determine what quality is allowed to come into the United States, rather than our consumers. The fundamental question Members will have to ask themselves is whether or not it is the Government's responsibility, through the tea-tasting board of experts to determine what tea is allowed to come into this Nation and which ones these experts should exclude.

I have great faith and confidence in the ability of consumers in this country to determine for themselves what tea they like and what they do not like. As a matter of fact, it seems ludicrous that in this day and age that we should have delegated to a Government board or agency the ability to decide which tea is permissible to enter into the Nation.

So this amendment is quite straightforward. It forbids the FDA to pay for the employees or eliminates from the bill the ability to pay for the employees that FDA is required to hire. It also repeals the Tea Importation Act.

Mr. President, some will say there is danger to consumers here. Someone could get a bad cup of tea if this amendment is adopted. Indeed, Mr. President, I suspect that is true. It is also possible whether this Board exists or not. But this, more than anything, is an effort to bring competition to our economy and eliminate artificial barriers to trade and to competition.

Moreover, it says a lot about what we envision the purpose is of the Federal

Government's role. Those who think the Federal Government should have an all-pervasive role will want to retain those people who gather periodically to taste tea from around the world at Government expense, at least for the employees' salary. But others will think that Americans are competent and capable enough to decide what tea they want.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. KYL). Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. COCHRAN. Mr. President, if the Senator has completed his statement and yields the floor, let me say we already this morning had an opportunity to talk about this issue during the discussion of the Reid amendment, the amendment offered by the distinguished Senator from Nevada. We discussed during the pendency of his amendment the fact that 2 years ago an amendment was adopted on the floor of the Senate prohibiting the use of any appropriated funds to pay the expenses or the costs of this so-called Tea Board.

It was our understanding at the time that FDA, as part of its responsibility to inspect imported food consumables, had a role to play in determining the fitness for human consumption of imported tea because it was an imported consumable product, and that was the justification Congress was given when inquiries were submitted to the agency about this program and the need for these funds.

It was the sense of the Senate at that time, and we debated the issue then and we agreed, that there should be in the legislation a prohibition against the use of funds to pay the costs of this Tea Board, this expert Board of persons, one of whom had to be employed under this law the Senator from Colorado talks about, to serve on this board.

I have no quarrel whatsoever with insisting upon the language that has previously been approved by Congress on this subject. We have inquired already this morning about the reaction of the FDA to accepting the language offered by the Senator from Nevada earlier today. We have accepted that amendment. It has been approved by the Senate on a voice vote. He, likewise, had asked for the yeas and nays and agreed to vitiate the yeas and nays. I do not know of anybody who is going to vote against the amendment.

I certainly am not going to defend the continued use, if it is going on, of federally appropriated funds for the so-called tea tasters that the Senator from Nevada and the Senator from Colorado have brought to our attention again.

I do not know what the reaction of the distinguished Senator from Arkansas to this amendment would be. The only thing that is new in this amendment that was not contained in the Reid amendment is the repeal of a legislative enactment which is spelled out in the amendment offered by Senator BROWN.

I hope that we will refrain from using this appropriations bill as a vehicle for the adoption of amendments that strike out previously enacted legislation. This is not a bill to rewrite farm legislation, Food and Drug Administration authorities, or any other legislative enactment. It is not appropriate on this bill to revisit the body of Federal law on a number of different subjects, including the authorization for this so-called inspection or tea board.

So I hope that Senators will not get the idea that since I am not opposing this amendment that I agree that it is the thing to do, to take up proposals to repeal certain previously enacted laws by the Congress.

I know there are Senators who want to make changes in different kinds of farm program language. I hope that Senators will resist offering those on this bill and wait until we have the farm bill on the floor, wait until the Agriculture Committee has completed its review of all laws on the subject of production agriculture and food inspection and the like. If there are amendments that should be made to existing laws on those subjects, it seems to me the best practice would be to wait until we have that bill on the floor and offer the amendments at that time to that legislation.

This bill appropriates money to fund the programs, it does not write the authority to fund the programs. So we are not talking in this amendment about a funding level, except to say, and I agree with the Senator, that we should prohibit the use of funds appropriated in this bill to carry out the activities described in the Senator's amendment.

So with that caveat, I suggest that we accept the amendment. I hope the Senator will consider vitiating the yeas and nays. I do not know of any Senator who would vote against this. Maybe it is controversial, but I do not think it is controversial to me. I think the Senator is on the right track, and we ought to do what he says.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Mr. President, this is somewhat different than the Reid amendment that was offered earlier in the day in this respect: It does repeal the underlying act which the distinguished chairman from Mississippi has just outlined for the Senate, one other thing in terms of cost.

The Reid amendment eliminated the salaries for the Board of Tea experts. It did not eliminate the funding of the salaries of the staff. I am advised that the FDA's field force expanded by 6.9 direct FTE's in support of the Tea Importation Program. The average cost is $6,000 per FTE, and the program cost the agency approximately $52,500. That was in fiscal year 1994. So it is slightly different than the Reid amendment in that it repeals the underlying Tea Tasters Act and it also eliminates funding for the staff, which the Reid amendment did not.

I very much appreciate the distinguished chairman's support of the amendment. In light of that, I ask unanimous consent to withdraw my request for the yeas and nays.

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

Mr. BROWN. Mr. President, I ask unanimous consent that Senator ABRAHAM be added as a cosponsor.

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

Mr. COCHRAN. Mr. President, one other caveat, if the Senator has completed his statement. We have inquired of the Food and Drug Administration what requirements of law, if any, might be repealed by this amendment related to their obligation to inspect on the basis of determining the fitness for human consumption of imported consumable products. And we are advised that the FTE's, the staff hours that are used for this purpose, are directly related to the obligation of the FDA to certify the fitness for human consumption of imported foodstuffs. So I am told that is their reaction. So that is not the sole purpose of the employees who are described by the Senator from Colorado, to see whether or not the tea tastes good. That has been the big issue.

It sounds kind of ridiculous that people are telling us whether tea tastes good or not. Anybody can decide whether or not something tastes good. That is not what we are suggesting ought to be protected in terms of any statutory language that may be affected by this amendment.

But if we find that there is a legitimate responsibility to determine whether or not imported foodstuffs will be dangerous for human consumption by citizens of the United States, that is another matter. I hope, as we proceed with the consideration of this issue, whether it is in the markup of the agriculture legislation this year, the rewriting of the farm bill, or wherever else we might have to consider this, that we keep in mind that the FDA is not in the business, or should not be in the business, of just determining whether food tastes good, but whether it is dangerous, whether it has potential harm or consequences. I think we do want to keep in place the authority for those determinations.

Having said that, I think the Senator knows what he is doing, and he is not trying to put anybody in jeopardy of contaminated imported tea. We will make sure that, as we review this statutory language, either on this or other

legislation, we keep in mind that important consideration.

The PRESIDING OFFICER. Is there further debate on amendment No. 2687?

Mr. COCHRAN. Mr. President, I am told Senator BUMPERS, the distinguished manager on the Democratic side of the legislation, wishes to express his views on this amendment. So if the distinguished Senator will permit me, I ask unanimous consent that we set aside, temporarily, this amendment so that he may proceed to offer whatever other amendments he may wish to offer at this time; or if he would like to debate this issue further, that we proceed to do that. I would not want to go to a vote on the amendment until the Senator from Arkansas has had an opportunity to be heard.

Mr. BROWN. Mr. President, I thank the Senator for that. Certainly that is appropriate. There are a couple of points I thought might be worthy of making.

This underlying act was passed originally in 1897. It is nearly a century old. Perhaps its length of time says something about the need to take a fresh look at it. The language of the act talks about the purity and quality and fitness of imported tea. Largely, purity and quality, it strikes me, are consumer decisions, not decisions appropriate for the Government.

Certainly, the chairman hits the nail on the head when he says the FDA has a responsibility to make sure that we do not have poisonous foodstuffs harming consumers, and that function, I think, is clearly established under other sections of the law.

Right now, only about 1 percent of the 209 million pounds of tea imported every year is currently rejected due to bad quality. But, Mr. President, I think what is important here is the potential of an industry abusing this kind of law to discourage price cutting and to restrict competition when there is a glut on the market.

Mr. President, the first and only term that I served in the Colorado State Senate was a wonderful experience. In 1973, I got a chance to observe human nature. Colorado had a statute on its books that provided for the testing of plumbers. The State of Colorado wanted to make sure, I guess, that there were not any unqualified plumbers preying on the public. So they would test plumbers for their ability to perform services. On a regular basis, of the plumbers that applied, 90 to 95 percent would pass the exam. Sometimes 100 percent passed. It was not a terribly tough exam.

Colorado, like Arizona and Mississippi, had gone through years of growth. There were always jobs for plumbers in the State. Many came in from out of State. I think they were drawn not only by Colorado's beautiful environment but, I think and suspect, by the job availability as well.

But there was a downturn, as Members will recall, in 1973 and 1974. In 1974, the passage rate on the exam dropped. All of a sudden, plumbers coming into the State, instead of 90 to 95 percent passing, some 70 to 80 percent flunked the exam. What caused this dramatic drop in the qualifications of plumbers? Was it the degradation of their abilities? No. It was a surplus of plumbers within the State. The fact was, what they did was they used a Government board to test and determine who is qualified for admittance into the State in the profession of plumbing as a way of eliminating competition. So when prices were in the process of dropping, they used the Government tool that had been handed them as a way of eliminating new competition.

Leaving this tea tasters statute on the books gives the industry a handle to use against someone who might try to cut prices. It leaves the industry a handle they might use against somebody who would flood the market and reduce prices for the consumer and increase competition.

I think that concept, as well as that fear, that concern—we, the Government, ought to be about protecting and helping the consumer, not endangering the consumer, which is what has drawn me to offer this amendment. It is not just the waste of money under current circumstances. I guess in 1994, we mentioned $253,500. It is not just that waste of money. It is the concept that we would place in the hands of an industry the ability to restrict or penalize people who might reduce the ability to bring in a product, to reduce prices, and provide options for the consumer.

It seems to me that we need to be very wary about items that reduce competition. There is the potential that this statute could be abused in a difficult market. That is why I think repealing the underlying statute is so important, not just for the cost, not just because of the concept of what Government should and should not do, but because of the potential abuse of this statute in an anticompetitive fashion.

Mr. President, I yield the floor.

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. COCHRAN. 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. COCHRAN. Mr. President, I have conferred with Senator BUMPERS' staff and also conferred with the legislative committee staff that has jurisdiction over the Food and Drug Administration in this specific legislation which is the subject of the amendment of the Senator from Colorado.

It is our understanding there is no objection from the legislative committee to accepting this amendment.

Under the status of the debate, as I understand it, while the yeas and nays were requested and the yeas and nays were ordered, a unanimous-consent order was entered to vitiate the yeas and nays if we were going to accept it on a voice vote.

We are prepared now to accept the amendment on a voice vote and we are prepared to proceed to that.

The PRESIDING OFFICER. Is there further debate on amendment 2687?

The question is on agreeing to the amendment.

The amendment (No. 2687) was agreed to.

Mr. BROWN. I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2688 TO COMMITTEE AMENDMENT ON PAGE 83, LINE 4 THROUGH PAGE 84, LINE 2

(Purpose: To prohibit the use of appropriated funds to carry out the peanut program)

Mr. BROWN. Mr. President, I rise to offer an amendment and ask for its immediate consideration.

Mr. President, I ask this be considered as an amendment to the committee amendment.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 2688 to the committee amendment on page 83, line 4 through 84, line 2.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . PEANUT PROGRAM.

(a) IN GENERAL.—None of the funds made available under this Act may be used to carry out a price support or production adjustment program for peanuts.

(b) ASSESSMENT.—The Secretary of Agriculture may charge producers a marketing assessment to carry out the program under the same terms and conditions as are prescribed under section 108B(g) of the Agriculture Act of 1949 (7 U.S.C. 1445c-3(g)).

Mr. BROWN. Mr. President, this amendment is different than the previous amendment. What it does is deal with the expenditures for administrative costs for the peanut program. It does not attempt to modify or repeal the underlying program itself.

The reason I do not attempt to repeal the underlying program is because, as I understand it, the Agriculture Committee is diligently reviewing the peanut program and will have recommendations. My understanding is that those recommendations are in effect necessitated by the fact that the passage of the NAFTA agreement has opened up our market which is a protected market, in which peanuts sell for significantly higher amounts in the United States than they do overseas.

NAFTA has opened that market up for competition from Mexico. Mexico has a significant ability to produce peanuts and produce them at world market prices dramatically lower than United States market prices.

The change in the peanut program will be essential. I expect we will be seeing the Agriculture Committee move on that in a diligent fashion.

My amendment is less ambitious in its scope. What it simply suggests is that the administrative costs of the program should not be paid for by the taxpayers of this country, but it does empower the Secretary of Agriculture to charge producers a marketing assessment to carry out the program under the same terms and conditions as prescribed under the law.

What it does is shift from the taxpayers the cost of administering this program over to the people who benefit by this program.

It seems to me that this amendment is fair and reasonable. The savings, we are advised, is in the neighborhood of $2 million for this year, a potential savings of $11 million over 5 years should this apply in future years.

I would be remiss if I do not note that the cost to the consumers of this country and to the taxpayers of this country of the peanut program itself is many, many times beyond that.

I am advised that the peanut program costs the American taxpayers $120 million a year. Let me repeat that: $120 million a year. That is not peanuts.

This peanut program has placed us in a situation where the taxpayers get hit for $120 million a year, to support a program that is then priced significantly above the world market.

The costs to the American taxpayers for peanuts is not just the $120 million a year. It is the American consumer that really pays the price.

Estimates from a GAO report in 1993 indicate that the cost to the consumer could range between $300 million and $500 million a year.

What we have is a very unusual agriculture program. The peanut program is much different than most other programs, but not all. In effect what this peanut program does is makes us uncompetitive in the world market, gouges American consumers for between $300 and $500 million a year, and impacts the Treasury by $120 million a year for the program itself.

This amendment is modest. All it does is talk about saving the $2 million of administrative costs. Mr. President, it is $2 million we ought to save.

Farmers in America are the most competitive farmers in the world. They are productive. They are creative. They are efficient. The areas where the Americans are not competitive, the areas where the American economy has fallen behind the rest of the world are areas where we have not had vigorous competition. Areas where we do have vigorous competitions, we compete and we outcompete anyone in the world.

While this is a modest move, I look forward with great interest to the actions of the Agriculture Committee in dealing both with the cost for consumer and the cost for the general treasury.

I think this amendment sends a signal. It sends a signal of our commitment to begin to respect the taxpayers with regard to a program that has clearly outgrown its usefulness.

I suspect this will be controversial, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. COCHRAN. Mr. President, let me say that my concerns at this early point in the debate on this amendment surround the fact that we are working in the Agriculture Committee at this time and a meeting is called for this week to consider changes in existing farm legislation, including proposals to modify and reform the peanut program.

I have introduced legislation, for example, that seeks to reduce the overall costs of these programs, but to do so in a way that does not undermine the ability of farmers to continue to produce efficiently and operate at a profit, but how to go about downsizing the expenses of agriculture programs and still maintain that ability to produce what we need in our country, the food and fiber needs, to meet those needs and to still have a sufficient amount to export to contribute to our overall economic health is a big challenge.

I do not think we will be able to adopt incremental change on an appropriations bill that modifies this or any other commodity program that will achieve the goal in a coherent, rational, and orderly way.

This may be an excellent amendment in terms of improving the efficient administration of this program. But I would hate to see us adopt this amendment and have it undermine or in any way adversely affect the effort that we are making for comprehensive reform of agriculture programs in the legislative subcommittee. So that is the concern that I want to raise at this point.

I know there are others who may have more experience and are more of an expert in the understanding of the workings of the peanut program and how this particular amendment might affect the administration of the peanut program, but I express that concern, still hoping that we can fulfill the commitment that we have made to reduce the costs of these programs.

I know the Congressional Budget Office, for example, has estimated that the reforms I have suggested in my bill to reform the peanut program could achieve savings of over $300 million over 7 years. This amendment will reduce the cost of the program somewhat. But if we adopt this amendment and then we ask CBO to analyze the effect of the Cochran bill, that is going to have a negative effect. And in our overall effort at comprehensive reform and meeting the targets of reconciliation, we could actually be penalized in our efforts to reform the farm bill by adopting amendments like this one in an appropriations bill. Then we might have to cut other programs, nutrition programs, school lunch program, other farm programs, in order to make up the difference.

So I am hopeful the Senate will take that into account and consider that as we look at this amendment.

Mr. COVERDELL. Mr. President, as I understand it, the Brown amendment would address the commodity program that deals with peanuts, and it would assess peanut growers throughout the United States for the theoretical administrative costs of the program, or approximately $2 million a year.

Mr. President, this program is over 60 years old. It has been the focus of intense, deliberate, significant debate and discussion within the Agriculture Committee. The Senator from Mississippi, who is here on the floor with us, has been very instrumental in managing the vast array of details related to this program.

And to come into the appropriations process ad hoc and intervene into that process, in my judgment, is inappropriate, and intrudes in a very, very intense process to try to deal with this program and all those Americans that are affected by it and all the complexities. It does not need ad hoc intervention. It does not need ad hoc amendments. I welcome the Senator, who is not a member of this committee, to come forward and work with us with his suggestions. But this is not the way to manage this intensely complicated program.

So I rise against the amendment. I rise against its appropriateness. This is not the place for it. In fact, it will only make more complicated and difficult that which we are trying to do.

Now, Mr. President, I wish I could say that all U.S. programs were producing the kind of economic impact and social good that this program represents. In the United States, the program represents $1.2 billion in annual farm revenue, 150,000 U.S. jobs, $200 million in annual exports, and $6 billion in annual economic impact.

I mentioned a moment ago that the program is about 60 years old. All of the farm community and rural communities that are affected over this extended period of time obviously have become ingrained with the program.

The reach of the program goes beyond those that are directly involved with growing. The reach of this program, over the lengthy period of time

which it has existed, now reaches into the financial community, the agribusiness community, the agricultural equipment community, and represents thousands and thousands of jobs and is an economic stabilizer in communities that have suffered immensely over the last 25 or 30 years and continue to suffer from economic decline.

I do not suppose any of us here, if we were designing the program, would design it the way it is today. But those of us who have inherited it have also inherited a social responsibility to the communities affected by it.

Seventy-five percent—seventy-five percent—of the counties involved in producing this commodity in the United States have a poverty level in excess of 20 percent. These are hard-hit communities. These are communities that have suffered many of the changes that have been occurring when we move from rural to urban.

Most people I hear around here talk about their grave concern about rural America. I hear it everywhere I go. This is where, as they say in my part of the country, the rubber hits the road, because we are talking about a Government partnership, much of rural America represented by this program where changes that are not thought through can create massive—massive—economic instability. They not only affect immensely the health of the family farm in these communities, they affect the financial integrity of the loaning institutions and they affect significantly the extended economic suppliers of the industry.

There are some counties in my State if you just turn the switch off tomorrow will be out of business, flat out of business. These are people who were playing under the rules that were designed by this Government, as I said, over a 60-year period, and they have been playing by those rules.

Having said that, let me say that I take my hat off to this community that surrounds this commodity. I came here a little over 2 years ago. Everybody already knew we were going to be paying a lot of attention to these programs, because this is an era of change.

These people came to the table. Over the last 2 years, they have been working with their Senators, with the Agriculture Committee, and they have been endeavoring to represent and be a part of change. They have proposed and they have stood behind significant reforms in this commodity program. But they do want to be treated responsibly. They do want to be treated as partners. They do want us to appreciate that this arrangement was put in place by this Government, not them. And they do not want it dealt with in an ad hoc way. They want it to be dealt with as the good Senator from Mississippi has been doing.

I see my colleague from Alabama has come to the floor. The Senators from North Carolina, Texas, and Virginia have produced reforms that are no net cost to the Government. Those reforms will result in a 30-percent loss of income in the farm communities that I represent, but they have supported those kinds of reforms.

Throughout the process, they have been willing to discuss how it can be changed to make it satisfactory to the taxpayer, to the Federal Government and to the economic fragility of these communities. I think they have done so in good faith. I have become an admirer of the dedication to finding a way to make this program satisfactory to the American taxpayers, satisfactory to the producer, and satisfactory to the communities that are represented by this.

I have to say, Mr. President, that I have been struck by the dictionaries we find in Washington. I heard it a lot in the Agriculture Committee. When we talk about something we are doing in urban America, we often talk about our "investment." Somehow, when we get over to the rural communities, that word becomes "subsidy." When it is a Federal program that is working on the economic viability of rural America, that is a subsidy, but if we are talking about building bridges and roads to deal with the issues in urban America, that is an investment.

Both are investments. We are talking about the economic viability of vast rural regions in our country that have very high poverty rates. Of all the various programs that I have viewed, there are very few I have ever seen that cost so little, that produce so many jobs and so much economic good. That is sort of a rarity here, but that is what I see in this program. Not that it is perfect, and we have all acknowledged that and we are all working to change, but that ought to be done in the committee. That ought to be done by the people with the expertise. That ought to be done in good faith with the people that have come to the committee and said, "We are willing to sit down and work out compromises, and we are willing to do things to lower the burden on the American taxpayer."

It should not be done ad hoc in a frittering manner that destabilizes the entire effort that we have been about for the last 2 years. This should be done in the farm bill.

I commend all those Senators for the time they have expended on behalf of trying to reach an appropriate compromise. I commend the communities, as I said earlier, for their willingness to work, and I rise in opposition, in closing, to ad hoc management of a very complicated program that affects thousands of Americans in our country.

Mr. President, I yield the floor and suggest the absence of a quorum.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. Will the Senator from Georgia withhold?

Mr. COVERDELL. Certainly.

Mr. COCHRAN. Mr. President, I want to say I think the distinguished Senator from Georgia has really given a very eloquent, accurate, and persuasive statement about why this amendment should be rejected. There is no doubt about it; he is a very insightful Senator, and he has come to the Agriculture Committee with a great deal of good common sense and judgment which shows very clearly during his discussion of this amendment.

We are dealing with an appropriations bill. We are at work, on the other hand, trying to reform all of the commodity programs so that we can make them more cost effective, we can make them respond to the challenge of deficit reduction, but at the same time maintain stability in the agriculture sector and the capability for the future, and that is the most productive country in the world.

It is an enormously important sector of our economy, and to start nitpicking on this bill with these programs, like this peanut program that the Senator describes, we are running a great risk. It may sound good, it may make some feel good to vote for a change like this that is being recommended, but it is not going to serve the economic interests of our country as a whole and certainly not those regions of our country that are involved in this program.

I commend the Senator for his eloquent statement and his hard work as a member of our Agriculture Committee. I hope the Senators who heard him will pay attention and vote like he suggests—vote "no" on this amendment.

The PRESIDING OFFICER. Is there further debate on amendment No. 2688?

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2688, AS MODIFIED

Mr. BROWN. Mr. President, I ask unanimous consent at this time to modify my amendment on the peanut program.

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

The amendment (No. 2688), as modified, is as follows:

At the appropriate place, insert the following:

SEC. . PEANUT PROGRAM.

(a) IN GENERAL.—None of the funds made available under this Act may be used to pay the salaries and expenses of USDA employees who carry out a price support or production adjustment program for peanuts.

(b) ASSESSMENT.—The Secretary of Agriculture may charge producers a marketing assessment to carry out the program under the same terms and conditions as are prescribed under section 108B(g) of the Agriculture Act of 1949 (7 U.S.C. 1445c-3(g)).

Mr. BROWN. Mr. President, the modification is the product of the diligent work of the senior Senator from Alabama, and thanks to him a drafting error was spotted and corrected. The language that is in the modification makes it clear that this deals only with the administrative costs.

Mr. President, I will read the language that has been added, as it stands, to the modification.

None of the funds made available under this act may be used to pay the salaries and expenses of USDA employees who carry out the price support or production adjustment program for peanuts.

The following paragraph on assessments, which remains exactly as it was in the original amendment, is simply an ability to, through assessments, raise that money that the taxpayers have provided to pay for the salaries and expenses of USDA employees who administer the program.

Mr. President, as I say, this is intended to save about $2 million a year. It is not a substitute in any way for the changes in the peanut program which will be necessitated regardless of Members' feelings about the program. Those changes will be necessitated by NAFTA and the new competition of peanuts from the Mexican market. But it is, I believe, a step in the right direction to ask the people who benefit by the program to at least pay the administrative costs and not stick the taxpayers with that cost.

Mr. President, I believe this measure will be controversial. It is my understanding there are other Members who want to address it. I understand that the manager of the bill would prefer that the measure to be voted on tomorrow.

So I yield the floor.

Mr. HEFLIN. Mr. President, as I understand it, the distinguished Senator from Colorado has modified the amendment to apply to only administrative costs, of which there are about $2 million, and that there would be an assessment charged against the producers to carry out the program.

I am sure that the peanut program is controversial and that many programs are controversial. Agriculture programs are controversial, and under the Department of Agriculture every agricultural program is carried out and administered by the Department of Agriculture. Are we going to say that the wheat program, therefore, which is carried out and administered by the Department of Agriculture, if we were to follow the same concept, that on the wheat program there ought to be an assessment against the wheat producers relative to the administration of the wheat program?

If we stop and think about other programs, does this mean that if you carry this philosophy out, the Social Security recipients, therefore, should pay an assessment to the Government for carrying out the Social Security Program? Or the Medicare Program? Does this mean that the recipients in this program ought to be assessed the costs to carry out and administer the program?

You could go on with every conceivable program that the Government has that therefore this philosophy would be relative to. Or the same concept could be applied in regard to Senators. Should Senators, therefore, in order to have an accounting system for receipt of their salaries be assessed fees for the Government to carry out that program or to administer that program?

I do not agree with this overall philosophy, and I just point out questions pertaining to it.

I will have a good deal more to say about this later on, but I do want to point out right now that the concept of charging the producers of a program an assessment to administer the program is rather unusual and, if we start it, it ought to be applied across the board to every conceivable program—the orange juice program, the corn program, every program, wherever you are going to do it.

And then there are also other people in the chain that are recipients of a program such as, in the peanut program, the shellers, and then there are the market people, the manufacturers that use it—all of these people who are in effect beneficiaries of a program that ought to be considered rather than just the farmer. We have had a situation where we are looking at farmers today in some of the sections of the country who have had terrible disasters, and I just do not think this is the proper time to be doing something like this.

Overall, the peanut program has cost the taxpayers a relatively small amount of money over the period of time it has been in existence—sometimes as prices go up and prices go down because of market conditions or, on the other hand, because of weather conditions like drought and other things, but in the last 10 years, the peanut program has averaged out costing the Government an average of $13 million a year. And I do not think any other farm program has been operated as economically and at as little cost to the Government over a like period of time in history.

It will vary. It has gone up sometimes, and then there have been years in which actually the peanut program has made the Government money.

So I think when we look at this matter of saving $2 million, it certainly calls for a concept, and if we are going to look at it in some equitable and fair way across the board, we ought to consider all other programs. But the major thing is that here we are, as the chairman of the subcommittee, the Senator from Mississippi, has mentioned in a situation where this week we go to markup relative to a farm bill, and various and sundry approaches may be offered and considered there. I think, therefore, it is premature at this time to be considering it. Certainly, the Agriculture Committee ought to be given an opportunity to look at this before we move forward in this regard.

I yield at this point and will have something else to say later.

Mr. BROWN. Mr. President, first of all, I want to extend my thanks to the distinguished Senator from Alabama. I believe he was off the floor working on another matter when I extended my thanks the first time. But I appreciate his reviewing the amendment and pointing out the need for corrective language, and we have adopted that through a modification. I very much appreciate his kindness and his indulgence in helping to have the amendment accurately brought forward. And by that I do not mean necessarily it says what the Senator would like it to say, but I do mean that he was very helpful in making sure it represented what my wishes were to offer to the body.

Mr. President, the Senator quoted the $13 million a year cost for the peanut program. The $120 million cost that I had used in the Chamber was the estimate we had gotten from the Congressional Budget Office for 1995. I believe what the Senator was talking about was historic costs. I think both figures are correct and I think it is perfectly appropriate for him to point out the historic cost. That is a reasonable and balanced way to look at it.

Mr. President, he also raised an important point. If this program is to cover its own administrative costs, why not the wheat program? While he was too kind to say it, we produce a lot of wheat in Colorado, and that is a fair question. In my mind—and certainly this is not meant to speak for all the Members, but in my mind this peanut program is different. It is different in that we maintain a price of peanuts in this country that is significantly higher than the world market.

Most of our programs and most of our products in the United States sell for the lowest price in the world. We have the most efficient, productive, creative agriculture of any nation on the face of the Earth, and it shows in our prices. Consumers in America enjoy low prices for farm commodities. Our price for products, including wheat, sets the base.

That is, Europe and Japan not only import wheat, but by importing it they pay more than American consumers because of the costs involved in shipment. People around the world pay a higher price for wheat generally than we do in the United States, so the wheat program goes to a different focus. It does go to market stabilization which is thought to be of help for

the consumer. Certainly the wheat program is a program that merits debate at the appropriate time.

At least in my mind, however, the wheat program is a dramatic and different program than the peanut program. Why? It is dramatically different because the peanut program is designed to market our peanuts at a significantly higher price in the world market. That has a dramatically different effect upon consumers and producers than the wheat program that does not attempt to have a significantly higher price for wheat in America than we have in the world market.

Nevertheless, I think the Senator's point is a valid one, and it goes to the heart of the amendment. Should the taxpayers pay for the administrative costs and which ones should the users?

It had been my understanding that, indeed, in Social Security and Medicare the cost of administration was borne by the taxes levied that go into a trust fund, and we are asking to check that right now. I certainly will want to make that point clear for the RECORD. I think the Senator is right to raise that issue. He does come to the heart of this amendment. That is the suggestion that the roughly $2 million a year cost of administering this program, that markets a commodity at significantly above the world prices, be borne by the participants.

Mr. President, I yield the floor.

Mr. HEFLIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. HEFLIN. Mr. President, I am a supporter of the wheat program. I did not necessarily mean to be picking Colorado. I have always supported the wheat program. I think it is a good program. But there are some distinctions between the wheat program and the peanut program relative to the cost of Government, as there are with a number of commodities.

Basically, the peanut program has a loan rate. That loan rate allows for farmers to—in bad times when the price is low or when there are weather conditions and such—put their product that they have produced into a loan. And then the CCC can take it out of the loan and set it. They have to pay interest on it when they do, or else the Government can, of course, have a nonrecourse loan and can sell it on the world market.

But the wheat program and most commodities have a greater cost rather than just the loan. That is the target price or deficiency payment. And there is no deficiency payment, there is no target price in peanuts at all. I think sometimes we have misunderstood various farm programs and other things also. But the peanut program does not have the deficiency payments at a great number. I am a supporter of the farm programs that allow for the target prices and allow for the deficiency payment. But I do make that distinction, the distinction being raised about that at this time.

So we will be discussing it further.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER (Mr. FRIST). The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I know there may be other Senators who want to speak on this amendment. I have expressed my concerns already. We have heard from the distinguished Senator from Alabama. It is likely that we will be able to vote on this tomorrow, rather than today. There are other amendments that we know will be offered today and debated. We can dispose of those amendments.

Because we have had a pretty full discussion of this suggested change in the bill, I am going to ask unanimous-consent that we set aside this amendment and proceed to take another amendment up for consideration that the Senator from Colorado will offer. So I make that unanimous consent request to set aside the amendment temporarily.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Mr. President, I rise to add to the record with regard to the debate on the peanut amendment. I would ask, while that amendment is not presently before us, that I be allowed 60 seconds in which to address the peanut amendment.

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

Mr. BROWN. Mr. President, in the discussion on the peanut amendment, the question was raised as to whether or not this, asking users or beneficiaries of a program to pay the administrative costs, was appropriate or not and whether or not it was done in other areas, and myself and others had speculated about the Social Security fund. I am advised that indeed, the administrative costs for the Social Security program do indeed come from the fund. I think some of the confusion may come in that the discretionary spending is considered part of funding that comes under the discretionary caps for the budget function. But indeed, the source of the money is from the fund itself.

I yield back, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the quorum call be rescinded.

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

AMENDMENT NO. 2689 TO COMMITTEE AMENDMENT ON PAGE 83, LINE 4, THROUGH PAGE 84, LINE 2

(Purpose: To prohibit the use of appropriated funds to administer tobacco grading and inspection, tobacco price support, quota, and allotment functions)

Mr. BROWN. Mr. President, I rise to offer an amendment to the committee amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 2689 to the committee amendment beginning on page 83, line 4.

At the appropriate place in the amendment, insert the following:

SEC. . PRICE SUPPORT AND GRADING AND INSPECTION OF TOBACCO.

(a) IN GENERAL.—None of the funds made available under this Act may be used to pay the salaries or expenses of the employees of the Department of Agriculture to grade or inspect tobacco or to administer price support functions for tobacco.

(b) ASSESSMENT.—The Secretary of Agriculture may charge producers a marketing assessment to grade or inspect tobacco and to administer the price support functions under the same terms and conditions as are prescribed in the Agricultural Act of 1949 (7 U.S.C. 1445-1 and 1445-2).

Mr. BROWN. Mr. President, this amendment calls for the tobacco program to be no net cost to the American taxpayer. Some Members will say, "I thought it was already a no net cost."

Indeed, there was legislation offered in 1982 that came under the heading of "no net cost" for the tobacco program. And yet, Mr. President, some Members may be surprised to learn that did not cover all of the costs of the program. That no-net-cost concept is a good one and one that this amendment attempts to complete.

But left out of the legislation in 1982 was an effort to cover the administrative cost that involves maintaining the price support and both the grading and inspection of tobacco. So administration of the program, grading and inspecting of tobacco, are still an expense to the taxpayers.

Mr. President, it is one thing to be upset about tobacco smoking in this country and urge people not to use the product or suggest that perhaps the FDA ought to regulate it and extend additional regulations. But, Mr. President, it is quite another thing to tax the American citizen to pay for a product that we turn around and then urge them not to use. Good common sense indicates that we should not subsidize a product that we think is harmful to people and that they should not use. I am one who believes that this country is all about freedom, and to the maximum extent possible, we ought to maximize people's freedom to choose.

So I have not been one that wants to outlaw all forms of tobacco or follow other circuitous routes that simply

eliminate that choice. I think all Americans agree that our children should not consume tobacco products. But for adults, while we would all have strong feelings about the subject and many of us feel that we would be better off without tobacco, I am not one who wants to ban it. But, Mr. President, I am one who wants to have the tobacco producers pay for the cost of their own program.

It makes no sense to tax working men and women of this country to subsidize a product and then turn around and tax them to urge people not to use a product they have just subsidized. That makes no sense at all. That is what this amendment is all about. It simply says that when tobacco producers say they have a no-net-cost program, that it is in fact a no-net-cost program.

So this amendment does two things. One, it makes it clear that there will be no taxpayers' funds appropriated in this bill that will be used to pay the salaries and expenses of Department of Agriculture employees to grade or inspect tobacco or to administer the price support functions for tobacco.

Second, Mr. President, it makes it very clear that the Secretary has the ability to assess producers a marketing assessment for these functions. So it gives the Secretary a way to carry out these functions, but at the expense of the producers, not at the expense of the taxpayers.

Mr. President, some will note that the Secretary already has the ability to levy an assessment for this program. Indeed, the Secretary does. I added that assessment section so there could be no doubt that there would be no question but that the Secretary could levy it for this purpose. I think it is arguable one way or another that he already has the authority to levy this assessment. But it seemed to me clarity was a virtue in this circumstance. So we go the extra mile to make sure it is clear that he has the ability to raise funds for this purpose.

But, Mr. President, the American men and women who pay our taxes cannot understand why in the world we would have Government functions that work to opposite purposes, why in the world we would subsidize a product which our Government turns around and tells us is hazardous to their health and urges people, at taxpayers' expense, not to consume it.

This amendment, I think, adds consistency to our functions. It adds some consistency in the way we spend taxpayers' money.

Mr. President, it is my impression this will be a controversial amendment; that there will be other Members who wish to voice their concerns and objections about it. I hope there may be others who may want to say a good word or two on its behalf. So I ask for the yeas and nays.

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The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. COCHRAN. Mr. President, if the Senator has completed his statement.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I am confident there are Senators who wish to be heard on this amendment before we vote on it. I am also sure that it is probable that this vote will be postponed until tomorrow. But I hope that those who do want to speak on the amendment will come to the floor and do that so we can complete our debate on the amendment and leave to tomorrow the vote on the amendment, if that is the will of the Senate.

There have been, of course, in the past, amendments similar to this that have been before the body, so it is not a new issue. We have debated this from time to time. I am confident that there are arguments that can be made on the other side and will be by Senators who are experts in this program.

From the point of view of the managers of the bill, though, I would say that this is another example of an effort to modify with legislative language, in effect, programs that are now under consideration and review by the Agriculture Committee. We have this week a markup scheduled on commodity program changes that are designed to meet the challenge of the budget reconciliation and resolution that was adopted by the Congress to reduce the cost of the programs under the jurisdiction of all the legislative committees.

This is under the jurisdiction of the Agriculture Committee, and it may very well be that changes are going to be directed or recommended by the Agriculture Committee in this program. I do not know the extent to which this amendment, if it is adopted, will affect those comprehensive changes that may be recommended by the Agriculture Committee.

When we were talking about the peanut amendment that the distinguished Senator had offered, I mentioned that I had included the peanut program in a proposal that I have submitted to the committee which is designed to reform that program and reduce the costs of the program over time. I know that if we adopt the peanut amendment as proposed by the Senator from Colorado, it would reduce the savings that are now estimated by CBO to be attributable to the farm bill I am proposing.

There may be other Senators who have suggestions to make in the Agriculture Committee about the tobacco program. I do not know the extent to which this amendment would affect those projected savings. But I do know that there will be some effect, and the question before the Senate is whether we ought to adopt amendments such as this, knowing that they are going to be legislative in nature and will encroach on the jurisdiction of the Agriculture Committee. So I voice that concern as a concern that applies not only to this amendment but other amendments like it.

I discourage Senators who do have changes in legislative language and suggest that it would be more appropriate and in better keeping with the way we should do business here in the Senate to bring those up when the legislative committees' bills are on the floor—or bring them up in the committees of jurisdiction, even better, so those committees can review these suggestions.

I respect very much the Senator from Colorado. He is one of the best minds in the Senate. He is a Senator who has always been on the lookout for ways to improve the efficiency of Government programs and reduce unnecessary costs. He is a leader in achieving results. Again, he is showing his ability to carefully analyze Federal programs and look for ways that we can improve them in terms of their efficiency. The savings of taxpayers' dollars that will result from the changes are quite obvious. This is another example which shows his diligence and his ability in this regard. So I commend him for his continued efforts to do what he is trying to do. I applaud that effort.

Having said that, I hope that if Senators do want to comment on the legislation and the proposed amendment, they will come to the floor to do so, and I will put in a quorum call to ascertain whether we do have Senators who want to speak further on this amendment at this time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. 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. LEAHY. Mr. President, I understand there is nobody at the moment waiting to bring up any amendments so I ask unanimous consent that I be able to proceed as in morning business.

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

TRIBUTE TO CAL RIPKEN, JR.

Mr. LEAHY. Mr. President, a couple weeks ago, like many others, I had the opportunity to be in Camden Yards to see a most extraordinary baseball game when Cal Ripken broke Lou Gehrig's record. I remember as a child thinking that the Gehrig record might never be reached, never be broken.

For me, the fact that I could be there with my son, Kevin, to watch that

game, was really one of the highlights of this or any other year.

In watching, I could not help but think that Cal Ripken reflected the best of all people who get up and go to work every day in all fields. Whether it is the nurse who is there for the evening shift on a weekend, the person who shows up at the police department and goes to work to protect all of us, the teacher who is there teaching our children, the men and women of the Senate staff who are here—sometimes long after we Senators are able to go home—every day working for the best of our country, and on and on.

In this case I also think credit should be given to Peter Angelos and those who own the Orioles. Earlier this year when there was talk of replacement teams, they stood fast and said there would be no replacement team for the Orioles. Nothing would be done to cut into Cal Ripken's record. Indeed, they did not.

I also think that two things came as a result of that. One, it sent a signal to baseball that there are some owners and some players who care more for the game than care for the disgraceful dance that has gone on the past year, the dance of charges and countercharges and strikes and lockouts that resulted in the cancellation last year of the World Series.

Second, by doing that, I believe it helped bring to an end the strike and it also gave baseball an evening of glory that it has not had for so long. It really did not become a question of whether the Orioles won or lost that night. It turned out they did win with Cal Ripken hitting a home run. It was a chance for people to unite around this country and say there are so many good things in baseball, and to go back to the basics of it. I hope Cal Ripken's accomplishment does help.

As Kevin and I sat there, we watched the different people—Joe DiMaggio sitting a few feet from us, the President, the Vice President, and others just to the other side of us, but what united us was not the well-known people but that baseball fans of all sort throughout that field and throughout the country could share in a magnificent achievement.

VERMONT'S FINEST, SOFTBALL CHAMPIONS

Mr. LEAHY. Mr. President, I recently had a chance to watch some of the best softball I have ever seen.

I saw the Vermonters, who make up my own team, play in the semifinals and then the finals and then win the softball championship.

I was out there Saturday in 95-degree heat, blistering sun, and I watched these young men and women from my office's team and I thought: That is real sportsmanship.

Then, the next day the final championship was fought between Vermont and New Hampshire.

In a league with 120 teams, the idea that the Senate softball championship this year came down to teams from New Hampshire and Vermont is ironic.

You have to understand we are both northern New England States, and the baseball season is rather short in northern New England. Our children grew up with hockey sticks and skates and skis—and have to squeeze their baseball in between those light May snow showers and the September autumn chill that stings the hands of all children who make contact with ball and bat.

But there we were.

The Thundering Herd, the talented granite-like team of Senator BOB SMITH's office had not been beaten all year. But neither had Vermont's Finest. Vermont's Finest, we say with no hint of modesty, is the name of our softball team.

The game went back and forth, only to be tied at the end of seven innings. Vermont scored two runs in the top of the eighth and shut the Herd down to seal the victory and the championship.

We were led by Montpelier's Maggie Whitney, who played second base but should be turning double plays with Cal Ripken, Jr. St. Albans' Jamie Horan has a black eye and a 500-foot home run to show for the series. Beebe Plain's Mike Lawson won rookie of the year honors while representing the smallest town in Vermont with glove and lumber.

And the list of contributors is endless. Big Ed Pagano, our oak tree at first; Tom "Stonewall" Cosgrove, anchoring third on a nearly broken ankle—an ankle, incidentally, we heard snap as he hit home plate. He would not allow it to break until he scored that run. Paul "The Enforcer" Johnson, who with aging star J.P. Dowd provided key hitting and veteran leadership. Norwich's Regen O'Malley and UVM grad Kara Calaca-Mottola were anchors behind the plate. And our own tank commander, that stalwart marine, Bill Delaney, had more than a few key hits.

Rookies David East and Narric Rome were vital to the team effort.

Vivian Cocca pitched as gutsy a series of games as we have seen in years.

Special honors have to go to our player-coach Brady Burgess, the solid, taciturn hunk of granite, a native of Lincoln, VT, who grew up dreaming of one day holding the Senate trophy aloft. I am sure this is a dream he had as a 3-year-old. He batted, fielded, and led his team to an impossible series of victories.

The loyal bench jockeys were Brattleboro's Jenny Backus, the purple-shorted Kevin "Scooter" McDonald, and the pride of St. Johnsbury, Zima-drinking Amy Rainone.

And the whole team was aided by their biggest fan and 5-year-old batboy, Walter Albee, who occasionally let his aging baby boomer, semi-yuppie father play.

We have to tip our caps to a few teams. First, our friendly rivals the Vermont Saps, from my good friend JIM JEFFORDS' office, who had what we call a "rebuilding year" this year but will no doubt be in the playoffs next year as they have been.

Second, our tough but honorable rivals from the MCCAIN-MCCONNELL team. It seems one of us is always knocking off the other to get to the mountaintop.

Third, our friends on Senator MIKULSKI's team. In the past 5 years, we have each won the championship twice and will be glad to be keeping it in the family.

Finally, to the Thundering Herd from New Hampshire—that the two New England teams made it to the top of the heap is a testament to traditional Yankee values of team play, strength, and hard work. I say to my friends from New Hampshire, they will be first in the Nation when Dixville Notch goes to the polls at midnight. You almost made it first in the Nation in softball, and we expect to see you again next year.

Mr. President, we joke a little bit about this, but I think some of the most pleasant moments that I spent this year have been watching the softball team play—pleasant, because I know how hard the men and women who work for the Senate, who support all of us, do work, Republicans and Democrats alike. It is the men and women here who so make the Senate the place it is and can be. And they are the ones who make it possible for Americans to have hope in us.

There are 100 Senators. None of us would be able to do our job without people, ranging from those who guard the doors of this Chamber to those who report our proceedings, to those who handle the bills as they go through, and to all the others—those who make the electricity work, to those who help us write the legislation. I sometimes joke we are merely constitutional impediments to the staff. The truth of the matter is, we are, all of us, better—Republicans and Democrats alike—because of the selfless work of the men and women here in the Senate.

When I see them have a chance to play softball and enjoy themselves, I think how lucky we are to have them here. I have to tell all those in my office, I could not be more proud than I was watching them play in these championship games.

Mr. President, I see the distinguished Senator from Mississippi on the floor. When I started speaking there was nobody seeking recognition. He is the manager of this bill. Is he seeking recognition? If not, I have one more item to go to.

Mr. COCHRAN. No. Please proceed.

BIPARTISAN BUDGET SUMMIT NEEDED NOW

Mr. LEAHY. Mr. President, 2 weeks ago I called for a summit between Congressional leaders and the President to avoid a Government shutdown when the next fiscal year starts on October 1.

Since then, the House and Senate have passed a couple more appropriations bills and the administration has threatened more vetoes.

I was encouraged, however, by last week's meeting between congressional leaders and the President that we may yet avoid a budget train wreck which will force the Government to shutdown. The President and congressional leaders were right to get together to discuss a continuing resolution to fund the Government beyond October 1.

I hope last week's meeting signals a start to rational negotiations to solve the current budget impasse. We need to build on the positive signals sent by both sides to reach a compromise.

That is why I renew my call for a bipartisan summit now—before the budget crisis. We need to sit down now to hammer out our differences.

Resolving differences is the essence of governing. Let us get together, the leaders of both parties, and work together to make our Government work.

I fear that few of our leaders have considered what happens if Congress and the President fail to reach an agreement and force the Government to shut down. Make no mistake about it—shutting down the Government will bring serious consequences.

First, shutting down the Government because Democrats and Republicans cannot agree on the budget will accomplish nothing except adding more scorn of our political system. This partisan fighting for just the sake of a headline is exactly what Vermonters believe is wrong with our present system. I believe this scorn will be fully justified if we do not work out our differences before forcing the Government to close.

Second, and more importantly, shutting down the Government will have serious effects on the lives of millions of Americans.

The most immediate effect of a shutdown will be the furloughing of Federal employees. The only exceptions from furloughs under a Government shutdown are Presidential appointees, uniformed military personnel, and Federal civilian employees rated "essential."

In 1990, the nonpartisan General Accounting Office estimated that 319,541 Federal Government employees out of 741,653 would be furloughed—about 43 percent of the Federal Government work force—during a Government shutdown.

Imagine the effect on those hundreds of thousands of employees and their families who are facing the prospect of an unknown period of unemployment. These are hard-working people who struggle like millions of other Americans to balance their checkbook each month.

We should not hold their households hostage to our inability to provide a workable Government budget for all Americans.

So let us keep in mind that when we contemplate a shutdown, we are talking about punishing hard-working families, not faceless bureaucrats, as some would lead us to believe.

What would be the effects if 43% of our Government workers are not allowed to go to work?

The GAO surveyed Government agencies in 1990 to find out the answer to that question. Each agency estimated that a Government shutdown would severely damage their effectiveness.

The Environmental Protection Agency, for example, estimated that "all environmental protection services would be shutdown." Do we really want to leave our environment at risk to score political points over a Government shutdown?

The Food and Drug Administration estimated under a shutdown "there would be no work on applications for new drugs and devices." Do we really want to put the benefits of new science and technology on hold to score political points over a Government shutdown?

The Social Security Administration estimated that under a shutdown "no new applications for Social Security or Medicare eligibility would be taken or inquiries answered."

Do we really want to make our senior citizens wait to score political points over a Government shutdown?

The Department of Justice estimated that a shutdown would delay trials and weaken its ability to supervise the Federal parolee caseload. Do we really want to slow down our criminal justice system to score political points over a Government shutdown?

The Department of Veterans Affairs estimated that under a shutdown "there would be approximately 37,000 unanswered telephone calls per day and approximately 5,000 canceled interviews per day." Do our veterans really deserve this kind of treatment to score political points over a Government shutdown?

Perhaps the most lasting effect of a Government shutdown will be the wasted millions of taxpayer dollars.

At a time when the President and Congress are dedicated to eliminating unnecessary Government spending, pouring money down a Government shutdown rathole makes absolutely no sense. Shutting down the Government will make it harder to balance the budget—not easier—because lost revenue from a shutdown will simply add to our deficit.

The GAO estimated in its 1990 report that a 3-day closing would cost the Government millions of revenue dollars.

The Interior Department, for example, would lose $30 million in revenue during a 3-day shutdown, and the Treasury Department would lose a whopping $420 million. A longer shutdown would lose millions more. Do we really want to waste taxpayer money to score political points over a Government shutdown?

Closing the Government, even for a short time, carries serious consequences. It would rightfully heap scorn on our political system.

It would impair the effectiveness of necessary Government services, which many Americans depend on every day. And it would waste millions of taxpayer dollars.

Let us stop this fiscal insanity. Let us build on last week's bipartisan meeting and call a bipartisan budget summit.

It is time for our leaders to start acting responsibly. It is time for our leaders to start using some common sense. It is time for a bipartisan summit on the budget.

Mr. President, I yield the floor.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

The Senate continued with the consideration of the bill.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I understand that we have some amendments that have been offered and are pending now on this agriculture appropriations bill which is the business before the Senate.

AMENDMENT NO. 2686

One of these amendments that was set aside for debate for later today was one offered by the distinguished Democratic leader in behalf of Senators KERREY and KOHL. That amendment would strike a provision of the bill that was added as a committee amendment appropriating funds for use as disaster assistance to supplement the benefits provided by catastrophic insurance to disaster victims. The reason the committee approved this amendment was because we have seen throughout the South this year some very serious damage in the cotton fields of Alabama, Georgia, Mississippi, Texas, Tennessee, and Arkansas as well.

As a result of massive infestations of tobacco budworms and beet army worms, and other pests in the cotton crops in these States, it has been hard to estimate the exact amount of damage done because harvesting has not occurred in many of the areas where we know the devastation is severe. So dollar amounts are simply estimates at this point. But one estimate that we saw in my State of Mississippi alone

indicates that over 160,000 acres of cotton have been damaged at a loss of over $100 million.

The reason the committee thought it was important to provide some additional benefits is that the catastrophic crop disaster insurance program is not sufficient to help farmers in this situation. And many of them are not going to be able to plant crops next year, and some are not going to be able to stay in business unless something is done to help them.

We have already seen this last week a request from the Governor of Mississippi transmitted to Secretary of Agriculture Glickman asking for disaster declarations in many of these counties in our State which will make available emergency production loans. These loans will be at reduced rates of interest—I am told at about 3.75 percent interest—and would be available as emergency loan benefits, if the damage assessment reports justify the declaration and approval of the declaration by the Secretary of Agriculture.

One difficulty that we are encountering, though, is that the early estimates are proving to be much less than what the damages are turning out to be because of these massive infestations of pests.

It is certainly a concern to me that the Senators from Nebraska and Wisconsin are urging the Senate to overturn this provision in our bill. We had hoped that the Senate and the House also would respond to this crisis situation and be generous—as generous as the budget permits and as generous as our rules permit—to provide some additional assistance to these disaster victims.

I am urging the Senate to approve the committee amendment that provides this crop disaster assistance money. The Senate should also know that I have introduced separate legislation to authorize the Secretary, if he deems that additional disaster assistance is justified, to ask for additional appropriations.

That legislation has been introduced here in the Senate. It has been introduced in the House in the companion bill which is sponsored by Congressman ROGER WICKER and Congressman BENNIE THOMPSON of Mississippi. Our entire delegation was invited to a meeting at the offices of the Mississippi Farm Bureau federation in August to hear firsthand the reports of cotton producers and those who were familiar with the situation—immunologists, an economist from the Mississippi Extension Service at Mississippi State University who was familiar with the facts. And, after hearing all of the information, it became very clear to me that we needed to respond both here in Washington and at every level of government to try to help overcome the effects of this serious disaster.

It is one of those situations where it appeared that we were going to have a very good and productive cotton crop throughout the country this year. But all of a sudden, because of the excessive hot weather, hotter than usual, dryer than usual, and an enormous infestation of these insects and pests that almost overnight the complexion of the cotton crop this year was changed. Producers began trying to find out what kinds of control measures could be effective to deal with this problem. Some of them spent huge amounts on chemical applications that they were told by experts could help deal with this disaster only to find out that the money was really wasted. Hundreds of thousands of dollars have been spent by many farmers in our State to try to deal with and control these pests. And much of that money has been wasted.

There are many cotton fields in our State which will not even have a cotton picker put in the fields. They will not even try to harvest the cotton because it is just not there to pick. So total losses in many of our counties have been sustained.

I am going to ask, Mr. President, to put in the RECORD an estimate that has been compiled from various sources, including the Mississippi Department of Agriculture, the Texas Extension Service, the Alabama Extension Service, and the National Cotton Council. The States of Tennessee, Arkansas, Texas, Mississippi, Georgia, and Alabama are covered in this report.

I ask unanimous consent, Mr. President, that this estimate of cotton losses due to the tobacco bud worm be printed in the RECORD.

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

COTTON LOSSES DUE TO THE TOBACCO BUDWORM

State	Acres—Abandoned and reduced yield	Loss in millions of dollars
Mississippi	160,000	100
Texas (in lower Rio Grand and southern Rolling Plains	500,000	200–400
Alabama	400,000	155
Tennessee	150,000	50–75
Arkansas	100,000	20
Georgia	300,000	75
North Carolina		Negligible
South Carolina		Negligible

Sources: Mississippi: MS Department of Agriculture; Texas: Texas Extension Service; Alabama: Auburn Extension Service; Tennessee: National Cotton Council; Arkansas: National Cotton Council; North Carolina: National Cotton Council; South Carolina: National Cotton Council; and Georgia: National Cotton Council.

Mr. COCHRAN. Mr. President, the estimates not only identify the acreage that has been abandoned and which will have reduced yields due to this infestation, but also the translation in losses in terms of millions of dollars in my State of Mississippi. It is a $100 million estimate. But just this week, when I was home in Mississippi this weekend, the newspaper carried a story with new crop loss estimates that have been compiled from throughout the South. It shows that even higher estimates than had earlier been expected are now justified on the basis of the losses that are occurring.

We have on our hands, Mr. President, one of the worst disasters in the cotton industry that anyone can remember. Our committee decided that it would be important to make available some additional funds which the Secretary of Agriculture could use to supplement the benefits of the Catastrophic Crop Insurance Program.

The Catastrophic Crop Insurance Program is a new program. Farmers were told, when this program was approved, that it would be a substitute for the usual disaster assistance benefits that have occasionally been made available when disasters struck the agriculture sector, and that the amounts of the benefits would be about the same that they would normally get; to qualify for the catastrophic crop insurance, you would be charged $50, and that would be a processing fee.

I remember when I first heard about it, I said to the Department of Agriculture people who were briefing us, "That's too good to be true—$50. You buy this insurance and it provides the same benefits that the Federal Government has been making available as disaster benefits on an ad hoc basis when they thought it was justified." I was assured that is what the promise was.

What has happened, as we get down to the real details and we find out what the benefits are of this so-called Catastrophic Crop Insurance Program, we are finding out it does not provide the same coverage that historic disaster assistance programs have provided.

Previous disaster programs traditionally provided coverage at 60 percent of historic yields at 65 percent of the market price. This new catastrophic coverage is 50 percent of historic yield at 60 percent of the market price.

That may not sound like a great deal of difference, but it is. It is a substantially different program that is now being made available to disaster victims.

I know that one reason for the change and one reason for the adoption of the new Crop Insurance Program was to provide a predictable level of benefit when an agriculture disaster struck, and if farmers were not satisfied that that was enough, they would be encouraged thereby to buy additional coverage. They would buy up to another level of protection on their own. But a lot of farmers have not done that, for varying reasons. Some misunderstood the benefit package that catastrophic insurance provided; some were, frankly, convinced that the additional insurance was too expensive for what they would probably get from it as benefits; and there may have been other reasons. There has always been a question about how the yields are calculated and whether the yields were

too high or too low, whether they were individual yields or countywide basis yields. There have been a lot of problems with crop insurance, and everybody knows that.

I raise this issue now, and I know it will be debated later by those who are trying to strike this money from the bill, so Senators will be on notice that we are probably going to have to vote on this amendment. Unlike other disasters that have been occasioned by flood or bad weather, this is a disaster that actually resulted in farmers going out and spending money to try to prevent it on their own, trying to apply what they hoped would be new chemicals that were promised to work and did not or did not work well enough to justify the enormous expenses that farmers went to to protect themselves.

Here they were. It was just weeks away from these bolls ripening and producing the cotton for harvest when they noticed that these bolls were being infested with budworms and army worms and other pests.

One part of the story is good news, and that is that in many parts of our State, the delta region particularly, the cotton had gotten to the stage of development where it was not affected by the worms, and so we are not talking about every area of our State being equally devastated by this problem. But we do have many areas of our State where there are total losses and many areas where the yields are not nearly what they were expected to be. It is disheartening and it truly is a disaster of enormous proportions. So I hope the Senators who are resisting this effort to provide additional assistance will reconsider.

The amount of money in the bill for this purpose is about $40 million, and Senator KERREY's amendment will strike that money. We hope that the Senate will vote against it.

I am going to ask unanimous consent, Mr. President, to put in the RECORD some additional supporting documentation on this, specifically an article that I talked about that was in the paper this weekend which more clearly describes the seriousness of the situation and the enormous losses that are occurring in Mississippi and elsewhere as a result of this cotton crop disaster.

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

[From the Clarion-Ledger, Sept. 17, 1995]

GROWERS PICK TOUGH YEAR FOR MORE COTTON

STARKVILLE.—Cotton yields will not be what many growers dreamed of when they increased Mississippi's crop by 100,000 acres to take advantage of stronger prices.

Higher than normal insect pressure and excessive heat have taken their toll.

"Preliminary yields do not look good," said Will McCarty, extension cotton specialist at Mississippi State University.

The Sept. 1 crop report from the U.S. Department of Agriculture brought bleak news on the expectations for Mississippi's crop.

"The September report estimates 480,000 fewer bales of cotton for Mississippi than the August report predicted," McCarty said. "The pounds per acre expectation dropped 158 pounds. I can't remember the crop reporting service ever dropping us that much in one month."

The cotton specialist said the news could get worse as the season finishes.

"There is no doubt that the severe, continuous heat in July, August and early September has taken a heavy toll on the crop," McCarty said.

Blake Layton, extension entomologist at MSU, said the state had faced the risk of catastrophic tobacco budworm numbers for several years because of high levels of insecticide resistance.

"The extremely high numbers in 1995 turned that risk into reality," Layton said. "This risk will exist again next year because we still will have problems with insecticide resistance. Severe winter temperatures will help reduce the danger."

The entomologist said because of the cyclic nature of these insects next year hopefully will be less severe.

"We seldom have two back-to-back years of insect populations at these levels of a pest like this," he said.

Layton said natural predators and parasites increase with high numbers of an insect and help knock the numbers back down. He said the damage to the 1995 crop is done. Growers are no longer applying insecticides as the tobacco budworms prepare to overwinter in the ground.

In Forest County, where cotton is a new crop, growers are anxious to harvest and see the bottom line.

"We're one of the few counties that haven't had tobacco budworm problems, but we've had everything else—bollworms, beet armyworms, yellow-striped armyworms and even loopers," said Lee Taylor, Forest County agricultural agent. "Last fall's eradication efforts helped keep boll weevils from becoming a factor this year."

Taylor said growers turned to cotton as marketing of soybeans and corn became less attractive. He said 1995 has been a good year for cotton.

Otis Davis, Madison County agent, said growers began harvesting cotton slightly earlier because of the dry conditions. The drought is causing lighter seeds and smaller bolls.

"Insects were a tremendous expense to growers throughout Madison County," Davis said. "Cotton prices probably will entice growers to return to cotton again next year."

Growers throughout the southeast continue to await word on disaster assistance from the federal and state governments as a result of tobacco budworm damage.

Mr. INHOFE addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent that I be allowed to address the Senate as if in morning business.

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

INDEPENDENT STATUS FOR THE FAA

Mr. INHOFE. Mr. President, last month I introduced a bill that would give the FAA independent status. As a matter of fact, when I introduced it, I read a speech as if I were giving it. It was really a speech that was given 20 years ago by Barry Goldwater, and Barry Goldwater's speech was a lengthy one, one that outlined the problems in 1975 that had occurred since the FAA had gone under the Department of Transportation back in 1967. He talked about the procurement problems and the personnel problems that are very unique to the FAA.

Oddly enough, it was 20 years ago that Barry Goldwater made that speech, and I talked to him the other day and he said, "I hope we will be able to do it now."

I am talking about a life-and-death issue as a commercial pilot, I guess the last active commercial pilot in Congress. I have experienced having our lives in the hands of those controllers down there, and it is very significant that we do give them the independent status that Barry Goldwater was seeking back in 1975.

I really believe if we could do that, we could effect enough savings to actually prevent having to raise fees and having to raise taxes as is being considered right now in another bill, and as also is being suggested by the President.

On August 9, the chairman of the Appropriations Committee made a statement in the Chamber, and he said, "The FAA tells us if they could have this kind of operational flexibility"—now we are talking about independent status, free from the bureaucracy of the DOT, free from the procurement guidelines and the personnel guidelines—"they believe they could cut as much as 20 percent out of the procurement budget" from what they are spending today.

Now, this is significant because that happens to be approximately the amount that historically has been contributed to the FAA for operations from the general revenues. And I suggest to you that my bill does not give the FAA the power to increase fees indiscriminately. I suggest, if we do that such as is suggested in the McCain bill, instead of streamlining their bureaucracy, they would merely raise fees.

I will read from the McCain bill the portion I am talking about. It says, "to establish a program of incentive-based fees for services to improve the air traffic management system performance and to establish appropriate levels of cost accountability for air traffic management services provided by the FAA."

So, Mr. President, I have a lot of respect for Mr. Hinson, David Hinson, who is the Administrator of the FAA. I think he is one of the few real good appointments that this President has made. And I think that if anyone could streamline his bureaucracy, it would be David Hinson. But I suggest to you that the words that I recall that Ronald Reagan made way back in 1965

when he said, "There is nothing closer to immortality on the face of this Earth than a Government program once devised," that is exactly what we are faced with now. A bureaucracy never, as long as it has the ability to raise funds, is going to streamline their operation.

So I hope that we will be able to consider my bill very seriously. And I suggest there are about several million pilots out there that are concerned about this also. I think it would be very difficult to go out right now and tell the pilots, who are paying an average of about $2,320 in various costs each year—for a small four-passenger airplane in addition to that, they are paying the gas tax—to go out and tell these pilots that in 1990 we raised your gas tax and we raised it again in 1993, and now we are going to start raising your fees.

So, Mr. President, this can be done without increasing fees and taxes. My bill will do that. I am going to be urging the passage of this legislation.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

The Senate continued with the consideration of the bill.

ARS FACILITY AT EL RENO, OK

Mr. NICKLES. Mr. President, I rise to express my concern with the Senate committee's designation of the primary ARS laboratory at El Reno, OK, as a "worksite." Upon a thorough evaluation of the Fort Reno facility, it remains clear that this primary station remains an important and valuable resource for the agricultural community of the Midwest.

Fort Reno's 7,000 contiguous acres, numerous existing structures, including buildings and fences and valuable on-site personnel resources, make it a unique asset and an ideal location to direct and administer research.

A large amount of work at Fort Reno is dedicated to closing the forage gaps in livestock production systems common to the Great Plains States by experimenting in forage alternatives to native pasture and winter wheat pasture.

Fort Reno's regional value is visible in their cooperative efforts with ARS stations in Booneville, AR, and Bushland, TX, to solve the problems caused by cattle raised on fescue pastures in the eastern-third of the United States. Fort Reno's research on the resistance of tropical cattle breeds of fescue fungus problems continues to hold valuable promise.

In addition, Fort Reno many years ago established watershed research locations on several pastures to collect runoff and evaluate the environmental impact of agricultural waste, chemicals, and sediment generated by various grazing systems. Current plans call for an evaluation of this long-term data and an expansion of the program to larger, system-size watersheds. This information will be very valuable as non-point source pollution reduction goals are expanded in the Clean Water Act reauthorization.

As a primary research facility, these are just several examples of progress being made at Fort Reno and a demonstration of the facility's continuing contributions to the agricultural community of the Midwest.

I know the committee is aware that the House of Representatives maintains full funding for the ARS station at Fort Reno in their fiscal year 1996 Agriculture appropriations bill. In light of the important research and existing nature of the Fort Reno site, I continue to strongly support full funding for primary research at Fort Reno.

Mr. COCHRAN. Senator NICKLES, I am aware of your strong interest in the ARS facility at El Reno, OK, and share your support for the agricultural research conducted there.

The valuable work being conducted at the Fort Reno's facility is indeed unique and I recognize the importance of continuing research at the site. As this issue is revisited by a House-Senate conference committee, I will work to maintain this valuable research asset.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

UNANIMOUS-CONSENT AGREEMENT

Mr. COCHRAN. Mr. President, there has been a unanimous-consent agreement worked out in connection with the handling of an amendment to the appropriations bill. The amendment is a committee amendment.

The Senator from California, Senator BOXER, for herself and Senator FEINSTEIN—and maybe others—has offered to strike that amendment. In connection with that, I propose the following:

I ask unanimous consent that at 10:30 a.m. on Tuesday, the Senate resume consideration of the excepted committee amendment regarding chickens, and there be 2 hours to be equally divided between Senators BOXER and COCHRAN or their designees.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I further ask that immediately following the vote on passage of H.R. 4, as amended, the Senate resume H.R. 1976, and there be 4 minutes for debate on the committee amendment, to be equally divided in the usual form, to be followed by a vote on or in relation to the committee amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator from Arkansas and all Senators for permitting us this unanimous-consent agreement.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DORGAN. Mr. President, I ask unanimous consent to speak as if in morning business for 5 minutes.

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

SALE OF PMA'S

Mr. DORGAN. Mr. President, on Wednesday, the Senate Energy Committee will be meeting their reconciliation targets by debating a proposal offered by the Chair which includes, among other things, something most people have not heard much about. It is called the sale of the PMA's. Almost nobody knows what that means—the sale of SWAPA or WAPA or the PMA's.

Well, there are a lot of ideas ricocheting around the Chambers of the House and the Senate these days. Many are labeled "reform," "change," "new," "bright." The fact is some of these ideas are old ideas dressed in new clothes that have been bad for years. This is one of them. The notion that we should sell the power marketing agencies in order to raise some short-term dollars in the short run and lose dollars every year thereafter makes no sense at all.

Let me describe for people who do not have any idea what this means what the consequences are and what PMA's are. In my State of North Dakota, some 40 years ago, they decided to try to harness the Missouri River because it was causing a lot of problems. Spring flooding would come and the old Missouri would snake out in a dozen different directions and cause enormous flooding all the way down to Kansas City and elsewhere, and so they decided we needed to harness the Missouri River. So we built a series of dams under the Pick Sloan plan. One of the dams was built in North Dakota called the Garrison Dam. It dammed up

a half million acres of water behind it. Communities that used to exist are now under water and have been for years. It created a dam in order to prevent flooding, and one of the benefits of creating that dam is that they put in turbines and the water runs through those turbines and generates electricity. The promise was that if you in North Dakota will be willing to play host to a flood that comes and stays forever, so that downstream they can play softball in the evening, light the city park and not worry about flooding—if you will play host to a flood that comes and stays forever on a half a million acres in order to help folks downstream, we will give you some benefits. One of these benefits is that you will be able to generate low-cost regional electricity and send it around in a way that will benefit folks in the region who are using electricity.

So our people said, "Well, that sounds like something we would be willing to do," and we did. The Pick Sloan program went forward and the dam was built and the flood was created and we generate electricity. That promise of low-cost electricity for our region is a promise that has been kept over the years.

Now, the Garrison Dam that generates that electricity with all the turbines and the water running through that is owned by the public. It is owned by the Government. And so are the transmission lines and the dam through which that electricity flows in order to provide benefits to people who are using their electricity on farms, in cities, in businesses. Those facilities, the dam and the transmission lines, are owned by the Government. It is a public facility owned by the Federal Government.

In our region of the county, it is called WAPA, Western Area Power Administration. It is the way we take public power generated from the dam and distribute it regionally for the benefit of the people in our region because we promised them if they would accept a flood that came and stayed, we would give them some low-cost electricity as part of the benefit, part of the payment.

Well, some years ago, there was a plan that was developed to cut Government waste—some of you remember it—called the Grace Commission. Peter Grace headed the Grace Commission. It had a lot of good ideas. In fact, about two-thirds of the ideas in the Grace report were eventually adopted—a lot of good ideas, but like anything else that has a menu of ideas, some were genius and some were dumb.

One of the dumb ideas, in my judgment—using a pejorative term—in the Grace report was to sell our dams that generate hydroelectric power.

All the way back to the Grace report, we had this goofy notion that if we would sell the dams so that those who would buy these dams and the hydroelectric facilities could reprice the electricity to market rate, that would surely be a good thing for the Government. But, of course, that did not get much traction throughout the 1980's.

Some of the Grace report did because some of it made sense and some of it just did not make any sense at all. This was part that did not make any sense, so it never got done. However, in recent years, there were calls to sell the power marketing agencies—Southwest, SWAPA, WAPA, three of them, four of them actually, one of which is being sold—sell the power marketing agencies.

Well, it comes from people who, I suppose, have two motives now. One is they do not think the public ought to own anything—get it in private hands so it can be priced at whatever the highest price is. That is the philosophy of some. And the second philosophy by some is let us solve the budget problem today by selling assets.

In order to accomplish that philosophical purpose, they had to change the rules this year—the first year ever in which they changed the rules—to allow you to sell an asset and show a reduced deficit.

Would it not be interesting to have a family budget like that? You say, well, we will meet our yearly expenses by selling the car, then the house, then the yard.

Well, we had a rule against that in Congress, for good reason, because people who thought much about it understood what everybody knows: you do not solve your fiscal problems by selling your assets. At least you do not solve your operating budget deficit problems by selling your assets.

But this year, it is different. This year, the majority party says our budget is going to change. We are going to change that little old rule so you can sell assets and therefore show a lower operating budget deficit.

Well, there is one inevitable truth about selling the power marketing agencies. And that is this: Every single year they bring money into the Federal Government from the sale of this electricity. Every single year we get streams of hundreds of millions of dollars from the sale of this electricity from the hydroelectric facilities.

Now, if you sell them, what would be the budget impact? The budget impact in the first couple years would be—you would get the money for the sale, would you not? So you show some more money coming in because you sold them. Then what happens every year after that? Every single year after that you have a loss. The Federal Government would not be getting the money it used to get and not getting the money that it expected to get.

This is so symbolic of the way fiscal policy exists around here. Sell an asset, use it to say you are going to deal with an operating budget deficit. Sell an asset and get some money now despite the fact that in the long term by selling the power marketing agencies you lose money. You lose money every single year in the long term because the income stream that used to come in will no longer come in.

Now, we are going to meet on Wednesday in the Energy Committee to deal with this reconciliation requirement. And you know, I am just not moderate on the question of whether we should sell the power marketing agencies. The answer is no; under no condition should we sell the power marketing agencies.

Some say, let us let the customers buy them on a preferential basis. The power marketing agencies are part of a long-term promise that philosophically ought not be abridged or violated. We ought not, for short-term purposes, construct a mechanism here in budgetary policy that is just pound-foolish in every respect—that will bring some money in in the short term by doing something that is fundamentally unsound and philosophically wrong and that in the long term will increase the Federal deficit.

This is to me both philosophically important, because I believe there are certain public principles involved in the public ownership of these assets, and it is also important from a fiscal policy standpoint. And when we meet on Wednesday, I intend to be one of those on the Energy Committee that says, I do not support and will not support the sale of the power marketing agencies.

There are a lot of good ideas running around this Chamber. I embrace many, support many, and stand to speak for many. But when I see an old idea masquerading as a new idea, that is in fact a bad idea for this country, it is time to blow the whistle and say, "Enough; no more." I do not know where the votes are on Wednesday, but I hope we can defeat this.

I say to those who wonder what the consequences might be, well, in my State, North Dakota—a very small State, 640,000 people—if they sell the power marketing agencies and have people bid on them so we get some short-term money in, what will happen is we will have short-term money in the front end and it will cost us higher budget deficits in the long term, and about 200,000 North Dakotans will pay higher electric rates.

It makes no sense at all. It violates the promise that exists as a result of the construction of these facilities. And in my judgment, this Congress would do well to decide to stand on principle and not entertain any longer the idea of selling the power marketing agencies.

Mr. President, I know there will be a substantial amount of debate and discussion about this in the Energy Committee on Wednesday, and I hope that

when the dust settles, we will find a way to defeat this proposal.

RESTRUCTURING THE FARM PROGRAM

Mr. DORGAN. Mr. President, let me address one other quick item as long as no one is seeking the floor. A group of us just had a press conference about an hour ago to introduce a piece of legislation that calls for restructuring the Farm Program. That is not very important to most people if you are not involved in farming or do not live in a rural county or do not live in a rural State. It may not matter to you what kind of a Farm Program this country has. But if you are a family farmer trying to raise some kids and raise a crop and keep things together and make a decent living, the question of whether this country has a Farm Program is critical to your survival.

We have two different approaches to the Farm Program these days: One embodied in the most recent budget that says, let us cut $14 billion out of the agricultural function, that says we should increase defense spending, build star wars, but we cannot afford a decent farm program; let us cut $14 billion. The President, by contrast, said, let us cut $4 billion.

Well, I accept that Agriculture should have some budget cuts and I supported budget cuts in the past for them. They have taken more than their share in the past than they should have, but more is to come. But not $14 billion, $4 billion to $4.2 billion the President suggested is in the range that makes some sense.

But what is interesting to me is that now that this budget requirement is out there, one which I do not support by the way, we are discovering that the chairs of both committees in the House and the Senate in the agricultural area cannot write a farm plan. They cannot get a consensus on a farm plan. They cannot find 10 votes in the Senate committee for a farm plan apparently, because they paint themselves in a corner with a $14 billion budget deficit reduction number in agriculture. You cannot write a decent farm plan with that.

Some say, well, we have a new approach called the freedom to farm bill. The freedom to farm bill, as my colleague, TOM HARKIN, said, is the "welcome to welfare" bill that disconnects in every single way an opportunity to have a long-term price support that is beneficial to family-size farms.

I will not apologize for a minute to anybody for believing that investing in family farmers with a safety net that makes sense is worthwhile for this country. Nobody in this Chamber ever ought to stand up and claim to be pro-family if you are not pro-family farmer. Nobody under any condition ought to talk about being pro-family unless they are willing to stand for the interests of maintaining a network of family farms in this country. That is where the nurturing and caring and sharing and the kind of development of family values in this country has always begun for 200 years and rolled across this country to our small towns and cities.

The fact is, it makes a difference in our future whether we have an inventory of agri-factories producing America's food or whether we have families out there living on the land where the yard light is on at night and sending kids to school and buying tractors in town. It makes a difference the kind of agriculture we have.

Family farm-based agriculture is critically important to this country's future. I know a group of us introduced legislation today that says you can create a better farm program and save money if you simply disconnect from the giant agri-factories and decide to focus a targeted price support on the family-size farms.

People say, "What is a family-size farm?" I do not know the answer to that. We do not have a statistical definition of a family size farm. But we do not have enough money anyway, so you try to layer in the best price support you can for the first increment of production; and the effect of that is to provide the bulk of the benefits to family-sized operations.

Now, we hope in the coming 3 or 4 weeks, in the time that is critical for the future of the new 5-year farm bill, that we can find a critical mass between Republicans and Democrats, all of whom, hopefully, will come together to get a network of family farms in this farm bill. And we hope we can do that.

There are some in this Congress who are willing to wave the white flag of surrender and say, "We give up. It cannot be done." What they do is consign rural counties in this country to economic despair and economic depression. My home county lost 20 percent of its population in the 1980's and 10 percent in the first half of the 1990's. It is shrinking like a prune. The current farm program does not work. And it is not going to help a thing by deciding to surrender and pass something called a freedom to farm act, which, as I said, is nothing more than a welcome to welfare act.

There is a better way to do this. Senator DASCHLE, myself, Senator CONRAD, Senator EXON, Senator HARKIN, and others introduced legislation today that we think puts us on the road, the right track, to deal with this country's farm problems. I hope all Members of the Senate will be able to review it and consider it as we evaluate what direction this country takes with respect to farm policy in the coming 5 years.

Mr. President, I yield the floor.

I make the point that there is not a quorum.

The PRESIDING OFFICER (Mr. ABRAHAM). 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.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

The Senate continued with the consideration of the bill.

Mr. DOLE. Mr. President, let me again remind my colleagues on both sides of the aisle, the managers of the Agriculture appropriations bill are on the floor. They have been on the floor throughout the day.

There are Members here who have amendments who, for some reason, are holding back offering those amendments. Let me repeat what I tried to indicate this morning, that if we can complete action on the six remaining appropriations bills this week and by the 30th of next week, by next Saturday, a week from this coming Saturday, we would, I think, be prepared to take the next week off, plus Columbus Day.

That is if we complete action on the appropriations. I do not mean complete the conference but complete action in the Senate Chamber so that either will be ready for conference as soon as we return.

We are trying to avoid the so-called train wreck come October 1, which I think can be avoided fairly easily.

I know some of my colleagues are around but they just have not come to the floor. It is very difficult for the managers to proceed with the bill.

If we finish this bill, this will be No. 8 out of 13. Then we will move to another appropriations bill, hopefully do three this week and three next week. But the managers of the bill cannot move unless they have the cooperation from Members.

Members sometimes are hard to move, but if you intend to offer an amendment to this bill, I would say to my colleagues on both sides of the aisle, please cooperate. We are only trying to accommodate the requests of many, many Senators the week of October 1. But we cannot accommodate those Senators unless we have the cooperation of all of our colleagues. There will be a vote sometime this afternoon, about 5:30.

Mr. COCHRAN. If the distinguished leader would yield, I can say that we are trying to reach an agreement on a vote at a time certain later this afternoon, certainly not before 5:30.

There is an indication that we could have a debate and a vote on the promotion program amendment which

would be offered by the Senator from Nevada and the Senator from Arkansas, but that vote could occur as late at 8 o'clock, we are told.

We are trying to work out an agreement on what our options are. We would like to have a vote later this evening.

Mr. DOLE. Third reading would be one option. Can we go to third reading?

Mr. COCHRAN. I do not think that is appropriate since we have amendments where the yeas and nays have been ordered but we agreed that the votes will not occur until tomorrow.

We have two amendments by Senator BROWN from Colorado where the yeas and nays have already been ordered. We also have an agreement that has been entered into regarding an amendment by the Senator from California, Senator BOXER, where the vote will occur tomorrow afternoon after we have completed action on the welfare bill.

So we have made progress. Senators have cooperated. We do have outstanding amendments, and we appreciate your suggestion that those Senators who do want to offer amendments come and offer them and talk about them, and we will have a vote on one tonight and stack the rest of the votes for tomorrow.

Mr. DOLE. In addition, if they have an amendment, it may be some of the same Senators that had asked me about that first week in October. So I will keep that in mind when they come around the next time.

Mr. BUMPERS. Mr. President, in relationship to the discussion, I think Senator BOB KERREY has an amendment that is supposed to be on the floor at 5:30 to debate the amendment.

The distinguished chairman of the committee has suggested that we vote on the committee amendment, but I am also told that the committee amendment contains not only the disaster relief as proposed by the chairman, but also the provision that Senator BOXER objects to.

We could bifurcate.

Mr. COCHRAN. We would not want to vote on the one relating to the poultry issue that Senator BOXER is interested in, only that relating to the disaster assistance for cotton farmers.

Mr. BUMPERS. Frankly, I think it is important we tell people we are going to start voting sometime after 5:15, that we start voting. I am hoping we can vote either on the Kerrey amendment or the committee amendment.

Senator BOB KERREY is supposed to be on the floor at 5:30. If he is, we will work out an agreement. If he wants to vote right then, first, that is fine. It is fine with the chairman. Then we will vote on that part of the committee amendment.

Mr. COCHRAN. We do not have to vote on both of them.

Mr. BUMPERS. That is right.

Mr. DOLE. Or we could vote first and then hear the amendment.

Mr. BUMPERS. In any event, I hope we start voting here. Senator COCHRAN and I have waited patiently here all day long with not some grace, but, in any event, we have been here.

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

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

Mr. BROWN. Mr. President, I ask unanimous consent that I be allowed to vitiate the yeas and nays on my amendment No. 2689.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 2689, AS MODIFIED

Mr. BROWN. Mr. President, I now will modify my amendment, provided the amendment has been delivered to the desk, and ask that it be considered as an amendment to the bill, not the committee amendment as previously.

The PRESIDING OFFICER. Is there objection?

Mr. FORD. Mr. President, reserving right to object, I will not object.

The PRESIDING OFFICER. The Chair will indicate that this does not require unanimous consent.

Mr. FORD. I understand the Chair. The Senator has the right to modify his amendment without asking unanimous consent. I will not object.

The amendment (No. 2689), as modified, is as follows:

At the appropriate place in the bill, insert the following:

"It is the Sense of the Senate that the current statute establishing the Tobacco Marketing Assessment, which raises revenues used solely for deficit reduction purposes and not in any manner to offset the costs of the tobacco program, should be amended to require that the current assessment be set at a level sufficient to cover the administrative costs of the tobacco program."

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. FORD. I thank the Chair.

Mr. President, let me express my appreciation to the Senator from Colorado for his working with Members this evening in order to arrive at what we think is a reasonable conclusion to his desire. I think and hope that it will reach what he is attempting to reach without having a confrontation. He has been very gentlemanly about it, and I do appreciate it. I hope that and believe that both sides will accept his amendment now and that we can move on to other amendments.

I thank the Chair. I thank the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Mr. President, I want to extend my thanks to both Senators from Kentucky; Senator FORD, who is here, and has been so helpful. I might say that the Senator was expanding on the information that I got from the Congressional Budget Office, which was not clear, that the tobacco program has people who are paid for their grading and inspection already. I think that needs a clarification, and the RECORD should clearly reflect it.

I think it is also appropriate to note the existence of a payment to reduce the deficit which has been made by the program. This amendment's clear policy is that this ought to be approved—no-cost-to-the-Government provision—that it makes it clear in drafting the new farm program, or revising the existing farm program, that both the deficit reduction effort, as well as the administrative costs, which my amendment was concerned with, ought to all be completely paid for. I think that this is very helpful in that regard.

I yield the floor, Mr. President.

The PRESIDING OFFICER. Without objection, amendment No. 2689, as modified, is agreed to.

So, the amendment (No. 2689), as modified, was agreed to.

Mr. BROWN. Mr. President, I rise to offer an amendment and ask unanimous consent to set aside the pending committee amendment so it may be offered to the underlying bill.

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

AMENDMENT NO. 2690

(Purpose: To limit the use of funds by the Department of Agriculture to activities that do not interfere with the primacy of State water law)

Mr. BROWN. Mr. President, I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 2690.

Insert at page 84, between line 2 and line 3:

SEC. 730. None of the funds available in this Act shall be used for any action, including the development or assertion of any position or recommendation by or on behalf of the Forest Service, that directly or indirectly results in the loss of or restriction on the diversion and use of water from existing water supply facilities located on National Forest lands by the owners of such facilities, or result in a material increase in the cost of such yield to the owners of the water supply; *Provided:* nothing in this section shall preclude a mutual agreement between any agency of the Department of Agriculture and a state or local governmental entity or private entity or individual.

Mr. BROWN. Mr. President, this amendment has been improved by the helpful suggestions of the Senator from Arkansas.

What it is meant to do is address a rather unusual occurrence that happened several years ago; that is, water supplies, drinking water being delivered from reservoirs in the mountains

of Colorado, being delivered to the cities on the plains which crossed Federal ground.

The Forest Service at one point had suggested that literally the cities would have to forfeit a third, a half, a tenth, some portion of their water to be allowed to get a renewal of the existing permit to cross Federal ground. This was ironic because some of those permits predated the existence of the Forest Service itself.

This approach was taken by the Forest Service, localized in Colorado, and not, at least at that point, in other States, thankfully, by other departments of the Federal Government. You can imagine this would cause enormous chaos. There is a law and body of case law that relates to this and recognizes States rights in this area.

Let me emphasize, Mr. President, this phenomenon occurred where there was no change whatsoever anticipated in the use of the water or the means of transiting the Federal ground at all. All of us understand that there are important laws on the books that grant broad authority and grant new permits to either use or cross Federal ground. But this phenomenon had occurred at a point where they were talking about simply renewing an existing permit with no change whatsoever. The policy literally called into question then the water rights throughout almost all of the State.

As a matter of fact, if followed in other States, it could have endangered not only water rights throughout the entire West but property rights for States and citizens and municipalities throughout the entire Nation because, of course, once one is allowed to extract or extort concessions based on renewal of an existing permit without any changes, almost every city in the Nation has some vulnerability.

This, I think, makes the policy clear that that kind of extortion will not take place.

I want to thank both the Senator from Mississippi and the Senator from Arkansas for their help in crafting this limitation.

Mr. COCHRAN. Mr. President, I congratulate the distinguished Senator from Colorado for his amendment and for his successful negotiation of the amendment with the administration. We are happy to recommend the approval of the amendment and hope the Senate will support it.

Mr. BUMPERS. Mr. President, let me just echo the words of the distinguished Senator from Mississippi. The Senator from Colorado and several communities in Colorado have a very difficult problem in renewing easements and rights-of-way on municipal water supplies which cross Federal lands. Those are up for renewal.

I happen to come down very strongly on the human needs side when issues like this arise. It is not that there are not other problems that can and should be addressed in order to accommodate the future of those lines for the benefit of both parties, and that is the reason I personally favor and the administration favors the provision in this amendment that as long as both parties voluntarily agree to changes which are beneficial to both, that is fine. But frankly, the Federal Government and Forest Service should not have the right to be arbitrary or capricious in renewing these rights-of-way which are critical to the very existence of some of these communities.

The Senator from Colorado has my gratitude for offering it, and I am happy that we were able to work out this language. We have no objection to the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 2690) was agreed to.

Mr. BROWN. Mr. President, I move to reconsider the vote.

Mr. BUMPERS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the quorum call be dispensed with.

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

Mr. PRESSLER. Mr. President, I ask unanimous consent to speak for 5 minutes as in morning business.

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

Mr. PRESSLER. Thank you, Mr. President.

MISLEADING ADS TO SENIOR CITIZENS

Mr. PRESSLER. Mr. President, there have been a number of ads run on television and newspapers regarding senior citizens programs in my State of South Dakota and, I understand, around the country. These ads are very misleading. They wrongly allege if current plans by the majority in Congress are carried out, certain people will not be able to get care for Alzheimer's disease or nursing care or medical treatment. These are scare tactics.

In my own case, I have taken great interest in senior citizens. In fact, my father, unfortunately, died of Alzheimer's disease. I have an Alzheimer's foundation. I am active on the board of the Alzheimer's association nationally and in my State. I have been a champion of senior citizens. I am very concerned about their welfare. That is why I was concerned greatly when Medicare's trustees—a majority being members of President Clinton's own cabinet—declared earlier this year that Medicare would go bankrupt unless we do something about it—we who hold responsibility.

A general plan to protect and preserve Medicare has been put forth by those courageous enough to be involved with it. I serve as a member of the Finance Committee, and I have been a part of the development of this plan. Our plan would not cut Medicare, but would slow its rate of increase from about 10 percent a year, which is well above inflation, to about what President Clinton once called for 2 years ago, about 6 percent, twice the inflation rate.

Now, Mr. President, it seems strange to me that all these baseless ads imply—and they list me by name in my State—that Senators who are trying to save Medicare are somehow forgetting senior citizens and people with Alzheimer's disease. I resent that deeply. As one who had a father die of Alzheimer's disease, I will not take a back seat to anyone regarding the care of senior citizens. I also do not intend to sit idly by and let Medicare go bankrupt. Nor will I allow our fiscal house be dismantled in order to protect well-intentioned, but wasteful or inefficient Government programs. We cannot go around promising everybody everything.

We have a huge deficit that threatens our children's future. We also have a Medicare system its trustees' have predicted will go broke if we do not do something about it. We can save Medicare by reforming Medicare. We can save Medicare by finding greater efficiencies, and eliminating waste, fraud and abuse. It means we have to use new telecommunication methods and other medical technologies to lower costs. It means we have to encourage greater choice in the kinds of medical services available to seniors, which would also lower costs. We can do all these things and more without cutting Medicare, but by slowing its growth rate in order for Medicare to be there for seniors well into the next century. And that is very appropriate.

Now, we should take a look at who is running these ads, at least in my State and maybe around the country. Who is disseminating this false information?

First of all, one of the sets of ads is being funded by the American Federation of State, County and Municipal Employees. Of course, one wouldn't know that by listening or reading the ads, because the ads are being run under a different name, the so-called Save America's Families Coalition. Another is run by the so-called American Health Care Association. I think that there should be truth in advertising here. Who are really behind these ads and what is their agenda?

Let me say that I know there are many sides to American politics. However, more and more, ads are being run on television and the radio and in the newspapers by front groups that try to hide the true source. It is hard to know by the disclaimer exactly who is behind these ads.

And so, Mr. President, I would say as one who comes from a family who has seen the tragedy of Alzheimer's disease firsthand that I am very, very concerned. I am concerned about our Nation's seniors. I have fought for our seniors from the very first day I took office as a U.S. Congressman. And I will continue to fight for them as a member of the Senate Finance Committee. My resolve is stronger than ever. Our first priority for seniors is simple: to preserve and protect Medicare. I have just come from a meeting working on a comprehensive plan to save Medicare. I would hope that instead of running Medi-"scare" ads, these liberal special interest groups would offer real solutions to what President Clinton and every Member of Congress believes is a very severe problem. I would like to see their ideas, their plans specifically.

All of us will have to stand on the Senate floor soon and vote up or down on these issues within the next few weeks. At that time, our views and our votes will be known. Before that occurs, I hope all those behind the current ad campaigns will step forward and join in a constructive effort to save Medicare. This issue is too important for our seniors, and they deserve a constructive dialog and debate.

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

I suggest the absence of a quorum.

Mr. FORD. Mr. President, would the Senator from South Dakota withhold that motion?

Mr. PRESSLER. Yes I will.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. FORD. I ask unanimous consent that I might proceed as in morning business for 2 minutes.

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

HEALTH CARE

Mr. FORD. Mr. President, I understand where my friend from South Dakota comes from. But there is part A and part B under Medicare. Part A, we talk about the trustees and their reports. They gave us two reports. One is a $136 billion surplus today in part A; but in 7 years it will be down to minus $6 billion. Under part B, there is $17 billion in surplus today; and 7 years from now it will be $25 billion in surplus.

The President has put out that he would want $89 billion in part A to make Medicare solvent for 10 years, and he has asked for a little bit more to make Medicare solvent. We agree with the problems of solvency. The President has three members on the board of trustees, or the commission, that reports to all of us annually. And so we have given a proposal. We do not want to take $270 billion out over 7 years. We do not want to cut another $240 billion out of Medicaid.

So when you look at that, the reduction in the budget comes out of health care—comes out of health care. And something, in my opinion, has to be wrong when we are looking at children to be hurt, we are looking at the elderly to be hurt. And yet the headline in the Nashville Tennessean is, "The GOP Plan Has Coddled the Rich and Socked It to the Poor." That is big 2-inch headlines across the banner of that newspaper.

So when you say we have not given a program, it is out there. It is out there. And we are not scaring our old folks. We are trying to protect them. So, a little bit—a little bit is a whole lot better than trying to reach a tax cut. $240 billion is a figure we all want to remember—$245 billion. That is a tax cut. When you cut the expenditure of Government to balance the budget, that is one thing. And we are all for that. I am for it. But then you say you want to give a tax cut, that means you have got to cut more.

So the problem now is not balancing the budget; the problem now is $245 billion that will be a tax cut. If we can get around to not using that or not giving it to the ultrarich, I think the balanced budget and the programs would go through very smoothly.

There is no big argument about making Medicare solvent, no argument at all, but it is giving a $245 billion tax cut to the most wealthy in this country while you take a big hunk out of Medicaid.

And I see the Alzheimer's patients under Medicaid, I see the Alzheimer's patients under Medicare. There are a lot of people in this Chamber that probably can use Medicare. I am of that age, others of that age. But the problem results in a $245 billion tax cut. If we did not have that, we would not have the problem. The ads would not be running. We would already have the appropriations bills out. We would be waiting for the conference to come back. We probably could meet our deadline of October 1 for the budget.

I understand my time is probably up, and I thank the Chair for his friendly greetings.

I yield the floor. I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

The Senate continued with the consideration of the bill.

Mr. CHAFEE. Mr. President, I want to take this opportunity to thank the managers of the bill for the increase that they have given to the WIC Program. I think the WIC Program is an outstanding program, and I think it is worthwhile. Its value has been evidenced by the fact that the distinguished managers of the bill have given it a very nice increase for the upcoming year.

So I want to thank the senior Senator from Mississippi and the senior Senator from Arkansas for the additions to the WIC Program which they provided in this legislation.

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

Mr. COCHRAN. Mr. President, will the distinguished Senator please withhold?

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, let me just thank the Senator from Rhode Island for his generous comments and his support for the provisions of the bill which he described. It is very difficult in this time of diminishing access to funds under our allocation and budget resolution to keep this caseload up to the existing level. It has been done with the full cooperation of the other members of the subcommittee.

We recognize that it is an important program. It is a program that saves money, I think, in terms of health care costs and learning deficiencies that would occur were it not for the proper nutrition at these ages.

So I appreciate very much the Senator noticing the hard work that was put in on this subject.

Mr. CHAFEE. Mr. President, what the WIC Program is, for those who do not know, it is a nutrition program, as the distinguished senior Senator from Mississippi said, a nutrition program for women, infants, and children.

Furthermore, invariably, at least in my State, it takes place in a setting where you might say it is one-stop shopping, where a mother can come and her infant child will be cared for and, in addition, can get some nutrition advice from experts.

As the distinguished Senator from Mississippi said, this is really proven out to be a money saver in the long run. If we can keep these infants healthy and get them off to a good start, savings to the Nation in the form of medical care are very, very significant in the long run.

So I am happy this was able to be worked out the way it was.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT AGREEMENT

Mr. COCHRAN. Mr. President, we were successful in getting Senators to cooperate in identifying the amendments that remain to be offered to this bill. We are prepared now to seek unanimous consent to limit the amendments on the bill to those which we will read. These have been cleared on both sides of the aisle.

I now ask unanimous consent that the following amendments be the only remaining amendments in order to H.R. 1976, other than the pending amendments; that they be offered in the first or second-degree; if a committee amendment still remains to be amended, any first-degree amendment be subject to relevant second degrees:

A Stevens budget for Assistant Secretary of Natural Resources amendment; a managers' package; two Cochran relevant amendments; a McCain funding for travel colleges; Domenici on scoring; Abraham on advisory committees; Senator BINGAMAN requiring USDA energy savings initiatives; Senators BOXER and FEINSTEIN on chickens, fresh and frozen regulations; Senator BRADLEY, two relevant amendments; Senator BRYAN, one to eliminate the Market Promotion Program and three relevant amendments; Senator BUMPERS, two relevant amendments; Senator BYRD, relevant amendment; Senator CONRAD, an amendment to establish a United States-Canadian review on water in North Dakota, ARS potato research laboratory and a relevant amendment; Senator DASCHLE, two relevant amendments; Senator DODD, two relevant amendments; Senator DORGAN, a United States-Canadian study on Devil's Lake; Senator FEINGOLD, a rural development amendment and one on research grants; Senator HARKIN, food stamps amendment; Senator KERREY, cotton disaster assistance funds amendment; Senator KERRY of Massachusetts, prohibit Market Promotion Program, mink export amendment, and a relevant amendment; Senator KOHL, two relevant amendments plus an amendment on rural development grants; Senator LAUTENBERG, two relevant amendments; Senator LEAHY, an amendment to restore livestock feed assistance and an alternative development amendment; Senator LEVIN, Michigan special research grant amendment and a relevant amendment; Senator REID, sugar program amendment and two relevant amendments.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I have just been advised that Senator FORD would like to be added as having one relevant amendment. Otherwise, we have no objection to the list as read by the chairman.

Mr. COCHRAN. Mr. President, I ask that my UC be amended, as pointed out by the Senator from Arkansas, and to add a Gorton relevant amendment, plus a Gregg relevant amendment and, as modified, I so ask unanimous consent.

The PRESIDING OFFICER. Is there objection to the unanimous consent agreement, as modified? Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I thank the distinguished manager on the part of the minority for his cooperation and all Senators for cooperating to identify these amendments.

Let me say now that if we called for the regular order, which I am prepared to do, as I understand it, the amendment of the Senator from Nebraska, Senator KERREY, which was offered earlier in the day by Senator DASCHLE on his behalf, would be the pending business. Parliamentary inquiry. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BUMPERS. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending amendment is No. 2688 offered by the Senator from Colorado to the committee amendment.

Mr. BUMPERS. That is the amendment on the peanut subsidy?

The PRESIDING OFFICER. That is correct.

Mr. BUMPERS. Just to refresh my own understanding of this, what was the question and answer of the distinguished Senator from Mississippi as to what the regular order was?

The PRESIDING OFFICER. Amendment No. 2686, the amendment offered by the Democratic leader on behalf of the Senator from Nebraska.

Mr. COCHRAN. I call for the regular order.

AMENDMENT NO. 2686

The PRESIDING OFFICER. Amendment No. 2686 is the pending question.

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

Mr. COCHRAN. I have not yielded the floor. Do I have the floor?

The PRESIDING OFFICER. Yes.

Mr. COCHRAN. Mr. President, the purpose of coming to this amendment in the regular order is that this amendment was the first offered today by the distinguished Democratic leader on behalf of the Senator from Nebraska and the Senator from Wisconsin, with the understanding that it would be taken up later in the day. It is later in the day. We have told Senators that we would not have a vote on this bill until 5:30. We now have reached that point and beyond. I have spoken against the Kerrey amendment, and for the committee amendment, which is the subject of the Kerrey amendment.

The Kerrey amendment seeks to strike the committee amendment which contains funds—$41 million—for disaster assistance for cotton producers, which have been hard hit this year by a massive infestation of beet army worms, tobacco budworms, and unusually dry weather, which has exacerbated a very difficult situation throughout the South and Southwest.

I notice that the Senator from Nebraska has come to the floor now to speak to the amendment. I am prepared to yield the floor and permit whatever time he may need to discuss his amendment. I hope that we can then vote on his amendment, or a motion to table his amendment. I am prepared to move to table his amendment and ask for the yeas and nays, but I am not going to do that if he wants to speak to that amendment now.

Before I yield for that purpose, I wonder if we can agree on a time certain, for the benefit of all Senators, on a motion to table the Kerrey amendment.

I am hopeful that the Senator could agree to take no more than 10 or 15 minutes. I think I spoke for about 10 minutes. Most Senators know what this is all about. If additional time is needed, I am happy to consider that, along with the interests of other Senators. I know Senators have made plans for other activities tonight. They thought they were going to vote at 5:30. I wonder if the Senator can tell us what his needs would be in terms of time to debate this amendment. I will be happy to yield to the Senator to respond, without losing my right to the floor.

Mr. KERREY. Mr. President, I say to the distinguished Senator from Mississippi, there are others who have told me they want to speak. I just arrived here. I am not sure how many others have actually come to speak in favor of this amendment. I personally can get by easily with 10 or 15 minutes. I wonder if the Senator would mind making it 30 minutes, and I will be prepared to yield it back if nobody else shows up. It may be necessary at this point, since some Members have been waiting and know what time the vote was going to be scheduled, to give them time to get here. As far as the amount of time I require personally to speak on this amendment, 10 or 15 minutes would be all I would need.

Mr. COCHRAN. I thank the Senator. Let me see if this is suitable to Senators.

I ask unanimous consent that we vote on or in relation to the Kerrey amendment at 6:30.

The PRESIDING OFFICER. Is there objection to that unanimous-consent request?

Is the time to be divided in the usual fashion? Does the Senator wish to specify a division of time?

Mr. COCHRAN. Under the usual form, and that no other amendment would be in order to the amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. KERREY. Mr. President, this is a fairly straightforward amendment. I must say I offer it with some reluctance. The distinguished Senator from Mississippi and the distinguished ranking member from Arkansas have done an excellent job with the agriculture appropriations bill and in staying open to suggestions and staying open to preferences of individual Members.

However, this $41 million appropriation for cotton really does put us on a slippery slope, Mr. President. Last year, when we set in motion the enhanced crop insurance program, the promise was that crop insurance was to be to replace ad hoc disaster programs. That was the promise. If we begin today, less than a year later from putting that program into place, saying, well, here is a case we can make, there is no question—and I do not argue with the distinguished Senator from Mississippi that the disaster and tragedy affecting cotton producers is meritorious. However, we said that instead of ad hoc disaster, we were going to do crop insurance.

It seems to me, Mr. President, that if we begin with cotton, there will be amendments offered to do soybeans or corn or rice, or all sorts of things. We will get appeals, one after another. And those of us who have heard those appeals thus far have been able to say, no, I would like to go to the floor and offer an amendment on your behalf, I understand the disaster is serious; however, we are using crop insurance.

We need to improve that program. It is not perfect. We nonetheless need to work with that program, rather than, at least for people like me, breaking a promise to taxpayers that we would not have both an ad hoc disaster payment and crop insurance.

The details of the reallocation, Mr. President, are as follows: $35 million of the $41 million would go into a rural community advancement program, which includes grants and loans for water and sewer improvements, rental housing, and other important rural development programs. The Senator from Arkansas and the Senator from Mississippi have both spoken eloquently on the rather severe cuts we have in rural development in this bill. It is unavoidable. We can avoid a piece of that by enacting this amendment.

Second, $4.5 million goes into the rural development loan fund intermediary lending program—an extremely successful program, one that has bipartisan support, Mr. President—that promotes rural economic development by making investment capital available, via a locally based nonprofit intermediary, to rural businesses that typically cannot obtain financing from conventional sources.

Lastly, $1.5 million goes into rural technology and cooperative development grant programs, which provide funding to public bodies and nonprofit organizations to establish rural technology and cooperative developing networks nationwide to help improve economic conditions in rural America.

Again, the amendment rests upon a belief that we should either do crop insurance or ad hoc disaster. Again, I do not challenge the meritorious nature of the cotton disaster. But I do believe, Mr. President, that it would be a terrible mistake for us to move away from crop insurance, back into this sort of dual thing where we say, well, if crop insurance does not work, we will do ad hoc disaster on top of that, and the next thing you know, taxpayers are paying for both. Next will be blueberries and potatoes and everything else that comes in. They will say, "I see that in 1995 you took care of cotton; can you take care of us as well?"

I hope colleagues understand that I do not offer this amendment as a consequence of radical disagreement or objection to what the chairman and ranking member are doing. They have done an exceptional job of putting this bill together. I offer it as a consequence of believing very strongly that our policy ought to continue with crop insurance. If it is demonstrable that crop insurance does not work—and there are many problems still with that—and it is demonstrable that it does not work, we should abandon the crop insurance program and go back to year in and year out politically deciding in Congress how it is that we are going to allocate resources for the disaster program.

Mr. President, that concludes my stirring remarks on this particular amendment. I told the Senator from Mississippi I was going to take 10 or 15 minutes. I have not done that.

MEDICARE

Mr. KERREY. Mr. President, I will test the patience of the Senator from Mississippi by talking on a subject that is very much related to this and that is the proposal that was made last Friday on Medicare by the Republican leadership in the House of Representatives.

I read over the weekend the details that were available—not all details were available. I make the comments because I know on our side in the Senate Finance Committee they are deliberating, as well, trying to discover how to come up with $270 billion.

Allow me to say two things about this. One, there are many on this side, many Democrats on this side, that would rush immediately to embrace a proposal to eliminate the deficit by the year 2002 if we could eliminate the enthusiasm for a tax cut that still is on the table.

I understand that enthusiasm is there. I did not hear an awful lot of people in the Senate, at least when they were campaigning for reelection, campaign on a promise to put those portions of the Contract With America in our budget reconciliation.

The choice is not between bigger Government and smaller Government. We would still have a balanced budget by the year 2002, all with cuts in spending. We would still have a proposal that would not have any tax increases in it.

I think we could take an awful lot and we could get a bipartisan agreement and still have a very tough budget reconciliation if that were acceptable to my colleagues on the Republican side.

Much more difficult, and it gets difficult on this side, is that we have in place, Mr. President, with our entitlement programs, growth in those programs that continue to erode our entire budget.

Imagine a business out there that has $1,000 or $100,000 or $1 million or $10 million or $100 million worth of sales with 67 percent of their sales being eaten up in costs related to mandated spending. That is, noncontrollable spending.

In this case, most of the retirement and health care. Imagine, 67 percent. Their capacity to invest in equipment, their capacity to invest in employees, their capacity to invest in things that maintain their base of sales is substantially reduced as a result.

The same is true with the Federal Government. It would be bad enough, Mr. President, if we had 67 percent and it stayed there. Under both the President's proposal and the Republican budget resolution that percentage continues to grow so that in the year 2000 it is 75 percent, not 67 percent.

Mr. President, that is 8 percentage points, approximately, additional growth in entitlements. On this year's spending that is nearly $140 billion of additional money of our budget that is going to entitlement spending.

I know the Senator from Mississippi understands this. If we had $400 billion which is what 25 percent would be, if we had 25 percent of our budget allocated this year for defense and nondefense appropriations, we would have $400 billion, Mr. President.

Our most dovish liberal member would probably spend $250 billion on defense, leaving $150 billion for nondefense spending.

Mr. President, as I look at the Republican Medicare Preservation Act—whatever they call it; something to that effect—of 1995, they say the proposal preserves Medicare in the future. It does not. All it does is it picks as the problem the year 2002 but it does not alert Americans to the enormous demographic problem of baby boomers that come online and begin to retire in the year 2008.

Mr. President, unless we take a longer view, we do not see the appropriated accounts begin to dip even lower than 25 percent, eventually becoming zero, unless we take action.

There are two things that put pressure on the appropriations accounts that requires us to cut back in agriculture this year, as well as all other of our 13 appropriations bills. One is a tax cut that is insisted upon by the Republican majority.

I do not believe—I am not sure even the majority is that enthusiastic on the Republican side. Bigger than that, Mr. President, by my calculation, is a factor of four—four times larger than that problem—is the problem of growth of entitlements.

We Democrats will have to say to Republicans—indeed the proposal put out last Friday instead of saying it does too much, the biggest deficiency that I find with the proposal, Mr. President, is it does not do enough. My criticism of it, it is not big enough. It does not really fix the problem.

I stand here as one Democrat who is concerned about what we are doing to these appropriated accounts. I see many areas where Republicans and Democrats, whether it is rural development or transportation or education, could agree that we are not spending enough, that we are decreasing our productive capacity in the future and denying ourself higher standards of living and more economic growth.

As a result, where we have agreement we are simply unable to come up with the resources, first, because of a tax cut that is still in here; but a far larger looming problem is the growth of entitlements.

I see that the cosponsor of this bill, Senator KOHL, of Wisconsin, is on the floor. I yield the floor.

Mr. KOHL. I thank my colleague from Nebraska.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

The Senate continued with consideration of the bill.

AMENDMENT NO. 2686

Mr. KOHL. Mr. President, I rise today to join the Senator from Nebraska in offering an amendment to increase funding for critically important rural development programs, offset by the elimination of the ad hoc cotton disaster provision included in this bill.

The cuts required in this year's Agriculture appropriations bill are very difficult. Both the chairman and the ranking member of the Agriculture Appropriations Subcommittee have done an admirable job with this bill under very difficult budgetary circumstances.

However, there is one major provision in this bill to which I must object, and that is the $41 million ad hoc cotton disaster provision. I find this provision inappropriate for two reasons:

First, the cotton disaster provision is inappropriate in light of the Federal Crop Insurance Reform Act just passed last year. With great fanfare, Congress passed crop insurance reform legislation to require farmers participating in USDA programs to buy federally subsidized crop insurance, to better prepare for unexpected crop losses. We all hailed the passage of this legislation as being the end to ad hoc crop disaster payments, representing a new era of fiscal responsibility.

Despite the near unanimity of our decision to end ad hoc disaster payments, we stand here today debating whether or not to provide ad hoc disaster payments. We made a promise to the U.S. taxpayer last year, and I think we should keep it.

The second reason that I find this disaster provision inappropriate is because of the painful cuts required elsewhere in the bill. At a time when core rural development programs are being cut by nearly 30 percent from last year's level, providing $41 million in unauthorized disaster payments becomes even that much harder to accept.

Mr. President, the choice we make regarding this amendment goes far beyond any specific crop loss for any specific commodity in any specific year. If we decide to allow this ad hoc disaster provision to remain in the bill, it will set a very bad precedent for crop insurance reform in general in the future.

If this provision becomes law, each of us will feel compelled to push for ad hoc disaster assistance payments for crop losses every time our farmers have losses. And our short-lived experiment in fiscal responsibility will have failed.

But we can choose the alternate course, and reject this provision and thereby keep the promise that we made to the taxpayers last year to end ad hoc disaster payments for crop losses.

So I urge my colleagues to choose the latter course, and support this amendment.

Mr. COCHRAN. Mr. President, how much time remains under the agreement?

The PRESIDING OFFICER. Under the agreement, the Senator from Mississippi has 17 minutes, and the Senator from Nebraska has 3 minutes.

Mr. COCHRAN. Mr. President, I yield myself such time as I may consume.

I am hopeful that Senators will look at the language of the committee amendment and recognize that we are not creating, by law, a new disaster assistance program. We are giving authority, however, to the Secretary of Agriculture to use his discretion, and if he feels that supplemental disaster assistance is justified under the circumstances, he has access to these funds to make such assistance available to cotton crop producers who are victims of one of the most devastating disasters that we have witnessed in the Deep South.

This is a disaster that has come upon us very quickly, without any warning. A lot of cotton farmers, as a matter of fact, had understood that the level of catastrophic crop insurance assistance would be about the same that usual disaster programs provide under circumstances that have become familiar to those in farming: weather-related disasters, floods, storms of various kinds. But, normally, weather-related disasters have triggered the availability of some kind of disaster assistance from the Federal Government.

Relying upon that assurance, when the Secretary of Agriculture and this administration promoted this program and encouraged farmers to embrace the new crop insurance program—they were told that they would automatically be covered if they participated in the commodity programs—cotton producers, who were signed up for the program, about 90 percent of them nationwide, almost 100 percent of them in this region, thought that in case of a natural disaster they would have some predictable level of coverage.

But, as it has turned out, the coverage that is being made available is substantially less than that which had been provided under disasters that had been experienced in the past. What makes this disaster different is that farmers, upon seeing the prospective devastation in their crops, began adding more pesticides, getting clearance through the EPA for emergency clearance of new kinds of insecticides to try to cope with this menace. And even with the expenditures of huge sums of money, in some instances, it did not work and cotton crops were devastated. Many of those who suffered from this disaster will not be able to gin a single bale of cotton. There are many who have suffered huge yield losses.

As the insertions that I had printed in the RECORD earlier in the day will clearly show, in our State it is estimated there will be over $100 million in damages and losses. These are real losses to real people who have invested time, effort, and, over long periods of time, developed businesses and farms that now may be lost as a result of this infestation and the lack of response from our Government.

It is my hope we will not just stand by and let this amendment be adopted and transfer these funds to other portions of this bill. I am hopeful the Congress will respond to this situation and give the Secretary the authority to do something for them. It does not say he has to, but it says if he feels it is justified, if the facts justify it, if the severity of the loss justifies it, if there is merit to the suggestion that the Government has a duty to respond to people in dire situations who cannot help

themselves, the Secretary has the authority to do it. That is all this provision says.

So, it disappoints me greatly that we are being asked to turn our backs on farmers who traditionally have been able to look to Congress as sort of the last court of appeal when they are in desperate straits. And they are. Many are—not all, but many are. Those who are need to have an opportunity to have their cases heard at the Department of Agriculture for additional and supplemental benefits under the crop insurance program.

I am hopeful the Senate will agree to provide this opportunity for additional assistance. I do not know how far these funds will go. Mr. President, $41 million sounds like a lot of money, but if you look at all the States that are involved and all the acreage that is involved, this report we got from the extension service and the Department of Agriculture indicates the losses were substantial in our State and Texas, Alabama, Tennessee, Arkansas, Georgia, and there were some losses in North Carolina and South Carolina as well—but in our State, 160,000 acres have been either abandoned or have seriously reduced yields. In Texas, it is 500,000 acres; Alabama, 400,000; Georgia, 300,000. These are huge amounts of land, where either no cotton is going to be harvested this year or very little will be harvested.

So I am saying that this is an unusual circumstance. Not only are the losses being suffered, but huge expenditures have been made by many of these farmers to try to protect themselves in this situation. So it has doubled the loss. Not only did they incur losses because they will not get any return at all, they have expended more money trying to save the crop that they had, that was well underway, that looked good, was going to produce a good crop up until just a few weeks ago.

So I am suggesting that we look with a sympathetic heart upon the situation that we find ourselves in today and approve this committee's recommendation that these funds be made available if the Secretary thinks they can be used and that it is justified. And I hope he will find it is justified.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. KERREY. Mr. President, I have two arguments in response to the distinguished Senator from Mississippi.

One, if we authorize the Secretary of Agriculture to provide disaster assistance for cotton, any Members who vote no on this amendment are going to find themselves at some point faced with another crop with a comparable disaster, saying, "Can you do what you did for cotton last year?" That is what is going to happen. There is no question in my mind. It has already happened to me. People have come to me. Just like the Senator said, people misunderstood what the catastrophic program was. They have come to me and said, "We thought this thing covered more. We did not look at the fine print. They told us it was something different, and now I have a disaster. Can you provide ad hoc disaster relief on top of the crop insurance we expected to be there?"

My answer has been, "No, we have to work with crop insurance or let us get rid of it. If you do not like the crop insurance program and you want to go to Congress year in and year out when there are disasters and try to get money appropriated, let us do that. Let us just assume the program will not work." I think it can work, if the administration will appoint a corporate board of directors.

Second, as to this catastrophic coverage, part of the problem here is that there are Government employees who attempted—in our judgment, too quickly—to assume responsibility that they knew what this bill was about and could inform people.

The law is very clear. It is not like this thing is ambiguous. For former ASCS employees, who were describing what this program was, to misunderstand this one, it requires a pretty substantial stretch of the imagination to figure out how they did. Because it says right in the bill that catastrophic coverage is only going to cover 50 percent loss in yield on an individual yield or area yield basis, indemnified at 60 percent of the expected market price.

So the coverage was never intended to provide full coverage against disasters. It was always intended as a floor and that the individual who was out there trying to make a judgment should have to buy up. We have subsidized insurance available. They could pay more and buy up and get more coverage. The misunderstanding is in part a consequence of our wanting to maintain a system where the Government itself is operating the insurance program.

So I hope, for reasons cited, Members will look very carefully at this. It is a difficult amendment because the distinguished Senator from Mississippi is very persuasive and very well liked and has put together an awfully good piece of legislation. But I promise Members they will find, if they vote no on this amendment, that they will have a difficult time voting no in the future.

Mr. KOHL. Mr. President, I offer a brief comment. We might as well be voting up or down on this amendment. I think it is a mistake to say, "Let us leave it up to the Secretary of Agriculture."

If you leave it up to him, he is going to do it. He is going to do it because that is the way things work. He has to live every day with the distinguished head of the subcommittee, Senator COCHRAN. He has to deal with him on many matters all the time. He is not going to let this interfere. I am not being critical of him or Senator COCHRAN. It is just the way things work. So this decision to leave it up to him, we might as well say let us vote it because that is the way it will work.

So I think we ought not to misunderstand what the nature of this amendment is and the nature of what Senator COCHRAN is requesting. It is really should we or should we not authorize the payment of $41 million? Because that is exactly the way it will work. Of course, Senator KERREY and I are suggesting it is an inappropriate thing to do.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 10 minutes.

Mr. COCHRAN. I am prepared to yield back the remaining time.

I yield back the remainder of my time.

I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Does the Senator seek to have the vote at this time rather than at 6:30?

Mr. COCHRAN. I am prepared to vote. I think everybody is. I ask unanimous consent that we proceed with the vote.

The PRESIDING OFFICER. Is there objection?

Mr. KERREY. Reserving the right to object, I want to make sure, since we notified Members earlier that it was 6:30. I do not want to have somebody get tied up in traffic. It is pretty lousy traffic out there. I would hate to notify everybody that it will be at 6:30, and then to yield 10 minutes. It seems like that may be a problem.

Mr. COCHRAN. Mr. President, we all understand that, if you do not use the time and yield it back, the vote could occur earlier.

Mr. KERREY. Mr. President, unless there is some personal information that somebody is going to have trouble getting here, I am not prepared to object.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Mississippi to lay on the table the amendment of the Senator from Nebraska. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from New York [Mr. D'AMATO], the Senator from New Mexico [Mr. DOMENICI], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Texas [Mr. GRAMM], and the Senator from Pennsylvania [Mr. SPECTER] are necessarily absent.

Mr. FORD. I announce that the Senator from South Dakota [Mr.

DASCHLE], the Senator from Nebraska [Mr. EXON], the Senator from California [Ms. FEINSTEIN], the Senator from Maryland [Ms. MIKULSKI], and the Senator from Maryland [Mr. SARBANES] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 37, nays 53, as follows:

[Rollcall Vote No. 439 Leg.]

YEAS—37

Abraham	DeWine	McCain
Akaka	Frist	McConnell
Ashcroft	Gorton	Moynihan
Bennett	Hatch	Murkowski
Bond	Heflin	Nunn
Breaux	Helms	Pryor
Brown	Hutchison	Shelby
Bumpers	Inhofe	Simpson
Burns	Inouye	Stevens
Campbell	Johnston	Thurmond
Chafee	Kyl	Warner
Cochran	Lott	
Coverdell	Mack	

NAYS—53

Baucus	Grams	Moseley-Braun
Biden	Grassley	Murray
Bingaman	Gregg	Nickles
Boxer	Harkin	Packwood
Bradley	Hatfield	Pell
Bryan	Hollings	Pressler
Byrd	Jeffords	Reid
Coats	Kassebaum	Robb
Cohen	Kempthorne	Rockefeller
Conrad	Kennedy	Roth
Craig	Kerrey	Santorum
Dodd	Kerry	Simon
Dole	Kohl	Smith
Dorgan	Lautenberg	Snowe
Feingold	Leahy	Thomas
Ford	Levin	Thompson
Glenn	Lieberman	Wellstone
Graham	Lugar	

NOT VOTING—10

D'Amato	Faircloth	Sarbanes
Daschle	Feinstein	Specter
Domenici	Gramm	
Exon	Mikulski	

So, the motion to lay on the table, the amendment (No. 2686) was rejected.

Mr. BUMPERS. Mr. President, I move to reconsider the vote by which the motion was rejected.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to the amendment.

The amendment (No. 2686) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BUMPERS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, the majority leader has authorized me to announce that this was the last vote today. We do have a number of other amendments, though, under the agreement which we could consider and discuss tonight, and if recorded votes are required, we could have those votes occur tomorrow. We already have under an agreement an amendment on poultry regulations that is set for a time certain tomorrow under the agreement.

There is an amendment offered by the Senator from Colorado, Senator BROWN, on the peanut program that has the yeas and nays ordered, which will occur tomorrow. Other amendments are identified in this agreement which we could take up this evening and dispose of, some of them on voice vote maybe.

We are prepared to consider all the amendments tonight if Senators will be here to offer them. So I encourage those who do have amendments to present them, offer them, let us discuss them and dispose of them, if we can. If rollcall votes are required, we will have those votes tomorrow.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. Mr. President, I have been told that Senator BRYAN will be here within a minute or two to offer an amendment on the Market Promotion Program. It is an amendment he will offer on behalf of both of us.

I ask unanimous consent that, since he is on his way and prepared to offer the amendment, his amendment be the next amendment in order.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, I suggest the absence of a quorum. I withhold that, Mr. President.

Mr. STEVENS. Mr. President, I would like to engage my good friend, the senior Senator from Mississippi, in a colloquy concerning potato production in Alaska.

Potatoes are one of the very few cash crops that can be grown successfully in Alaska because of the short growing season and cool weather. Because of the extreme climatic conditions in my State, most potato cultivars produced in the lower 48 States are not successful in Alaska. While the potatoes grow, they do not produce tubers for production in future years. However, the Canadians have experimented with some new varieties and have enjoyed tremendous results. Unfortunately, the Department's potato research program has not focused on the unique needs in extreme Arctic climates like Alaska.

The Alaska Department of Agriculture has proposed a plan to use its clean environment for breeding these Canadian potato tubers for use in Alaska as well as West Virginia, New York, Colorado, and Maine. A clean breeding environment is required to prevent disease, but the Department already has a facility which can be used. Approximately $120,000 would be required to cover additional operational expenses.

The State of Alaska's facility is the only State-operated plant materials center in the United States, and will be the only potato cultivar center in North America when the British Columbia facility closes down its operation. The Alaska Materials Center successfully handles 120 northern climate varieties of potatoes, and has been virus free for its entire 10 years of operations. This center has the potential to provide disease-free stock for the other 400 varieties of potatoes grown in North America.

The Senate Agriculture Appropriations Subcommittee provided $707 million for the Agriculture Research Service including a number of increases to address specific agricultural issues. The Senate report includes specific language directing the Agriculture Research Service to work with the National Potato Council to address disease problems in the lower 48 States.

Since the Agriculture Research Service is already engaged in potato research, I ask the chairman of the subcommittee whether the necessary funds could be provided to produce the Canadian potato for use in cold climates in the United States in addition to the work it will do this year on addressing disease problems in the lower 48 States?

Mr. COCHRAN. As the Senator from Alaska noted, the subcommittee did address the potato disease issue, but was not aware of the unique problem in Alaska. I am pleased to learn that a tuber has been developed that would be successful in Alaska, and agree that the Service should address this unique need of cold-climate States.

Mr. STEVENS. I thank the chairman.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BRYAN. 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. COCHRAN. Mr. President, I wonder if the Senator will yield for the purpose of trying to establish an agreement on time on this amendment.

Mr. BRYAN. I would be pleased to do so. With respect to this amendment that the distinguished floor leader is aware of, Senator BUMPERS and I will want to have some time tonight and just a small amount tomorrow before the vote. It is not our purpose to prolong this. I would be willing to agree, subject to the agreement of the Senator from Arkansas, to an hour on this amendment, to be divided equally.

Mr. COCHRAN. Would 10 minutes tomorrow before the vote be sufficient?

Mr. BRYAN. Let me inquire of the Senator from Arkansas.

Mr. COCHRAN. The Senator from Arkansas has indicated that he agrees to that.

I ask unanimous consent that there be 1 hour, equally divided, on the amendment to be offered by the Senators from Nevada and Arkansas tonight, and then tomorrow, 10 minutes before the vote on or in relation to this amendment, equally divided.

Mr. BRYAN. Would the Senator be willing to make that 15 minutes, equally divided?

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Nevada is recognized.

Mr. BRYAN. The Senator is always gracious in accommodating his colleague, when I suspect that the Senator may not agree with the thrust of the enlightened Bryan-Bumpers amendment that is just about to be unveiled on the floor.

AMENDMENT NO. 2691

(Purpose: To eliminate funding for the Market Promotion Program)

Mr. BRYAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. BRYAN], for himself and Mr. BUMPERS, proposes an amendment numbered 2691.

Mr. BRYAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 65, line 18, before the period at the end, insert the following: ": *Provided further*, That none of the funds made available under this Act may be used to carry out the market promotion program established under section 203 of the Agricultural Trade Act of 1978 (7 U.S.C. 5623)".

Mr. BRYAN. Mr. President, if I told the Members of the Senate that there is a program that has cost the American taxpayers a billion dollars, much of that money going to the largest corporations in America, and that there is no evidence it works, in this time of budget constraints, one would think that Members of this body on both sides of the political aisle would say, "Senator, show me where that is; that is one cut that surely we can agree to."

Mr. President, you would be wrong if you made that assumption. If I further asserted that there is a program which is currently slated in this budget proposal at $110 million, that has been denounced by such groups as the Cato Institute, the Progressive Policy Institute, the Heritage Foundation, the National Taxpayers Union, the Center for Science in the Public Interest, Citizens against Government Waste, Citizens for a Sound Economy, the Concord Coalition Citizens Council, the Competitive Enterprise Institute, surely, Mr. President, you might think this is an arrangement that has been made in Heaven, and we should have those on the right and those in the political center all in agreement that a program costing the American taxpayers $110 million ought to be eliminated.

Mr. President, you would be wrong, because this program continues to survive. If I put this in the context that at a time when this Congress is cutting money for the National Park Service, school-to-work programs, vocational education, elderly housing, and countless hundreds of other programs that help needy Americans, who help us to advance our abilities to enjoy public recreational facilities in America, that would make it even all the more unbelievable that there is a program out there that survives.

This program, Mr. President, not only survives, but earlier this year when we were considering the supplemental budget, it was increased from an $85 million to a $110 million program.

By now I suppose some are saying, "Tell me, Senator, what is this program? What is this program that seems to survive when those who are thoughtfully considering the function and role of the Federal Government, both in the center and on the right, all agree that it ought not to exist? It has cost us $1 billion that goes to some of the wealthiest corporations in America. Tell me what this program is. Let me have a chance to cast my vote to kill it."

This program, Mr. President, is the Market Promotion Program. As the distinguished occupant of the chair knows, because he has been supportive over the years in our efforts, this is a program that continues to survive and, as I say, even prosper in this, a year when budget austerity is supposedly the order of the day.

Let me tell you some of the companies that receive this money. For fiscal years 1993 and 1994, here are some of the companies that have received taxpayer funds for the Market Promotion Program.

Before stating exactly what these companies have received, I think a word of explanation about this program: Ostensibly, presumably, the underlying premise of this program is that by providing taxpayers' dollars to advertising budgets of companies that deal with the overseas promotion of American agricultural products, that somehow—somehow—that will increase our agricultural exports.

I acknowledge, Mr. President, that is a noble goal. I am fully supportive of efforts to increase our agricultural exports overseas.

This is a program that is part of a larger budget picture in which, as the General Accounting Office has pointed out, the entire Federal Government spends about $3.5 billion annually on export promotion—$3.5 billion.

While agricultural products account for only 10 percent of total U.S. exports, the Department of Agriculture receives and spends about $2.2 billion, or 63 percent of the total.

I do not believe that it can be argued that we are being unnecessarily penurious in providing money to promote agricultural products abroad. The Department of Commerce, by way of contrast, spends about $236 million annually on trade promotion.

Let me return to the beneficiaries of this program.

Your tax dollars are going to some of the largest and most successful corporations in America to be added to their advertising budgets. Here is an example of the kind of companies that receive this generous largess from the Federal taxpayers.

Ernest & Julio Gallo. Fine products. I can attest to that. Mr. President, $7.9 million go to Gallo wines to assist in their advertising budgets. Now, certainly Ernest & Julio Gallo, great success stories, ought to be able to finance, without the benefit of Federal tax dollars, their own advertising programs.

The Dole people, $2.4 million; Pillsbury, the little doughboy, $1.75 million; Tysons Food, the chicken people, $1.7 million; M & M/Mars, $1.5 million.

Let me say, lest the thought be that somehow the Senator from Nevada is picking on programs that do not have any recipients or beneficiaries in his State and, therefore, it is kind of easy for him to take a cheap shot at others, I remind my colleagues that more than 2 years ago on the floor this Senator took the lead in eliminating an equally outrageous program, the wool and mohair subsidy, in which there are a number of Nevada ranchers that received this largess, as I characterize it, for a period of some 39 years, from 1954 to 1993. I led the charge to eliminate that abomination in our Federal expenditure system.

I point out that M & M/Mars has a factory in Las Vegas, a wonderful product. They are not, in my judgment, entitled to get into the American taxpayers' pocket for $1.5 million.

Campbell soups, $1.1 million; Seagrams, $793,000; Hershey, $738,000; Jim Beam whiskey, $713,000; and Ralston Purina, $443,000. Mr. President, this is only a part of the $110 million that has currently been appropriated to go to companies of this size. It is an outrage.

The General Accounting Office has examined this program and done a study to assert its effectiveness. Let me share with my colleagues what its conclusions are.

It goes on to say that there are many problems with the MPP program, the Market Promotion Program, one of which is that there is no strategic planning. The USDA lacks overall guidance or priorities. To date, listen to this, there is no solid measure of

success or a way to evaluate how the money is spent.

I think that is a pretty compelling argument, Mr. President, to eliminate the program. Moreover, it is not clear who should get the funds. There are no strict guidelines about the size or type of company that will receive these funds. I have mentioned some of the larger corporations. But in addition to those that are depicted, McDonald's, the hamburger people, Sun Maid, Welch's, among others, are also some of the largest recipients of this funding.

I think the American taxpayers, when shared sacrifice appears to be the clarion call of the day, want to ask themselves why are corporations of this size not being asked to do their bit in reducing the level of Federal expenditures? A sacrifice that simply requires them to say, "Look, we are not going to take Federal taxpayers' dollars to supplement our own advertising accounts. We will do that job on our own. Nobody knows better than we do how to market. Nobody knows better how to advertise our programs and our products than we do. We do not need and we are not going to accept Federal dollars."

This program continues on. Moreover, as the GAO concluded, "There is no proof that these funds do not simply replace funds that would already have been spent on advertising anyway."

Let me make that point clear: In effect, what the GAO is saying is that there is no way in which they can assert that this $7.9 million that Ernest & Julio Gallo, the group on the top of the list for fiscal year 1993 and 1994, has not simply slid dollars out of the corporation treasury that would have gone to the advertising budget and just simply said, look, we will release those with $7.9 million that the Federal Government is going to give us and direct that $7.9 million down the profit line to be distributed to the shareholders of that company. In effect, this program, like its predecessor, the TEA—the Targeted Export Assistance Program—has become a convenient source of free cash for wealthy businesses to help pay for their overseas advertising budgets.

Mr. President, I argue forcefully and implore my colleagues, whatever their previous voting record may have been—is it not time to eliminate this program? Whatever its justification may have been in the past, is this not a new era? I compliment Members on both sides of the aisle who have taken the lead to support a budget amendment to the Constitution, to require the President of the United States to submit a balanced budget and the Congress to require a balanced budget. I am a supporter of that effort.

I support the target of 2002 or 2003, whatever it might be, to achieve that balanced budget. Presumably, these kinds of pronouncements herald a new era of Government spending in Washington.

But, if we allow these kinds of programs, corporate welfare, pork for the wealthiest corporations in America, to continue, what kind of message do we send to the American people? I will tell you. The message is, it is business as usual. If you are a big corporation and have influence in high places and have access to the right kind of people, even though we are cutting the programs for the poor, the elderly, and those who do not have influence in high places in Washington—but these programs can be protected.

These are good citizens, good corporate citizens. They make important contributions in their communities and in this country, I am sure. I would think they would be shamed and embarrassed to reach out there at a time when we are trying, struggling to balance this budget.

I offer no criticism of my colleagues who have had to wrestle with some of these tough decisions in the money committees. It is not easy. I may disagree with them on some of their priorities. But it is difficult. There is no magic wand that can be waved. We cannot simply say let us eliminate fraud, waste, and abuse and we can balance the budget. It requires tough and hard decisions.

Nobody has encouraged the Congress to do this more than some of the leading business people in America, the kind of people who are chief executive officers for these companies. I think they ought to stand up and say, "You know, you are right. We ought to do our share, too. From here on out we will simply pay for our own advertising budget. You return those dollars—$110 million—you return those to the Treasury and let us let that money be used to help reduce the deficit."

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who seeks recognition? The Senator from Arkansas is recognized.

Mr. BUMPERS. Mr. President, I do not know what year this is in my crusade to torpedo this program. The Senator from Nevada and I—I think this is the third year we have teamed up. But, if I am not mistaken, I was opposed to the program even before that.

Though I yield to nobody in the Senate in my commitment to a viable agricultural economy—but, when I think of all the long-winded, endless speeches that are made on the floor of the U.S. Senate about welfare deadbeats, which we are going to vote on tomorrow; we are talking about eliminating the earned income tax credit, which is the greatest antiwelfare provision we have ever adopted—we are talking about cutting it dramatically. We are cutting funds for the arts, the humanities. We are cutting public broadcasting. We are cutting education. We are at least $3 billion short on child care. We are talking about cutting Medicare $270 billion between now and the year 2002, and cutting Medicaid, health care for poorest of the poor, by $240 billion over the next 7 years.

And here is a piece of corporate welfare, unexcelled—I want to say in the history of this Senate. I have not been here quite that long, so I am reluctant to make that claim. But you think about the U.S. Government subsidizing, really in small amounts, by their standards, something to advertise their product abroad so they can export more.

I look at this chart, prepared by the Senator from Nevada. I see Ernest & Julio Gallo, Seagrams, Jim Beam—of the top 10 companies here, three of them alcoholic beverages. Even though this is a $110 million program this year, in the past it has been bigger, and we put in a total of $85 million to advertise alcoholic beverages abroad.

Can you see Ernest & Julio Gallo advertising to the Italians why they should drink American wine? To the French why they should drink American wine? What are we doing, giving Ernest & Julio Gallo $8 million? I think that is a privately held company—my guess is it is probably a $5 or $10 billion corporation.

McDonald's? I do not know what McDonald's annual sales are. I guess they are probably approaching the $15 billion mark, and we give them $3 or $4 million? That is probably less than one-tenth of 1 percent of their advertising budget, and we say, "Sic 'em, tiger, go advertise Big Mac and McNuggets all over the world." Not only are the amounts we give piddling amounts, the General Accounting Office says there is no relevance to the amount of money we give them and the results. So why do we continue with this?

How does a U.S. Senator go home and talk to a hometown Chamber of Commerce and tell them, "If you just reelect me, I will spend my money as though it were yours?"

If you let that Senator and me go before that same Chamber of Commerce, I promise you, they will threaten to impeach him before it is over, for squandering $110 million on such programs as this.

People are supposed to graduate from this program, too, did you know that? I think, as we lawyers say, "since the memory of man runneth not," nobody has ever graduated. They just keep hanging on.

Mr. President, one thing that is a little painful about this is there are some big corporations who have big presences in my State who get this money. And it always saddens me, it always saddens me to go to the floor and attack something that is at least mildly beneficial to some of the corporate citizens in my State.

You know, not only is this an utter waste of the $110 million, $12 million

goes to foreign corporations. They are not even American corporations. You know, I am not xenophobic about my nationality. But what on Earth are we doing spending $12 million on foreign corporations so they can advertise abroad?

Not only is this an absolute, utter waste; not only do we have no business putting $110 million into the pockets of these gigantic corporations in America when we are cutting the most vulnerable among us, poorest of the poor—even cutting education, the elderly through Medicare, the poor through Medicaid, the poor through the earned income tax credit—and then just knowingly hand out $110 million—not only is it corporate welfare, it is wrong.

And it is not only morally wrong, it is wrong for the U.S. Senate to be picking winners and losers. There are other wineries. I have a few wineries in my State that would like to have a little of that Ernest & Julio Gallo money. Who decided to give it to Ernest & Julio Gallo instead of some of the wineries in my State? Tyson Foods, as big as they are, we have 11 major integrated poultry companies in my State. You know we are big in that business, No. 1.

When it comes to even the whiskey business, who decides that Jim Beam and Seagrams are the two brands that should be advertised abroad? I am not picking on them. If I were in their company and I saw this money lying around and I knew I could get a piece of it by simply applying for it, I would probably apply.

Of the battles fought in the 20 years I have been in the Senate, there have been a couple of others that I feel as strongly about as this one. But I cannot tell you how wrong I feel this is. I do not feel this is just an economic matter. I feel it is utterly, absolutely indefensible, and we ought to stop it.

I yield the floor.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, the Market Promotion Program has as its objective meeting foreign competition, boosting agricultural exports, strengthening farm income, and creating American jobs.

Every billion dollars in agriculture exports helps create nearly 20,000 jobs. Nearly 1 million Americans today have jobs that are dependent upon U.S. agricultural exports. Exports this year from the United States into the international marketplace are expected to reach almost $50 billion in value. Farmers and ranchers, as well as American workers, are the real beneficiaries of this program.

The arguments on the other side that are being made tonight would have you believe that corporate America is the beneficiary, that certain specific companies—they mentioned Gallo Wine, and McDonald's—are the beneficiaries of these programs. It is the American working man and woman, the American citizen, who benefits when our economy is strong, when we compete in the international marketplace and when we sell more of what we produce in overseas markets than we import. We need to do a better job.

We have a trade deficit right now. We are confronted with some new rules under the Uruguay round of GATT, under other trade agreements that heighten and make more competitive the international marketplace, heighten competition between the European Community, for example, and the United States. It involves other countries, too, who are competing for their share of this international market—Canada, Australia, and the Asian countries, that are emerging as strong competitors in many of these industries.

So what does the Market Promotion Program really do? It gives the money to associations of those who market products. The U.S. Poultry and Egg Council is just one example. When Senators were talking about McDonald's getting this money, I have a memo in here that talks about that point. This is a memorandum from the president of the Poultry and Egg Export Council, U.S.A. They say specifically:

> Our council has used MPP to help McDonald's sell more American chicken but not to promote McDonald's. The facts are that McDonald's franchises in other countries are foreign owned and operated. They are under no obligation to buy U.S. poultry or eggs, and can readily find lower-priced (and lower-quality) product in those countries. But by allowing McDonald's to apply for and receive funds under MPP requires their franchises to be entirely supplied with U.S. products. The point is we are not promoting McDonald's. We are getting McDonald's to advertise U.S. chicken and eggs, and it has been quite effective. In fact, the State of Arkansas has likely benefited more from this activity than any other State.

So what we learned by getting the facts from the Poultry and Egg Export Council is that it was this council that applied for and received funds under the Market Promotion Program, not McDonald's. The council was allocated the funds to promote U.S. poultry and egg products in the international market. McDonald's uses poultry and eggs in its outlets, but they do not have to use U.S. poultry and eggs in overseas outlets.

That is the whole point. But because this program has been helpful, we have sold more U.S.-produced and processed poultry and eggs in overseas markets that we would otherwise would not have sold, they tell us in this memo, without this program.

They mentioned the wine industry. I happened to find out the other day—and here is an interesting fact to contemplate—that the European Union spends more on wine exports, subsidizing, encouraging the export, than the United States currently spends for all commodities under the Market Promotion Programs. The number is $89 million just for wine exports from the European Union. That is why when you would go into a grocery store around here, or anywhere where wines are sold, and you look at the French wines or some of the other European wines, you are amazed at how low the prices are compared to the domestic wines. That is why.

The European Union governments are putting their money together, and they are expanding their share of the market aggressively by reducing those prices to American consumers. This is the biggest market in the world.

So foreign companies and foreign countries are joining forces as they have never done before to try to capture a larger share of this market. Who suffers? Well, our consumers enjoy lower prices because of this competition with lower priced products. But our domestic food and beverage industries, our poultry producers, those who are involved in agriculture production, are having a hard time meeting this competition on a price basis because we do not subsidize these industries as they sell in this market. And we have a small amount available under legislation that authorizes funds to be made available to help promote the sale of U.S. farm commodities and U.S.-packaged foods and other commodities that are eligible under this program.

As the competition becomes keener under these international agreements, more and more countries, more and more industries are going to be competing and doing it more aggressively.

The GATT Agreement under the Uruguay round changes does not outlaw or abolish or make illegal subsidies. It makes changes in which subsidies are to be used and which cannot be used. It talks about trade-distorting subsidies. But we are finding that Canada, Australia, the European Union certainly, are building their funds to embark upon much more aggressive marketing programs and promotion programs than they ever have before.

Here we are being asked tonight to abandon ourselves, to say to the U.S. Government, "Quit helping U.S. industry, quit helping U.S. farmers, quit helping U.S. ranchers promote the sale of what they are producing in the international marketplace."

I think we ought to wait a minute and not be stampeded by arguments like we are helping corporate America with welfare benefits. This is helping those who are working in the poultry industry in Arkansas, in Mississippi, and in other places.

They are not targeting McDonald's for benefits. We are seeing these funds used to promote a wide range of activities in the international market.

I was looking at a list of these firms and these associations. And these groups of farmers, many of them are cooperatives. The National Cotton

Council has a memo here which talks about the impact of this program in promoting the sale of cotton and cotton fiber throughout the country. "Value added creates jobs." And they are talking about the fact that some of these funds are used in name-brand advertising.

Most of the money is used for generic advertising of American commodities. But they find that the best way in some markets to ensure increased export sales of U.S.-grown-and-produced commodities is through branded promotions. This is what the studies have shown. This is what the experience shows.

And so those who criticize the program on that basis are ignoring the success that the program has enjoyed in using branded promotion. But even so, 40 percent of the funds for branded promotions involved small businesses. The market promotion program, we are told by the experts at the Department of Agriculture and those who participated in the program, has served as an incentive to buy American-grown-and-produced agriculture commodities and related products. Without MPP, companies in overseas markets would likely buy from often subsidized foreign sources rather than from the United States.

So those who are making clothes in Asia, they do not have to buy U.S. cotton. They can buy cotton that is produced in Uzbekistan or the Sudan or any number of countries around the world where cotton is grown and sold. And they are trying to sell it at prices less than we can sell it. And if we can convince them through the advertising of facts about the quality of our product that it is better, it is longer lasting, it is more durable, it is more comfortable if you have clothes made with U.S. cotton, then we are going to sell more. But if we sit on our hands and we do not promote what is good about American products and what is good about American agriculture, nobody is going to know about it. We know about it. But we have to be aggressive and we have to promote and protect our job interests, our economic interests, in this competitive international market.

So to criticize the program and say let us just abolish it —that is what this amendment does. They did not say let us just reduce it or let us change it in some way. Let us just abolish it. That is what this amendment says. I think it is shortsighted. I think it misses the point. I think it fails to recognize the successes we have had in the past and the importance of our continuing an aggressive marketing strategy on behalf of our farmers and ranchers, those involved in these food industries and clothing industries where U.S. agricultural commodities are used.

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

The PRESIDING OFFICER. The Senator from Mississippi reserves the remainder of his time.

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. BRYAN. Mr. President, I thank the Chair.

Not to belabor the point, my colleague from Mississippi and I—I think it is fair to say we have a disagreement on the value of this program. I know the hour is late, but I hope that a number of Senators' offices are still tuned in.

One of the best articles that I have read on this MPP program was printed recently in the Los Angeles Times, Sunday edition, June 25, 1995. I think it is a matter of about seven or eight pages. I implore my colleagues, or at least their staff, just read that article. Just read that article. It quotes both those who support the program and those who criticize it.

My good friend from Mississippi mentions the good folks at McDonald's, the hamburger people. Let me just say to him and the rest of my colleagues, I enjoy a Big Mac. I am a hamburger man. In fact, just this summer while we were on tour through our State I ran across a McDonald's manager who had a McDonald's tie on. It shows the Big Mac, the French fries. I said, "I've got to have that tie." I am a Big Mac kind of a guy. So my comments are not directed with any sense of malice or hostility, but simply as one trying to do justice to the American taxpayer.

McDonald's, the hamburger people, are good folks. I wish I had been as smart as Ray Kroc. And I wish I had been that smart to put together this impressive enterprise. Most folks of this generation think it has gone on forever. It has lasted only about 40 years, and it has been an incredible success. I pay great tribute to the entrepreneurship and the vision of folks that thought, "By golly, we can change the fast food business in America," and we can do it in a way that McDonald's has been eminently successful. Let me comment on the success. And I know my distinguished colleague who joins me in arms, the Senator from Arkansas, may want to add his comments, also.

McDonald's, which has received $1.6 million in this program since 1986—that is when the Targeted Export Assistance Program, which is the progenitor to MPP, was in existence; it is the same program essentially—has received $1.6 million. Remember, this is to supplement one's advertising account.

McDonald's had a net profit in 1994 of $1.224 billion—$1.224 billion. You know, whether you are to the left of Mao Tsetung or to the right of Genghis Khan, wherever you fit yourself on the political scale, if you accept the premise that Federal tax dollars are finite, they are not inexhaustible, there ought to be some priorities.

How, good Lord, can you say, McDonald's with a net profit of $1.224 billion ought to be able to get into this program? You know what they spent in 1994 in advertising? $694.8 million. And yet the American taxpayer is supplementing the good folks of McDonald's who make those great hamburgers and French fries that so many of us enjoy.

Let me just give you the cumulative impact of this. The top corporate recipients of this money from 1986 to 1994: Sunkist Growers, $76,375,000. In a different era and in a different context the great Senator Everett McKinley Dirksen used to say, "A million here, a million there. Before long you will be talking about real money." Let me suggest, Mr. President, to our colleagues that $76 million is more money than 99.9 percent of the people in America will ever see in their lifetime—ever see.

The Blue Diamond Growers, they do not do too badly, $37,338,000. Sunsweet Growers, $22 million. I am rounding these numbers off. And our good friend, Ernest & Julio Gallo, the winery folks—this was not an aberration, this 1993–1994 number; they have this program down; whoever is doing this good work for them obviously deserves a lot of credit—they have gotten $23 million since 1986. Sun-Maid Growers of California, $12 million; Tyson Foods, $11 million; Pillsbury Company, $11 million.

I do not quarrel with the proposition that my good friend from Mississippi argues when he says, look, we do need to support American agricultural promotions. But, Mr. President, not in this fashion, not when there is not one scintilla of objective evidence where GAO and other groups can make the proposition stick that this is a program that works.

Moreover, its premise is flawed: Money to supplement advertising budgets that ought to be the responsibility of the private sector, for branded products, some of the largest companies not only in America but in the world at a time when we are desperately struggling to balance this budget.

My friend from Arkansas used the word "indefensible," and I think that sums it up.

Mr. President, I ask unanimous consent that this article appearing in the Los Angeles Times, June 25, 1995, be printed in the RECORD.

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

[From the Los Angeles Times, June 25, 1995]

THANK YOU FOR YOUR SUPPORT

(By John M. Broder and Dwight Morris)

No other government program may generate such universal scorn as an obscure Agriculture Department office that pays highly profitable agribusiness concerns millions of

dollars a year to promote Sunsweet prunes in Taiwan, low-shelf Gallo wines in Europe, Chicken McNuggets in Singapore, Kentucky whiskey in Scotland and bull semen in South America.

But as Congress prepares to chop away at billions of dollars in spending for health care, space exploration and school lunches, the USDA's Market Promotion Program is gliding through the budget process unscathed, enjoying bipartisan congressional and White House support despite years of controversy over its worth.

In fact, during the debate this spring over $16 billion in cuts from the current federal budget, Congress voted to increase the program's funding by almost 30%, from $85 million to $110 million.

The MPP's defenders say that's a piddling sum for a program that helps American farmers compete against heavily subsidized producers in Japan, Europe and elsewhere.

Its opponents, ranging from the Heritage Foundation on the right to Ralph Nader on the left, vilify the program as pure pork (almost literally—the U.S. Meat Export Federation got $7.2 million in 1994) and an example of corporate welfare at its worst.

The General Accounting Office, the investigative arm of Congress, calls the program poorly run and of questionable value; the Congressional Budget Office perennially lists it among the prime candidates for extinction.

And year after year, the Market Promotion Program survives, championed most actively by California lawmakers, who gave birth to the program a decade ago and who receive campaign contributions from the California fruit, nut and wine producers that are among the program's prime beneficiaries.

The MPP, originally designed as a response to the unfair trade practices of other governments, has grown over the years into a program that provides a lucrative bounty for producers of everything from soup (Campbell Soup Co., $515,651 in 1994) to nuts (the California Pistachio Commission, $1.15 million).

Early critics derided the program as "walking-around money for Californians," because it was sponsored by then-Sen. Pete Wilson (now California governor) and then-Rep. Leon E. Panetta (now White House chief of staff) to help the state's producers get a place at an agricultural aid trough long dominated by the big corn, wheat and soybean farmers of the Midwest and Great Plains.

As the program grew, it took in growers, processors and shippers in all 50 states and virtually every congressional district—which helps explain its ability to survive in difficult fiscal times. Its tenacity also bears testimony to how difficult it will be to bring the $1.5-trillion federal budget into balance, despite new bipartisan zeal to do so.

Programs that serve powerful constituencies and enjoy well-financed corporate support—from subsidies for corps to tax breaks for oil and gas drilling—are among the most entrenched parts of the federal budget, having resisted repeated efforts to repeal them. These benefits amount to an estimated $50 billion a year, or about a tenth of the discretionary portion of the budget.

Farm programs have proved particularly resistant to budget surgery, combining as they do the romantic appeal of the family farmer, the political clout of a major industry and their importance to the economies of many states and communities. Add to that the bogymen of subsidy-happy Japanese and Europeans—whose government backing is often cited as a reason to keep U.S. farm programs—and the durability of costly undertakings such as the MPP becomes understandable.

"Everything about this program is wrong. We should junk this disastrous program and save the taxpayer some money," said Sen. Richard H. Bryan (D-Nev.), a longtime MPP foe who represents one of the least agriculture-dependent states in the union. "The amount of our national debt does not give us the luxury to fund this fatally flawed program that has no proven benefit for American agriculture."

In the end, the way this collision of forces affects the range of federal subsidies will help determine whether the overall budget-balancing campaign is successful this time around—and also whether the pain inflicted is judged to have been borne fairly across society.

Gus Schumacher, head of the USDA's Foreign Agricultural Service, which oversees the MPP, defends the program. He notes that the European Union spends more each year to promote overseas sales of French, German and Italian wines than the U.S. government spends on all of its agricultural advertising.

Schumacher describes the subsidy as an inexpensive weapon in the international competition in high-value agricultural products, which is the fastest-growing sector in global trade.

"This is not the time to get weak-kneed about American agricultural exports," Schumacher said. "It's time to stand up to our competitors. What are we supposed to do, unilaterally disarm?"

Schumacher acknowledged that corporate giants such as E & J Gallo Winery Inc., Sunkist Growers Inc. and Dole Food Co.—all California-based—and Pillsbury Co., Tyson Foods Inc. and others have received millions of dollars from the government over the years to supplement their own very large advertising budgets. But, he said, critics forget that the grapes, prunes, tangerines, flour and chickens marketed by big agribusiness are grown by thousands of small farmers across the country.

William K. Quarles, Sunkist's vice president for corporate relations, defended the MPP as an appropriate response to foreign competitors, who spend far more than the United States on agricultural promotion. Sunkist uses the program to increase its advertising in countries—particularly those in Asia—it as already targeted as fruitful markets, not to pry open new countries, he said.

"The federal program acts as a multiplier to what we would be doing," Quarles said. "In all the countries we're in, we would be doing some advertising, but with federal monies we increase that advertising and create additional demand."

He also said Sunkist is required to match the federal funds on a dollar-for-dollar basis and that its exports create jobs in California for thousands of packers, pickers, truckers, and longshoremen,

The participating corporations have made sure they have a receptive audience for their side of the story. Since 1984, Springdale, Ark.-based Tyson has contributed more than $988,000 to political campaigns through its political action committee and through direct contributions by its executives. Executives of Modesto-based E & J Gallo poured more than $750,000 into federal campaigns over the same period.

Over the past decade, the 10 largest Market Promotion Program recipients have also made political contributions totaling $166,000 to Rep. Vic Fazio (D-West Sacramento) and $105,000 to Rep. Robert T. Matsui (D-Sacramento), both key supporters of the program.

The General Accounting Office and other critics say the big food companies can afford to promote their own products and that the government has no business spending the public's money to reimburse them.

Bryan noted that McDonald's Corp.—which received $1.6 million in MPP funds from 1986 to 1994—had a $1.224-billion net profit in 1994 while spending $694.8 million on advertising worldwide.

Similarly, ConAgra Inc.—which sells the Chung King, Wesson, Butterball, Swift, Armour, Banquet and Swiss Miss brands, among others—received $826,000 in MPP funds from 1986 to '94, a pittance compared to its advertising budget last year of $200 million.

"How in God's world do we justify spending taxpayer dollars to supplement this program?" Bryan asked. "This is a company that is large, it is successful, and they can effectively handle their own advertising and promotion budget."

Similar fulminations come from Nader's Center for Study of Responsive Law, the libertarian Cato Institute, the Heritage Foundation, Citizens Against Government Waste, the Progressive Policy Institute—even the Marin Institute for the Prevention of Alcohol and Other Drug Problems, which objects to the program because it underwrites overseas advertising for beer, wine and whiskey.

But a ConAgra spokeswoman said the company participates in the promotion program because it allows a testing of the waters in markets that it otherwise could not afford to enter.

"We have never lobbied on behalf of this program, but we do believe it serves an important purpose," said Lynn Phares, ConAgra's vice president for public relations. "It opens expanding markets for products that would not have the money spent on them. If more hot dots are sold in Korea, that benefits not just the company that is the conduit (ConAgra), but the corn growers and hog producers that create the product."

For its part, the nonpartisan GAO has tired of issuing reports detailing the program's flaws.

"It's such an easy target," sighed Allan I. Mendelowitz, director of international trade issues for the GAO.

Several years ago, the GAO discovered, the MPP financed a $3-million advertising campaign in Japan for the California Raisin Board, featuring the animated dancing raisins that were such a hit in the United States.

It bombed.

The campaign's theme song, "I Heard It Through the Grapevine," couldn't be translated into Japanese, so it ran in English and was therefore incomprehensible to most viewers, according to the GAO. The shriveled dancing figures disturbed Japanese children, who thought they were potatoes or chunks of chocolate. The characters' four-fingered hands reminded television viewers of members of criminal syndicates, whose little fingers are cut off as an initiation rite.

If all that wasn't enough, the Raisin Board couldn't even get its product onto store shelves during the promotion period.

The board's goal was to sell 900 tons of raisins in Japan during the campaign; exports during the period reached a little more than half that. And the U.S. government spend $2 in promotion costs for every dollar's worth of raisins that reached Japanese store shelves.

The California Prune Board has a mixed record in using federal money to try to open new markets for its fruit. The California prune has made substantial inroads in Britain, even though the dried fruit still has what the board delicately describes as an "image problem" in that country arising from "the laxative stigma and the forced consumption of poor-quality prunes during childhood."

Rich Peterson, Prune Board executive director, said advertising efforts on the California prune's behalf over the past decade have helped increase sales by 45% in Britain, 75% in Italy and 108% in Germany—all against stiff competition from heavily subsidized French prunes.

"That wouldn't have been possible without MPP funding," Peterson said. "The prune industry on its own would not have had resources to launch the campaigns we've been able to mount."

The board spends roughly $1 million a year in MPP funds to produce generic promotions for California prunes, and private funds such as Sunsweet Growers Inc. of Yuba City, Calif., spend millions more. Advertising focuses on prunes as a healthful snack, Peterson said, rather than on their gastrointestinal benefits.

"We don't do dancing prunes," Peterson said. "There's no cutesy stuff for the prune."

It's a different story in Asia. Prunes have been well-received by the health-conscious Japanese, but the Taiwanese have rejected them as an inferior version of the popular, though expensive, Chinese black date. The Clinton Administration has consistently supported the MPP, proposing to spend $100 million a year on it for the next five years. Officials argue that as the new General Agreement on Tariffs and Trade requires governments to cut direct subsidies to farmers, it is crucial to maintain strong marketing efforts that are legal under the trade pact. But critics insist that the money should be spent on more productive programs rather than on subsidizing the advertising of rich marketing cooperatives such as Sunsweet, Sunkist and Sun-Maid.

"I do not believe any member of this body should be able to keep a straight face and support some of the measures we are voting for when we cannot kill a program like MPP that is a pure subsidy for some of the biggest corporations in America and abroad," Sen. Dale Bumpers (D-Ark.) said in a fruitless effort to kill the program earlier this year.

Times researcher Gary Feld contributed to this report.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, let me make just a few closing comments in opposition to this amendment. According to the Department of Agriculture's estimates based on their studies of the program, every $1 that we have spent in the Market Promotion Program has translated into $16 in additional agricultural exports.

The Foreign Agriculture Service recently released its studies evaluating the effectiveness of the program, and that study concludes that the 25-fold increase in export promotion activities for U.S. high value food exports, made possible by MPP and its predecessor, the Targeted Export Assistance Program, strongly supported the 300-percent increase in exports of those products since 1986 and was the leading factor in increasing the U.S. share of the world consumer food market. That is persuasive evidence. I do not see how you can ignore that. If you are trying to decide whether you vote for this amendment to abolish the program or not, this was a study that was done to assess the effectiveness of this program.

It works. It means more U.S. jobs. It means more U.S. agriculture products being exported throughout the world. It is good for America. It is good for American citizens.

All regions of this country, the United States, have benefited from the program. It is not just a program that singles out one commodity area or one region.

According to this same Foreign Agriculture Service study, the employment and economic effects of MPP are clear. With two-thirds of the jobs supported being off the farm—that is, manufacturing, transportation, and service industries—the other third were jobs on the farm. They have analyzed it in that respect.

Recently, the Department of Agriculture presented us some specific examples of the program's effectiveness, and I want to bring them to the attention of the Senate.

Last year, a new regulation by the Japanese Government requiring that poultry products be identified by country of origin actually helped sales of U.S. poultry, as a result of a campaign conducted by the U.S.A. Poultry and Egg Export Council under this program.

The council had spent $167,000 in MPP funds to conduct joint promotions with 12 chain stores in Japan. The stores affixed the U.S. stickers saying "U.S. poultry, U.S. regs," to product packaging, displayed point of purchase materials and devoted greater portion of shelf space to U.S. poultry products. By the end of the promotion, the 12 chains reported total sales of over 110 tons of U.S. commodities. A year after the program, the stores continue to use these labels.

There are other examples. MPP funds helped the processed potato products industries who reached a record $485 million in sales last year. They nearly doubled the level of just 5 years ago. U.S. pear growers and exporters were able to sell more than $73 million last year, their highest level ever. The emerging market in Russia is becoming the United States fourth largest meat market. Canned salmon from Alaska is being sold in the United Kingdom. U.S. hard wood products are being exported. There are a number of other success stories in greater and greater quantities because of the thoughtful use of these funds.

Mr. President, new GATT trading rules are opening markets throughout the world. We are encountering new opportunities, and we must expand our efforts, we must increase the aggressive way we are going after our share of these new markets, competing effectively where we can. And because of the openness of these markets, they are increasingly competitive, and other countries are enjoying these opportunities, too.

So reducing or eliminating, which is what this amendment would do, the Market Promotion Program at this time in the face of continued and increasing foreign competition would be tantamount to unilateral disarmament, and I am against it and I am arguing against it. The impact would be felt throughout our economy in terms of lower exports, reduced economic activity and fewer jobs. I do not think we want that.

I urge my colleagues to oppose this amendment.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. Mr. President, I recognize our time has expired. I ask unanimous consent that I be permitted to proceed for up to 2 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from Arkansas has 2 minutes.

Mr. BUMPERS. Mr. President, when you consider the mood of the country, which everybody recognizes is pretty hostile and very volatile, most of it directed at the U.S. Congress and the people who occupy this Chamber and the one down the hall, most people do not understand what this Market Promotion Program is. But it is the very epitome of what people are upset about.

I cannot fathom our continuing a program such as this. We spent $2 billion a year helping companies export—$2 billion—and here we put $110 million in for not just these corporations listed on this chart but dozens and dozens of other corporations, all of whom are quite capable of fending for themselves—the biggest in America.

Can you imagine McDonald's spending $60 million or $80 million a year on advertising and us giving them $3 million to advertise Big Mac in Russia or wherever? What kind of nonsense is this?

This is one of those issues that if every single American were required to listen to the debate on this issue, I promise you, this $110 million would be torpedoed in a megasecond. People would be appalled if they knew this sort of thing went on and particularly in light of the people we are cutting.

I still believe in helping people. I believe in what de Tocqueville talked about, an enlightened self-interest. I said it on this floor a hundred times. We ought to help people who want to make it and are reaching for the first rung on the ladder. We are passing a

lot of legislation here that guarantees a lot of people who would like to have a chance, for example, to go to school on the GI bill like I did. I would not be standing here if it were not for the GI bill.

I ask unanimous consent for an additional 2 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BUMPERS. My brother made it pretty big in the corporate world. He would never have made it. We came from very poor circumstances. So, yes, I believe in helping people. I do not believe in helping people who do not want to help themselves. But I can tell you a little help from time to time from the Federal Government pays rich dividends, and we ought to be spending where it pays rich dividends. We ought not to be spending it on dancing raisins in Japan that scared half the children of Japan out of their wits. It was in English, and they did not understand any of it. Little shriveled raisins—they thought they were aliens. That was $3 million worth of scaring Japanese children. I could go on with the horror stories. I am not going to belabor it. About everything that needs to be said has been said.

I want to point out again that we are spending $2 billion on export enhancements right now. Why are we adding this piddling amount for the biggest corporations in America? If the people on this list right here—which is a lot longer than that list—cannot fend for themselves, this country is in more trouble than I thought it was. I am here to help people who cannot fend for themselves and who need and deserve help. This $110 million—I am not asking you to put it anyplace else. Put it on the deficit. You could not find a better place to put it.

I yield the floor.

Mr. COCHRAN. Mr. President, I think we have discussed this issue fully tonight, and we will have an opportunity to conclude debate tomorrow morning before voting on the amendment. I am prepared to move on to other subjects.

I yield the remainder of my time.

The PRESIDING OFFICER. All time is yielded back.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT AGREEMENT

Mr. COCHRAN. Mr. President, in connection with the unanimous-consent agreement, in which we listed all amendments that were in order to the bill, I need to add an amendment for Senator BENNETT of Utah, which would be a relevant amendment.

I ask unanimous consent that the Bennett amendment be added to the list of amendments in the agreement.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, we understand that there is now an agreed-upon list. We will consider these amendments as they are called up tomorrow. Some have agreements on them in terms of time available for debate and time for recorded votes that will occur, and the yeas and nays have been ordered on some of the amendments. On others, we hope we can work them out as they are called up. We may be able to agree to some of these. We hope Senators will be here tomorrow and be prepared to work quickly as we try to wrap-up consideration of this bill.

I understand that no other Senators intend to come to the floor tonight to offer amendments. So we are prepared to wrap up the business of the Senate tonight and go out for the evening.

MORNING BUSINESS

Mr. COCHRAN. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business with Senators permitted to speak therein for up to 5 minutes each.

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

THE REPUBLICAN RECONCILIATION PACKAGE

Mr. PELL. Mr. President, in a statement on the Senate floor last week, I indicated I would oppose any reconciliation instructions that hurt students. I said it was time that we took students out of harm's way.

Unfortunately, the reconciliation package we will consider on Wednesday does precisely the opposite. It harms students and their families. Three-quarters of the cuts in this package will be borne by students and their families.

For the first time, institutions of higher education would be charged a fee of 2 percent of the total amount of money borrowed by students, and parents of students, at each institution. While this fee could not be directly passed on to students, institutions of higher education would have to find the money somewhere. I greatly fear that the result could be a reduction of institutional student aid, or cutbacks in educational programs and student support services. Clearly, a change of this magnitude harms students and their families.

Increasing the interest rate on parents loans comes at a time when middle-income families are increasingly hard-pressed to make ends meet and help pay for their children's college education. This harms students and their families.

Decreasing the interest subsidy during the grace period from 6 to 4 months hits students when they have just finished their college education and are looking for a job. This harms students and their families.

Capping the direct loan program at 30 percent ensures that no new schools will enter the program and that students at these institutions will not be able to benefit from this program. It also removes an incentive to improve the regular guaranteed loan program. Advancements such as improved services to the student and better, more favorable interest rates could well disappear. This would harm students and their families.

The series of changes affecting lenders, holders, and guaranty agencies could well endanger the stability and viability of the current program. For instance, more lenders might leave the program. Thus, we could well have fewer lenders at a time when more are needed because of the proposed 30 percent cap on direct lending. This would jeopardize access to loans by all students, and would harm students and their families.

I intend to oppose these instructions. To make such draconian changes just to save money is not, in my opinion, prudent public policy. It would be far better to put a tax cut in harm's way and to spare students.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a withdrawal and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE NATIONAL EMERGENCY WITH ANGOLA—MESSAGE FROM THE PRESIDENT—PM 80

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

I hereby report to the Congress on the developments since March 26, 1995,

concerning the national emergency with respect to Angola that was declared in Executive Order No. 12865 of September 26, 1993. This report is submitted pursuant to section 401(c) of the National Emergencies Act, (50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c).

On September 26, 1993, I declared a national emergency with respect to Angola, invoking the authority, *inter alia*, of the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) and the United Nations Participation Act of 1945 (22 U.S.C. 287c). Consistent with United Nations Security Council Resolution 864, dated September 15, 1993, the order prohibited the sale or supply by United States persons or from the United States, or using U.S.-registered vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles, equipment and spare parts, and petroleum and petroleum products to the territory of Angola other than through designated points of entry. The order also prohibited such sale or supply to the National Union for the Total Independence of Angola ("UNITA"). United States persons are prohibited from activities that promote or are calculated to promote such sales or supplies, or from attempted violations, or from evasion or avoidance or transactions that have the purpose of evasion or avoidance, of the stated prohibitions. The order authorized the Secretary of the Treasury, in consultation with the Secretary of State, to take such actions, including the promulgation of rules and regulations, as might be necessary to carry out the purposes of the order.

1. On December 10, 1993, the Treasury Department's Office of Foreign Assets Control ("FAC") issued the UNITA (Angola) Sanctions Regulations (the "Regulations") (58 Fed. Reg. 64904) to implement the President's declaration of a national emergency and imposition of sanctions against Angola (UNITA). There have been no amendments to the Regulations since my report of March 27, 1995.

The Regulations prohibit the sale or supply by United States persons or from the United States, or using U.S.-registered vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles, equipment and spare parts, and petroleum and petroleum products to UNITA or to the territory of Angola other than through designated points. United States persons are also prohibited from activities that promote or are calculated to promote such sales or supplies to UNITA or Angola, or from any transaction by any United States persons that evades or avoids or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions set forth in the Executive order. Also prohibited are transactions by United States persons, or involving the use of U.S.-registered vessels or aircraft, relating to transportation to Angola or UNITA of goods the exportation of which is prohibited.

The Government of Angola has designated the following points of entry as points in Angola to which the articles otherwise prohibited by the Regulations may be shipped: Airports: Luanda and Katumbela, Benguela Province; Ports: Luanda and Lobito, Benguela Province; and Namibe, Namibe Province; and Entry Points: Malongo, Cabinda Province. Although no specific license is required by the Department of the Treasury for shipments to these designated points of entry (unless the item is destined for UNITA), any such exports remain subject to the licensing requirements of the Departments of State and/or Commerce.

2. The FAC has worked closely with the U.S. financial community to assure a heightened awareness of the sanctions against UNITA—through the dissemination of publications, seminars, and notices to electronic bulletin boards. This educational effort has resulted in frequent calls from banks to assure that they are not routing funds in violation of these prohibitions. United States exporters have also been notified of the sanctions through a variety of media, including special fliers and computer bulletin board information initiated by FAC and posted through the Department of Commerce and the Government Printing Office. There have been no license applications under the program.

3. The expenses incurred by the Federal Government in the 6-month period from March 25, 1995, through September 25, 1995, that are directly attributable to the exercise of powers and authorities conferred by the declaration of a national emergency with respect to Angola (UNITA) are reported to be about $170,000, most of which represents wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the Customs Service, the Office of the Under Secretary for Enforcement, and the Office of the General Counsel) and the Department of State (particularly the Office of Southern African Affairs).

I will continue to report periodically to the Congress on significant developments, pursuant to 50 U.S.C. 1703(c).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 18, 1995.*

REPORT ON THE NATIONAL EMERGENCY WITH IRAN—MESSAGE FROM THE PRESIDENT—PM 81

The PRESIDENT OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

I hereby report to the Congress on developments concerning the national emergency with respect to Iran that was declared in Executive Order No. 12957 of March 15, 1995, and matters relating to Executive Order No. 12959 of May 6, 1995. This report is submitted pursuant to section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c) (IEEPA), and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa-9(c). This report discusses only matters concerning the national emergency with respect to Iran that was declared in Executive Order No. 12957 and matters relating to Executive Order No. 12959.

1. On March 15, 1995, I issued Executive Order No. 12957 (60 Fed. Reg. 14615, March 17, 1995) to declare a national emergency with respect to Iran pursuant to IEEPA, and to prohibit the financing, management, or supervision by United States persons of the development of Iranian petroleum resources. This action was in response to actions and policies of the Government of Iran, including support for international terrorism, efforts to undermine the Middle East peace process, and the acquisition of weapons of mass destruction and the means to deliver them. A copy of the order was provided to the Congress by message dated March 15, 1995.

Following the imposition of these restrictions with regard to the development of Iranian petroleum resources, Iran continued to engage in activities that represent a threat to the peace and security of all nations, including Iran's continuing support for international terrorism, its support for acts that undermine the Middle East peace process, and its intensified efforts to acquire weapons of mass destruction. On May 6, 1995, I issued Executive Order No. 12959 to further respond to the Iranian threat to the national security, foreign policy, and economy of the United States.

Executive Order No. 12959 (60 Fed. Reg. 24757, May 9, 1995) (1) prohibits exportation from the United States to Iran or to the Government of Iran of goods, technology, or services; (2) prohibits the reexportation of certain U.S. goods and technology to Iran from third countries; (3) prohibits transactions such as brokering and other dealing by United States persons in goods and services of Iranian origin or owned or controlled by the Government of Iran; (4) prohibits new investments by United States persons in Iran or in property owned or controlled by the Government of Iran; (5) prohibits U.S. companies and other United States persons from approving, facilitating, or financing performance by a foreign subsidiary or other entity

owned or controlled by a United States person of transactions that a United States person is prohibited from performing; (6) continues the 1987 prohibition on the importation into the United States of goods and services of Iranian origin; (7) prohibits any transaction by any United States person or within the United States that evades or avoids or attempts to violate any prohibition of the order; and (8) allow U.S. companies a 30-day period in which to perform trade transactions pursuant to contracts predating the Executive order.

In Executive Order No. 12959, I directed the Secretary of the Treasury to authorize through licensing certain transactions, including transactions by United States persons related to the Iran-United States Claims Tribunal in The Hague, established pursuant to the Algiers Accords, and other international obligations and United States Government functions. Such transactions also include the export of agricultural commodities pursuant to preexisting contracts consistent with section 5712(c) of title 7, United States Code. I also directed the Secretary of the Treasury, in consultation with the Secretary of State, to consider authorizing United States persons through specific licensing to participate in market-based swaps of crude oil from the Caspian Sea area for Iranian crude oil in support of energy projects in Azerbaijan, Kazakhstan, and Turkmenistan.

Executive Order No. 12959 revokes sections 1 and 2 of Executive Order No. 12613 of October 29, 1987, and sections 1 and 2 of Executive Order No. 12957 of March 15, 1995, to the extent they are inconsistent with it. A copy of Executive Order No. 12959 was transmitted to the President of the Senate and Speaker of the House by letter dated May 6, 1995.

2. In its implementation of the sanctions imposed against Iran pursuant to Executive Order No. 12959, the Office of Foreign Assets Control (FAC) of the Department of the Treasury has issued 12 general licenses and 2 general notices authorizing various transactions otherwise prohibited by the Executive order or providing statements of licensing policy. In order to ensure the widest dissemination of the general licenses and general notices in advance of promulgation of amended regulations, FAC published them in the Federal Register on August 10, 1995 (60 Fed. Reg. 40881). In addition, FAC disseminated this information by its traditional methods such as electronic bulletin boards, FAX, and mail. Copies of these general licenses and general notices are attached to this report.

General License No. 1 described those transactions which were authorized in connection with the June 6, 1995 delayed effective date contained in Executive Order No. 12959 for trade transactions related to pre-May 7 trade contracts. General License No. 2 authorized payments to or from Iran under certain circumstances and certain dollar clearing transactions involving Iran by U.S. financial institutions. General License No. 3 authorized the exportation of certain services by U.S. financial institutions with respect to accounts held for persons in Iran, the Government of Iran, or entities owned or controlled by the Government of Iran. General License No. 3 also contained an annex identifying 13 Iranian banks and 62 of their branches, agencies, representative offices, regional offices, and subsidiaries as owned or controlled by the Government of Iran. General License No. 4 authorized (1) domestic transactions involving Iranian-origin goods already within the United States except for transactions involving the Government of Iran or an entity owned or controlled by the Government of Iran, and (2) transactions by United States persons necessary to effect the disposition of Iranian-origin goods or services located or to be performed outside the United States, provided that they were acquired by that United States person in transactions not prohibited by the order or by 31 C.F.R. Part 560, that such disposition does not result in the importation of these goods or services into the United States, and that such transactions are completed prior to August 6, 1995. General License No. 5 authorized the importation into the United States of information and informational materials, confirmed the exemption of such information from the ban on exportation from the United States, and set forth a licensing policy for the exportation of equipment necessary to establish news wire feeds or other transmissions of information. General License No. 6 authorized the importation into the United States and the exportation to Iran of diplomatic pouches and their contents. General License No. 7 provided a statement of licensing policy for consideration, on a case-by-case basis, to authorize the establishment and operation of news organization offices in Iran by U.S. organizations whose primary purpose is the gathering and dissemination of news to the general public. General License No. 8 authorized transactions in connection with the exportation of agricultural commodities pursuant to pre-May 7 trade contracts provided that the terms of such contract require delivery of the commodity prior to February 2, 1996. General License No. 9 authorized import, export, and service transactions necessary to the conduct of official business by the missions of the Government of Iran to international organizations and the Iranian Interests Section of the Embassy of Pakistan in the United States. General License No. 10 provided a statement of licensing policy with respect to transactions incident to the resolution of disputes between the United States or U.S. nationals and the Government of Iran in international tribunals and domestic courts in the United States and abroad. General License No. 11 authorized the exportation of household goods and personal effects for persons departing from the United States to relocate in Iran. General License No. 12 authorized the provision of certain legal services to the Government of Iran or to a person in Iran and the receipt of payment therefor under certain circumstances.

General Notice No. 1 described information required in connection with an application for a specific license to complete the performance of pre-May 7 trade contracts prior to August 6, 1995 (except with respect to agricultural commodities as provided by General License No. 8). General Notice No. 2 indicated that the Department of the Treasury had authorized the U.S. agencies of Iranian banks to complete, through December 29, 1995, transactions for U.S. exporters involving letters of credit, which they issued, confirmed, or advised prior to June 6, 1995, provided that the underlying export was completed in accordance with the terms of General License No. 1 or a specific license issued to the exporter by FAC. General Notice No. 2 also noted that the U.S. agencies of the Iranian banks were authorized to offer discounted advance payments on deferred payment letters of credit, which they issued, confirmed, or advised, provided that the same criteria are met.

3. The Iranian Transactions Regulations, 31 CFR Part 560 (the "ITR"), have been comprehensively amended to implement the provisions of Executive Orders No. 12957 and No. 12959. The amended ITR were issued by FAC on September 11, 1995 (60 Fed. Reg. 47061–74) and incorporate, with some modifications, the General Licenses cited above. A copy of the amended regulations is attached to this report.

4. In consultation with the Department of State, FAC reviewed applications for specific licenses to permit continued performance of trade contracts entered into prior to May 7, 1995. It issued more than 100 such licenses allowing performance to continue up to August 6, 1995.

5. The expenses incurred by the Federal Government in the 6-month period from March 15 through September 14, 1995, that are directly attributable to the exercise of powers and authorities conferred by the declaration of a national emergency with respect to Iran are approximately $875,000, most of which represents wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the Customs Service, the Office of the Under Secretary for Enforcement, and the Office of the General Counsel), the

Department of State (particularly the Bureau of Economic and Business Affairs, the Bureau of Near Eastern Affairs, the Bureau of Politico-Military Affairs, and the Office of the Legal Adviser), and the Department of Commerce (the Bureau of Export Administration and the General Counsel's Office).

6. The situation reviewed above continues to involve important diplomatic, financial, and legal interests of the United States and its nationals and presents an extraordinary and unusual threat to the national security, foreign policy, and economy of the United States. The declaration of the national emergency with respect to Iran contained in Executive Order No. 12957 and the comprehensive economic sanctions imposed by Executive Order No. 12959 underscore the United States Government's opposition to the actions and policies of the Government of Iran, particularly its support of international terrorism and its efforts to acquire weapons of mass destruction and the means to deliver them. The Iranian Transactions Regulations issued pursuant to Executive Orders No. 12957 and No. 12959 continue to advance important objectives in promoting the nonproliferation and antiterrorism policies of the United States. I shall exercise the powers at my disposal to deal with these problems and will report periodically to the Congress on significant developments.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 18, 1995.*

REPORT ON THE NATIONAL EMERGENCY WITH UNITA—MESSAGE FROM THE PRESIDENT—PM 82

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the emergency declared with respect to the National Union for the Total Independence of Angola ("UNITA") is to continue in effect beyond September 26, 1995, to the Federal Register for publication.

The circumstances that led to the declaration on September 26, 1993, of a national emergency have not been resolved. United Nations Security Council Resolution 864 (1993) continues to oblige all Member States to maintain sanctions. Discontinuation of the sanctions would have a prejudicial effect on the Angolan peace process. For these reasons, I have determined that it is necessary to maintain in force the broad authorities necessary to apply economic pressure to UNITA.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 18, 1995.*

MESSAGES FROM THE HOUSE

At 12:55 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1670. An act to revise and streamline the acquisition laws of the Federal Government, to reorganize the mechanisms for resolving Federal procurement disputes, and for other purposes.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 1670. An act to revise and streamline the acquisition laws of the Federal Government, to reorganize the mechanisms for resolving Federal procurement disputes, and for other purposes; to the Committee on Governmental Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1449. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the cumulative report on rescissions and deferrals dated August 1, 1995; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, Committee on the Budget, Committee on Agriculture, Nutrition and Forestry, Committee on Banking, Housing, and Urban Affairs, Committee on Commerce, Science, and Transportation, Committee on Environment and Public Works, Committee on Finance, Committee on Foreign Relations, Committee on the Judiciary, and to the Committee on Labor and Human Resources.

EC-1450. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the OMB Sequestration Update Report for fiscal 1996; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, Committee on the Budget, Committee on Agriculture, Nutrition and Forestry, Committee on Armed Services, Committee on Banking, Housing, and Urban Affairs, Committee on Commerce, Science, and Transportation, Committee on Energy and Natural Resources, Committee on Environment and Public Works, Committee on Finance, Committee on Foreign Relations, Committee on Governmental Affairs, Committee on the Judiciary, Committee on Labor and Human Resources, Committee on Rules and Administration, Committee on Small Business, Committee on Veterans' Affairs, Committee on Indian Affairs, Select Committee on Intelligence, and the Special Committee on Aging.

REPORTS OF COMMITTEES SUBMITTED DURING RECESS

Pursuant to the order of the Senate of January 4, 1995, the following report was submitted on September 15, 1995, during the recess of the Senate:

By Mr. SPECTER, from the Committee on Appropriations, with amendments:

H.R. 2127: A bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1996, and for other purposes (Rept. No. 104-145).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 977. A bill to correct certain references in the Bankruptcy Code.

S. 1111. A bill to amend title 35, United States Code, with respect to patents on biotechnological processes.

S.J. Res. 20. A joint resolution granting the consent of Congress to the compact to provide for joint natural resource management and enforcement of laws and regulations pertaining to natural resources and boating at the Jennings Randolph Lake Project lying in Garrett County, Maryland and Mineral County, West Virginia, entered into between the States of West Virginia and Maryland.

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 Ms. MIKULSKI (for herself and Mr. SARBANES):

S. 1250. A bill to amend titles 5 and 37, United States Code, to provide for the continuance of pay and the authority to make certain expenditures and obligations during lapses in appropriations; to the Committee on Appropriations.

By Mr. HATFIELD (for himself, Mr. HARKIN, and Mrs. BOXER):

S. 1251. A bill to establish a National Fund for Health Research to expand medical research programs through increased funding provided to the National Institutes of Health, and for other purposes; to the Committee on Finance.

By Mr. ABRAHAM (for himself, Mr. LIEBERMAN, Mr. SANTORUM, Ms. MOSELEY-BRAUN, and Mr. DEWINE):

S. 1252. A bill to amend the Internal Revenue Code of 1986 to provide additional tax incentives to stimulate economic growth in depressed areas, and for other purposes; to the Committee on Finance.

By Mr. ABRAHAM (for himself, Mr. KYL, Mrs. FEINSTEIN, and Mr. SHELBY):

S. 1253. A bill to amend the Controlled Substances Act with respect to penalties for crimes involving cocaine, and for other purposes; to the Committee on the Judiciary.

By Mr. ABRAHAM (for himself, Mr. HATCH, Mr. THURMOND, Mr. GRASSLEY, Mr. KYL, Mrs. FEINSTEIN, Mr. SHELBY, and Mr. COVERDELL):

S. 1254. A bill to disapprove of amendments to the Federal Sentencing Guidelines relating to lowering of crack sentences and sentences for money laundering and transactions in property derived from unlawful activity; read the first time.

By Mr. ROCKEFELLER:

S. 1255. A bill to amend title XVIII of the Social Security Act to provide for medicare contracting reforms, and for other purposes; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. LEAHY, Mr. KERREY, Mr. HARKIN, Mr. DORGAN, Mr. CONRAD, Mr. WELLSTONE, Mr. EXON, Mr. BAUCUS, and Mr. FORD):

S. 1256. A bill to provide marketing loans, loan deficiency payments, and a flexible acreage base for the 1996 through 2002 crops of wheat, feed grains, and oilseeds, to establish an environmental quality incentives program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. WELLSTONE:

S. 1257. A bill to amend the Stewart B. McKinney Homeless Assistance Act to reauthorize programs relating to homeless assistance for veterans; to the Committee on Labor and Human Resources.

By Mr. KYL:

S. 1258. A bill to amend the Internal Revenue Code of 1986 to allow a one-time election of the interest rate to be used to determine present value for purposes of pension cash-out restrictions, and for other purposes; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MIKULSKI (for herself and Mr. SARBANES):

S. 1250. A bill to amend titles 5 and 37, United States Code, to provide for the continuance of pay and the authority to make certain expenditures and obligations during lapses in appropriations; to the Committee on Appropriations.

THE FEDERAL EMPLOYEE COMPENSATION PROTECTION ACT

• Ms. MIKULSKI. Mr. President, I introduce an important piece of legislation called the Federal Employee Compensation Protection Act.

With a budget stalemate looming ahead, I think it is crucial that we keep our faith with Federal employees. The Mikulski-Sarbanes legislation will keep that faith by protecting Federal employee pay and benefits during a Government shutdown. Our legislation will ensure that Federal employees in Maryland and across the Nation will be able to make their mortgage payments, put food on the table, and provide for their families.

A shutdown of the Federal Government, no matter how short, would disrupt the lives of thousands of Federal employees and their families. In my State of Maryland alone, there are more than 280,000 Federal employees. They are some of the most dedicated and hard-working people in America today. These employees have devoted their careers and lives to public service, and they should not be used as pawns in a game of political brinkmanship.

Federal employees have already endured their fair share of hardship this year. Downsizing, diet COLA's, attacks on pensions and health benefits, and now the threat of unpaid furloughs have damaged morale at nearly every Federal agency. This assault must stop Mr. President. We cannot continue to denigrate and downgrade Federal employees and at the same time expect Government to work better.

I urge my colleagues to support the Mikulski-Sarbanes legislation and work to prevent this train wreck from happening. We have a contract with our Federal employees, and we should encourage their dedication by ensuring that the contract is honored and their pay and benefits are not put in jeopardy.•

• Mr. SARBANES. Mr. President, I am pleased to join my colleague from Maryland, Senator MIKULSKI, in cosponsoring this important legislation to ensure the protection of Federal employee pay and benefits in the event of a furlough.

We have a responsibility to the men and women who have dedicated themselves to public service and I would hope that my colleagues would join Senator MIKULSKI and I in our ongoing effort to maintain the Federal Government's commitment to its dedicated work force.

Over the past several months, Federal employees have been subject to numerous attacks on their pay and earned benefits. Despite my opposition, Congress approved the Republican budget resolution which seeks to change the calculation of retirement benefits for Federal employees from the employee's highest 3-year average to the highest 5-year average. The resolution also contains a reduction in the Federal Government's contribution to employee health care benefits and an increase from 7 to 7.5 percent in Federal employee contribution rates over the next 7 years.

In my view, this is a breach of the contract with Federal employees. In an attempt to restore fairness for Federal workers, I offered, along with Senator MIKULSKI and several of my colleagues, an amendment to the Republican budget resolution which would have stricken the high three/high five provision. Unfortunately, the provision failed by the narrowest of margins.

Mr. President, Federal employees have made a choice to serve their country and we should respect and reward that choice by supporting these hard-working, dedicated individuals. Through the legislation Senator MIKULSKI and I are introducing today, we have the opportunity to send a message to the Federal work force and to all American citizens that Congress honors and values the commitment those who work for the Government have made.

As I have stated many times before, Federal employees have already made significant sacrifices in past years in the form of downsizing efforts, delayed and reduced cost of living adjustments, and other reductions in Federal employee pay and benefits. They have been called on to sacrifice further in this Congress through the Republican budget resolution and are now facing the very real possibility that, through no fault of their own, they may have to either work without pay or be prohibited from coming to work at all.

In a consistent and committed way, Federal workers give dedicated service to our country and they deserve to have their pay and earned benefits protected. Like Cal Ripken, who was recently honored in Baltimore, Federal employees show up day in and day out and do their jobs. In my view, we should recognize and encourage such dedication by ensuring that the pay and benefits of Federal workers are not placed in jeopardy.•

By Mr. HATFIELD (for himself, Mr. HARKIN, and Mrs. BOXER):

S. 1251. A bill to establish a national fund for health research to expand medical research programs through increased funding provided to the National Institutes of Health, and for other purposes; to the Committee on Finance.

THE NATIONAL FUND FOR HEALTH RESEARCH ACT

Mr. HATFIELD. Mr. President, this week finds us at the height of the appropriations process, as the end of the fiscal year rapidly approaches. It has been a season of difficult fiscal decisions which must be made to conform to the constraints of our balanced budget agreement. Never are the tradeoffs as vivid as when we consider spending levels for health and education programs, as we did this morning when the Senate Appropriations Committee completed action on the fiscal year 1996 Labor, HHS, and Education appropriations bill.

I am pleased to report that the committee provided nearly $1.5 billion more than the House for education programs. In addition, we provided a 2.7-percent increase for health research at the National Institutes of Health. While this level is less than that provided by the House, I believe it represents a fair balance between the vitally important issues of health and education. But clearly, my preference would have been to provide a much

larger increase for medical research so that the engine which drives the quality of medical care and reduced health costs could run at full tilt.

The current reality is, however, that available funds for discretionary spending are decreasing. We cannot continue to look solely to the appropriations process for the necessary resources to keep our biomedical research enterprise growing at a rate which takes advantage of the myriad medical breakthroughs on the horizon. We must look for a funding source to supplement annual appropriations to the National Institutes of Health.

Today I am pleased to unite with my friend and colleague, Senator HARKIN, in introducing legislation to establish the national fund for medical research. We joined forces in this effort last year and worked hard to see that medical research was a part of the health care reform debates. At the end of the process, although the issue was ultimately unresolved, we had received the attention and support of many Members in this Chamber. We introduce this bill today, with the support of Senator BOXER of California, with the intention of building on the momentum of last year to gain the support of our many colleagues in this body who are committed to the biomedical research infrastructure.

Our legislation proposes to create a new fund in the U.S. Treasury, financed by an increase in Federal tobacco taxes and income generated through a voluntary Federal income tax checkoff. By raising the Federal tax on cigarettes by 25 cents per package, as well as raising the tax to an equivalent level on smokeless tobacco products, the Joint Committee on Taxation has estimated annual income for the fund of approximately $4.2 billion. These funds will be distributed on a phased-in basis to the National Institutes of Health to supplement, not replace, the funds the organization receives each year in the appropriations process. Funds will be distributed in accordance with the proportion of funds each of the member institutes and centers receive in the appropriations process, after 5 percent has been divided between the Office of the Director, the National Center for Research Resources, and the National Library of Medicine.

Funds raised through this proposal will increase the budget of the NIH by 35 percent over the fiscal year 1995 appropriated level. This will allow many more research grant applications to be funded so that scientific opportunities of merit can be pursued and ultimately translated into cost-effective treatments and cures which will improve our national quality of life. I know of no better investment for the Federal Government than one which strengthens our human capital—be it in education or health research, our greatest strength is a healthy, and thus wealthy, populace.

Mr. President, my good friend, the great philanthropist, Mary Lasker once said, "If you think research is expensive, try disease." Diseases cost this country hundreds of billions of dollars annually. Last year, federally supported research on Alzheimer's disease totaled $300 million, yet it is estimated that $90 billion is expended annually on care. Federally supported research on diabetes totals $290 million, yet it is estimated that $25 billion is expended annually on care. Federally supported research on mental health totals $613 million, yet it is estimated that $130 billion is expended annually on care.

As we struggle in the coming months to achieve a balanced budget, we must embrace policies that enable us to make the most out of our scarce Federal dollars. Federal funding for medical research should be a top priority because without new knowledge to develop new strategies to prevent disease, new treatments to delay the progression of disease and new interventions to cure disease; health care costs will continue to spiral out of control. Disease drives the cost of health care. A concerted Federal assault on disease will not only save precious funds, but it will provide hope to the afflicted.

Watching a medical catastrophe affect a family or individual is one of the greatest tragedies we face in this country. The impacts are accentuated when this misfortune comes in the form of an incurable disease. Loved ones are left with no hope, and feeling powerless as they watch the debilitating effects of disease overcome the individual. I know many of my colleagues in the Senate have experienced this sense of powerlessness. They have watched helplessly while family members deteriorate from the effects of a deadly disease. The vibrant individual that they knew and loved is reduced to a withering shell of a human being. The one thing, and the only thing that provides comfort to the afflicted and to their loved ones, is hope. Hope for an end to the suffering. Hope for a return to a normal life. Hope for a cure. This hope does not have to be great, even the faintest glimmer brings happiness to someone faced with a fatal future.

Medical research is the sole hope we can provide to millions of Americans who will experience disease and disability either in their own lives or in their families. We can care for them in our hospitals and clinics but we cannot alleviate their pain or end their suffering without cures and preventative treatments. Cures are the direct result of our investment in medical research.

This legislation is important because it will help provide a more sustainable funding base for medical research. During the debate on the budget resolution, I offered an amendment to restore $7 billion of the nearly $8 billion cut for the NIH proposed by the Senate budget resolution over the next 7 years. This amendment passed by a vote of 85–14. While this was a short-term victory for the NIH, it demonstrates the need for a stable endowment for medical research. The war against disease can not be fully waged if medical researchers have to engage in yearly squabbles with Congress over funding levels.

As most of my colleagues know, I am a practical man. I do not underestimate the difficulty any tax increase has in the current political climate, but I submit we must listen to the people who put the new Republican majority in power.

A recent Harris Poll has shown that Americans strongly support health research and are willing to put their money behind their words. The poll asked Americans which type of scientific research they favored—66 percent favored medical research and a pitiful 4 percent preferred defense research. This same poll determined that if assured that the funds would be spent for medical research, 74 percent of Americans are willing to spend $1 more in taxes. Other polling data consistently shows that more than two-thirds of Republican and Democratic voters, including voters in tobacco-growing States, favor raising tobacco taxes.

These results make it clear that our constituents desire a strong Federal commitment to medical research, even if it means an increase in taxes. An increase in tobacco taxes is easily the most appropriate source of funding for this bill. The Centers for Disease Control and Prevention reports that the Federal Government spends more than $20 billion per year to pay for the direct health care costs caused by tobacco. Tobacco taxes will help offset and reduce the economic costs of smoking. Taxes on tobacco products are a proven source of revenue around the world. Most major industrialized nations tax tobacco at $2 to $3.60 per package.

The increase in the tobacco tax will provide extensive health benefits. Tobacco use is the greatest cause of preventable death in America. About 1.3 million children and adults will be discouraged from smoking by a 25-cent tobacco tax. Because about half of all long-term smokers die of diseases caused by smoking, a 25-cent tobacco tax will save the lives of more than 300,000 Americans alive today. I hope these heart-wrenching statistics will put an end to the congressional coddling of the almighty tobacco lobby. Tobacco use imposes a great price on our society, and those who profit from tobacco use should contribute their fair share to this devastation.

This legislation has everything to do with providing our Nation with a brighter future. While sustainable resources for medical research are essential for our Nation's prosperity, our

young people will ultimately determine the future of our Nation. Zenia Kim, a finalist in the Miss Oregon Pageant, and an aspiring medical researcher, provides me with a personal impetus to progress on this legislation. Like many Zenia had not given disease or medical research much thought until a close relative was stricken with cancer. After seeing her family member experience the terrors of chemotherapy, she dedicated her life to finding a cure to cancer.

Zenia has vigorously pursued this pledge by working during her college summers at Oregon Health Sciences University. It was here, at one of our Nation's top academic medical centers, that she encountered the problems of insufficient funds for medical research. This inspired her to develop a comprehensive proposal to cure cancer. The main component of this proposal is research. Kim writes, "as a future medical scientist, I would like to know that there will be enough funding available to pursue my research endeavors."

I would like Zenia to someday realize her goal and find a cure for cancer. I would like to assure Zenia, that when she graduates from medical school, we will have adequate funding for medical research. I urge my colleagues to support the National Fund for Medical Research to help Zenia and others like her to provide hope for those tormented by disease and disabilities.

I ask unanimous consent to include in the RECORD, a copy of the bill, a question and answer summary, a sample of letters of support, and a list of nearly 200 organizations supporting this effort.

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

S. 1251

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Fund for Health Research Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Nearly 4 of 5 peer reviewed research projects deemed worthy of funding by the National Institutes of Health are not funded.

(2) Less than 3 percent of the nearly one trillion dollars our Nation spends on health care is devoted to health research, while the defense industry spends 15 percent of its budget on research.

(3) Public opinion surveys have shown that Americans want more Federal resources put into health research and are willing to pay for it. Polling data consistently shows that more than two-thirds of all voters support a major tobacco tax increase if revenues generated are dedicated to health-related programs.

(4) Ample evidence exists to demonstrate that health research has improved the quality of health care in the United States. Advances such as the development of vaccines, the cure of many childhood cancers, drugs that effectively treat a host of diseases and disorders, a process to protect our Nation's blood supply from the HIV virus, progress against cardiovascular disease including heart attack and stroke, and new strategies for the early detection and treatment of diseases such as colon, breast, and prostate cancer clearly demonstrates the benefits of health research.

(5) Health research which holds the promise of prevention of intentional and unintentional injury and cure and prevention of disease and disability, is critical to holding down costs in the long term.

(6) The state of our Nation's research facilities at the National Institutes of Health and at universities is deteriorating significantly. Renovation and repair of these facilities are badly needed to maintain and improve the quality of research.

(7) Because the Concurrent Resolution on the Budget for fiscal year 1996 (H. Con. Res. 67) freezes discretionary spending for the next 5 years, the Nation's investment in health research through the National Institutes of Health is likely to decline in real terms unless corrective legislative action is taken.

(8) A health research fund is needed to maintain our Nation's commitment to health research and to increase the percentage of approved projects which receive funding at the National Institutes of Health.

(9) Each year 419,000 Americans die directly from tobacco use and thousands more die from diseases caused by exposure to environmental tobacco smoke. This year one out of every five Americans who die will die from tobacco use.

(10) A recent study by the Centers for Disease Control and Prevention estimates that the Federal Government expended more than $20,000,000,000 in 1993 alone to treat illnesses associated with tobacco use.

(11) A 25 cent increase in the tobacco tax would discourage 1,300,000 Americans from smoking and prevent more than 300,000 premature deaths.

(12) An estimated 90 percent of all smokers start when they are teenagers or younger.

(13) Voluntary income tax checkoffs for medical research for specific diseases exist in some States and have proven successful in generating funds for such research.

TITLE I—NATIONAL FUND FOR HEALTH RESEARCH

SEC. 101. ESTABLISHMENT.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the "National Fund for Health Research" (hereafter in this section referred to as the "Fund"), consisting of such amounts as are transferred to the Fund under subsection (b) and any interest earned on investment of amounts in the Fund.

(b) TRANSFERS TO FUND.—

(1) IN GENERAL.—The Secretary of the Treasury shall transfer to the Fund amounts equivalent to—

(A) taxes received in the Treasury under section 5701 of the Internal Revenue Code of 1986 (relating to taxes on tobacco products) to the extent attributable to the increase in such taxes resulting from the amendments made by title II of the National Fund for Health Research Act; and

(B) the amounts designated under section 6097 (relating to designation of overpayments and contributions to the Fund).

(2) TRANSFERS BASED ON ESTIMATES.—The amounts transferred by paragraph (1) shall annually be transferred to the Fund within 30 days after the President signs an appropriations Act for the Departments of Labor, Health and Human Services, and Education, and related agencies, or by the end of the first quarter of the fiscal year. Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(c) OBLIGATIONS FROM FUND.—

(1) IN GENERAL.—Subject to the provisions of paragraph (4), with respect to the amounts made available in the Fund in a fiscal year, the Secretary of Health and Human Services shall distribute—

(A) 2 percent of such amounts during any fiscal year to the Office of the Director of the National Institutes of Health to be allocated at the Director's discretion for the following activities:

(i) for carrying out the responsibilities of the Office of the Director, including the Office of Research on Women's Health and the Office of Research on Minority Health, the Office of Alternative Medicine, the Office of Rare Disease Research, the Office of Behavioral and Social Sciences Research (for use for efforts to reduce tobacco use), the Office of Dietary Supplements, and the Office for Disease Prevention; and

(ii) for construction and acquisition of equipment for or facilities of or used by the National Institutes of Health;

(B) 2 percent of such amounts for transfer to the National Center for Research Resources to carry out section 1502 of the National Institutes of Health Revitalization Act of 1993 concerning Biomedical and Behavioral Research Facilities;

(C) 1 percent of such amounts during any fiscal year for carrying out section 301 and part D of title IV of the Public Health Service Act with respect to health information communications; and

(D) the remainder of such amounts during any fiscal year to member institutes and centers, including the Office of AIDS Research, of the National Institutes of Health in the same proportion to the total amount received under this section, as the amount of annual appropriations under appropriations Acts for each member institute and Centers for the fiscal year bears to the total amount of appropriations under appropriations Acts for all member institutes and Centers of the National Institutes of Health for the fiscal year.

(2) PLANS OF ALLOCATION.—The amounts transferred under paragraph (1)(D) shall be allocated by the Director of the National Institutes of Health or the various directors of the institutes and centers, as the case may be, pursuant to allocation plans developed by the various advisory councils to such directors, after consultation with such directors.

(3) GRANTS AND CONTRACTS FULLY FUNDED IN FIRST YEAR.—With respect to any grant or contract funded by amounts distributed under paragraph (1), the full amount of the total obligation of such grant or contract shall be funded in the first year of such grant or contract, and shall remain available until expended.

(4) TRIGGER AND RELEASE OF MONIES AND PHASE-IN.—

(A) TRIGGER AND RELEASE.—No expenditure shall be made under paragraph (1) during any fiscal year in which the annual amount appropriated for the National Institutes of Health is less than the amount so appropriated for the prior fiscal year.

(B) PHASE-IN.—The Secretary of Health and Human Services shall phase-in the distributions required under paragraph (1) so that—

(i) 25 percent of the amount in the Fund is distributed in fiscal year 1997;

(ii) 50 percent of the amount in the Fund is distributed in fiscal year 1998;

(iii) 75 percent of the amount in the Fund is distributed in fiscal year 1999; and

(iv) 100 percent of the amount in the Fund is distributed in fiscal year 2000 and each succeeding fiscal year.

(5) ADMINISTRATIVE EXPENSES.—Amounts in the Fund shall be available to pay the administrative expenses of the Department of the Treasury directly allocable to—

(A) modifying the individual income tax return forms to carry out section 6097 of the Internal Revenue Code of 1986; and

(B) processing amounts received under such section 6097 and transferring such amounts to such Fund.

(d) BUDGET TREATMENT OF AMOUNTS IN FUND.—The amounts in the Fund shall be excluded from, and shall not be taken into account, for purposes of any budget enforcement procedure under the Congressional Budget Act of 1974 or the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE II—FINANCING PROVISIONS

SEC. 201. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 202. INCREASE IN EXCISE TAXES ON TOBACCO PRODUCTS.

(a) CIGARETTES.—Subsection (b) of section 5701 is amended—

(1) by striking "$12 per thousand ($10 per thousand on cigarettes removed during 1991 or 1992)" in paragraph (1) and inserting "$24.5 per thousand", and

(2) by striking "$25.20 per thousand ($21 per thousand on cigarettes removed during 1991 or 1992)" in paragraph (2) and inserting "$51.45 per thousand".

(b) CIGARS.—Subsection (a) of section 5701 is amended—

(1) by striking "$1.125 cents per thousand (93.75 cents per thousand on cigars removed during 1991 or 1992)" in paragraph (1) and inserting "$13.64 per thousand", and

(2) by striking "equal to" and all that follows in paragraph (2) and inserting "equal to 26.03 percent of the price for which sold but not more than $61.25 per thousand."

(c) CIGARETTE PAPERS.—Subsection (c) of section 5701 is amended by striking "0.75 cent (0.625 cent on cigarette papers removed during 1991 or 1992)" and inserting "1.53 cents".

(d) CIGARETTE TUBES.—Subsection (d) of section 5701 is amended by striking "1.5 cents (1.25 cents on cigarette tubes removed during 1991 or 1992)" and inserting "3.06 cents".

(e) SMOKELESS TOBACCO.—Subsection (e) of section 5701 is amended—

(1) by striking "36 cents (30 cents on snuff removed during 1991 or 1992)" in paragraph (1) and inserting "$3.69", and

(2) by striking "12 cents (10 cents on chewing tobacco removed during 1991 or 1992)" in paragraph (2) and inserting "$1.45".

(f) PIPE TOBACCO.—Subsection (f) of section 5701 is amended by striking "67.5 cents (56.25 cents on pipe tobacco removed during 1991 or 1992)" and inserting "$4.85".

(g) APPLICATION OF TAX INCREASE TO PUERTO RICO.—Section 5701 is amended by adding at the end the following new subsection:

"(h) APPLICATION TO TAXES TO PUERTO RICO.—Notwithstanding subsections (b) and (c) of section 7653 and any other provision of law—

"(1) IN GENERAL.—On tobacco products and cigarette papers and tubes, manufactured or imported into the Commonwealth of Puerto Rico, there is hereby imposed a tax at the rate equal to the excess of—

"(A) the rate of tax applicable under this section to like articles manufactured in the United States, over

"(B) the rate referred to in subparagraph (A) as in effect on the day before the date of the enactment of the National Fund for Health Research Act.

"(2) SHIPMENTS TO PUERTO RICO FROM THE UNITED STATES.—Only the rates of tax in effect on the day before the date of the enactment of this subsection shall be taken into account in determining the amount of any exemption from, or credit or drawback of, any tax imposed by this section on any article shipped to the Commonwealth of Puerto Rico from the United States.

"(3) SHIPMENTS FROM PUERTO RICO TO THE UNITED STATES.—The rates of tax taken into account under section 7652(a) with respect to tobacco products and cigarette papers and tubes coming into the United States from the Commonwealth of Puerto Rico shall be the rates of tax in effect on the day before the date of the enactment of the National Fund for Health Research Act.

"(4) DISPOSITION OF REVENUES.—The provisions of section 7652(a)(3) shall not apply to any tax imposed by reason of this subsection."

(h) EFFECTIVE DATE.—The amendments made by this section shall apply to articles removed (as defined in section 5702(k) of the Internal Revenue Code of 1986, as amended by this Act) after December 31, 1995.

(i) FLOOR STOCKS TAXES.—

(1) IMPOSITION OF TAX.—On tobacco products and cigarette papers and tubes manufactured in or imported into the United States or the Commonwealth of Puerto Rico which are removed before January 1, 1996, and held on such date for sale by any person, there is hereby imposed a tax in an amount equal to the excess of—

(A) the tax which would be imposed under section 5701 of the Internal Revenue Code of 1986 on the article if the article had been removed on such date, over

(B) the prior tax (if any) imposed under section 5701 or 7652 of such Code on such article.

(2) AUTHORITY TO EXEMPT CIGARETTES HELD IN VENDING MACHINES.—To the extent provided in regulations prescribed by the Secretary, no tax shall be imposed by paragraph (1) on cigarettes held for retail sale on January 1, 1996, by any person in any vending machine. If the Secretary provides such a benefit with respect to any person, the Secretary may reduce the $500 amount in paragraph (3) with respect to such person.

(3) CREDIT AGAINST TAX.—Each person shall be allowed as a credit against the taxes imposed by paragraph (1) an amount equal to $500. Such credit shall not exceed the amount of taxes imposed by paragraph (1) on January 1, 1996, for which such person is liable.

(4) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(A) LIABILITY FOR TAX.—A person holding cigarettes on January 1, 1996, to which any tax imposed by paragraph (1) applies shall be liable for such tax.

(B) METHOD OF PAYMENT.—The tax imposed by paragraph (1) shall be paid in such manner as the Secretary shall prescribe by regulations.

(C) TIME FOR PAYMENT.—The tax imposed by paragraph (1) shall be paid on or before April 1, 1996.

(5) ARTICLES IN FOREIGN TRADE ZONES.—Notwithstanding the Act of June 18, 1934 (48 Stat. 998, 19 U.S.C. 81a) and any other provision of law, any article which is located in a foreign trade zone on January 1, 1996, shall be subject to the tax imposed by paragraph (1) if—

(A) internal revenue taxes have been determined, or customs duties liquidated, with respect to such article before such date pursuant to a request made under the 1st proviso of section 3(a) of such Act, or

(B) such article is held on such date under the supervision of a customs officer pursuant to the 2d proviso of such section 3(a).

(6) DEFINITIONS.—For purposes of this subsection—

(A) IN GENERAL.—Terms used in this subsection which are also used in section 5702 of the Internal Revenue Code of 1986 shall have the respective meanings such terms have in such section, as amended by this Act.

(B) SECRETARY.—The term "Secretary" means the Secretary of the Treasury or his delegate.

(7) CONTROLLED GROUPS.—Rules similar to the rules of section 5061(e)(3) of such Code shall apply for purposes of this subsection.

(8) OTHER LAWS APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 5701 of such Code shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply to the floor stocks taxes imposed by paragraph (1), to the same extent as if such taxes were imposed by such section 5701. The Secretary may treat any person who bore the ultimate burden of the tax imposed by paragraph (1) as the person to whom a credit or refund under such provisions may be allowed or made.

SEC. 203. MODIFICATIONS OF CERTAIN TOBACCO TAX PROVISIONS.

(a) EXEMPTION FOR EXPORTED TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES TO APPLY ONLY TO ARTICLES MARKED FOR EXPORT.—

(1) Subsection (b) of section 5704 is amended by adding at the end the following new sentence: "Tobacco products and cigarette papers and tubes may not be transferred or removed under this subsection unless such products or papers and tubes bear such marks, labels, or notices as the Secretary shall by regulations prescribe."

(2) Section 5761 is amended by redesignating subsections (c) and (d) as subsections (d) and (e), respectively, and by inserting after subsection (b) the following new subsection:

"(c) SALE OF TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES FOR EXPORT.—Except as provided in subsections (b) and (d) of section 5704—

"(1) every person who sells, relands, or receives within the jurisdiction of the United States any tobacco products or cigarette papers or tubes which have been labeled or shipped for exportation under this chapter,

"(2) every person who sells or receives such relanded tobacco products or cigarette papers or tubes, and

"(3) every person who aids or abets in such selling, relanding, or receiving,

shall, in addition to the tax and any other penalty provided in this title, be liable for a penalty equal to the greater of $1,000 or 5 times the amount of the tax imposed by this chapter. All tobacco products and cigarette papers and tubes relanded within the jurisdiction of the United States, and all vessels, vehicles, and aircraft used in such relanding or in removing such products, papers, and tubes from the place where relanded, shall be forfeited to the United States."

(3) Subsection (a) of section 5761 is amended by striking "subsection (b)" and inserting "subsection (b) or (c)".

(4) Subsection (d) of section 5761, as redesignated by paragraph (2), is amended by striking "The penalty imposed by subsection (b)" and inserting "The penalties imposed by subsections (b) and (c)".

(5)(A) Subpart F of chapter 52 is amended by adding at the end the following new section:

"SEC. 5754. RESTRICTION ON IMPORTATION OF PREVIOUSLY EXPORTED TOBACCO PRODUCTS.

"(a) IN GENERAL.—Tobacco products and cigarette papers and tubes previously exported from the United States may be imported or brought into the United States only as provided in section 5704(d). For purposes of this section, section 5704(d), section 5761, and such other provisions as the Secretary may specify by regulations, references to exportation shall be treated as including a reference to shipment to the Commonwealth of Puerto Rico.

"(b) CROSS REFERENCE.—

"For penalty for the sale of tobacco products and cigarette papers and tubes in the United States which are labeled for export, see section 5761(c)."

(B) The table of sections for subpart F of chapter 52 is amended by adding at the end the following new item:

"Sec. 5754. Restriction on importation of previously exported tobacco products."

(b) IMPORTERS REQUIRED TO BE QUALIFIED.—

(1) Sections 5712, 5713(a), 5721, 5722, 5762(a)(1), and 5763 (b) and (c) are each amended by inserting "or importer" after "manufacturer".

(2) The heading of subsection (b) of section 5763 is amended by inserting "QUALIFIED IMPORTERS," after "MANUFACTURERS,".

(3) The heading for subchapter B of chapter 52 is amended by inserting "**and Importers**" after "**Manufacturers**".

(4) The item relating to subchapter B in the table of subchapters for chapter 52 is amended by inserting "and importers" after "manufacturers".

(c) REPEAL OF TAX-EXEMPT SALES TO EMPLOYEES OF CIGARETTE MANUFACTURERS.—

(1) Subsection (a) of section 5704 is amended—

(A) by striking "EMPLOYEE USE OR" in the heading, and

(B) by striking "for use or consumption by employees or" in the text.

(2) Subsection (e) of section 5723 is amended by striking "for use or consumption by their employees, or for experimental purposes" and inserting "for experimental purposes".

(d) REPEAL OF TAX-EXEMPT SALES TO UNITED STATES.—Subsection (b) of section 5704 is amended by striking "and manufacturers may similarly remove such articles for use of the United States;".

(e) BOOKS OF 25 OR FEWER CIGARETTE PAPERS SUBJECT TO TAX.—Subsection (c) of section 5701 is amended by striking "On each book or set of cigarette papers containing more than 25 papers," and inserting "On cigarette papers,".

(f) STORAGE OF TOBACCO PRODUCTS.—Subsection (k) of section 5702 is amended by inserting "under section 5704" after "internal revenue bond".

(g) AUTHORITY TO PRESCRIBE MINIMUM MANUFACTURING ACTIVITY REQUIREMENTS.—Section 5712 is amended by striking "or" at the end of paragraph (1), by redesignating paragraph (2) as paragraph (3), and by inserting after paragraph (1) the following new paragraph:

"(2) the activity proposed to be carried out at such premises does not meet such minimum capacity or activity requirements as the Secretary may prescribe, or".

(h) SPECIAL RULES RELATING TO PUERTO RICO AND THE VIRGIN ISLANDS.—Section 7652 is amended by adding at the end the following new subsection:

"(h) LIMITATION ON COVER OVER OF TAX ON TOBACCO PRODUCTS.—For purposes of this section, with respect to taxes imposed under section 5701 or this section on any tobacco product or cigarette paper or tube, the amount covered into the treasuries of Puerto Rico and the Virgin Islands shall not exceed the rate of tax under section 5701 in effect on the article on the day before the date of the enactment of the Health Partnership Act of 1995."

(i) EFFECTIVE DATE.—The amendments made by this section shall apply to articles removed (as defined in section 5702(k) of the Internal Revenue Code of 1986, as amended by this Act) after December 31, 1995.

SEC. 204. IMPOSITION OF EXCISE TAX ON MANUFACTURE OR IMPORTATION OF ROLL-YOUR-OWN TOBACCO.

(a) IN GENERAL.—Section 5701 (relating to rate of tax), as amended by section 701, is amended by redesignating subsections (g) and (h) as subsections (h) and (i) and by inserting after subsection (f) the following new subsection:

"(g) ROLL-YOUR-OWN TOBACCO.—On roll-your-own tobacco, manufactured in or imported into the United States, there shall be imposed a tax of $4.85 per pound (and a proportionate tax at the like rate on all fractional parts of a pound)."

(b) ROLL-YOUR-OWN TOBACCO.—Section 5702 (relating to definitions) is amended by adding at the end the following new subsection:

"(p) ROLL-YOUR-OWN TOBACCO.—The term 'roll-your-own tobacco' means any tobacco which, because of its appearance, type, packaging, or labeling, is suitable for use and likely to be offered to, or purchased by, consumers as tobacco for making cigarettes."

(c) TECHNICAL AMENDMENTS.—

(1) Subsection (c) of section 5702 is amended by striking "and pipe tobacco" and inserting "pipe tobacco, and roll-your-own tobacco".

(2) Subsection (d) of section 5702 is amended—

(A) in the material preceding paragraph (1), by striking "or pipe tobacco" and inserting "pipe tobacco, or roll-your-own tobacco", and

(B) by striking paragraph (1) and inserting the following new paragraph:

"(1) a person who produces cigars, cigarettes, smokeless tobacco, pipe tobacco, or roll-your-own tobacco solely for the person's own personal consumption or use, and".

(3) The chapter heading for chapter 52 is amended to read as follows:

"CHAPTER 52—TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES".

(4) The table of chapters for subtitle E is amended by striking the item relating to chapter 52 and inserting the following new item:

"CHAPTER 52. Tobacco products and cigarette papers and tubes."

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to roll-your-own tobacco removed (as defined in section 5702(k) of the Internal Revenue Code of 1986, as amended by this Act) after December 31, 1995.

(2) TRANSITIONAL RULE.—Any person who—

(A) on the date of the enactment of this Act is engaged in business as a manufacturer of roll-your-own tobacco or as an importer of tobacco products or cigarette papers and tubes, and

(B) before January 1, 1996, submits an application under subchapter B of chapter 52 of such Code to engage in such business,

may, notwithstanding such subchapter B, continue to engage in such business pending final action on such application. Pending such final action, all provisions of such chapter 52 shall apply to such applicant in the same manner and to the same extent as if such applicant were a holder of a permit under such chapter 52 to engage in such business.

SEC. 205. DESIGNATION OF OVERPAYMENTS AND CONTRIBUTIONS FOR THE NATIONAL FUND FOR HEALTH RESEARCH.

(a) IN GENERAL.—Subchapter A of chapter 61 (relating to returns and records) is amended by adding at the end the following new part:

"PART IX—DESIGNATION OF OVERPAYMENTS AND CONTRIBUTIONS FOR THE NATIONAL FUND FOR HEALTH RESEARCH

"Sec. 6097. Amounts for the National Fund for Health Research.

"SEC. 6097. AMOUNTS FOR THE NATIONAL FUND FOR HEALTH RESEARCH.

"(a) IN GENERAL.—Every individual (other than a nonresident alien) may designate that—

"(1) a portion (not less than $1) of any overpayment of the tax imposed by chapter 1 for the taxable year, and

"(2) a cash contribution (not less than $1), be paid over to the National Fund for Health Research. In the case of a joint return of a husband and wife, each spouse may designate one-half of any such overpayment of tax (not less than $2).

"(b) MANNER AND TIME OF DESIGNATION.—Any designation under subsection (a) may be made with respect to any taxable year only at the time of filing the original return of the tax imposed by chapter 1 for such taxable year. Such designation shall be made either on the 1st page of the return or on the page bearing the taxpayer's signature.

"(c) OVERPAYMENTS TREATED AS REFUNDED.—For purposes of this section, any overpayment of tax designated under subsection (a) shall be treated as being refunded to the taxpayer as of the last day prescribed for filing the return of tax imposed by chapter 1 (determined with regard to extensions) or, if later, the date the return is filed.

"(d) DESIGNATED AMOUNTS NOT DEDUCTIBLE.—No amount designated pursuant to subsection (a) shall be allowed as a deduction under section 170 or any other section for any taxable year.

"(e) TERMINATION.—This section shall not apply to taxable years beginning in a calendar year after a determination by the Secretary that the sum of all designations under subsection (a) for taxable years beginning in the second and third calendar years preceding the calendar year is less than $5,000,000."

(b) CLERICAL AMENDMENT.—The table of parts for subchapter A of chapter 61 is amended by adding at the end the following new item:

"Part IX. Designation of overpayments and contributions for the National Fund for Health Research."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1995.

NATIONAL FUND FOR HEALTH RESEARCH ACT—QUESTIONS AND ANSWERS

What does the proposal call for?

A National Fund For Health Research would be established to provide additional resources for health research over and above those provided to the National Institutes of Health (NIH) in the annual appropriations process. The Fund would greatly enhance the quality of health care by investing more resources in finding preventive measures, cures and cost effective treatments for the major illnesses and conditions that strike Americans.

Financing for the Fund comes from an increase in federal tobacco taxes—25 cents per pack of cigarettes and an equivalent tax on other tobacco products. This tax would raise an estimated $4.2 billion annually. In addition to providing revenue for the Fund, raising tobacco taxes will protect children and save lives. Every day more than 3,000 children become smokers and more than 1,000 of them will eventually die as a result of smoking. Raising tobacco taxes is a highly effective way to reduce tobacco use by children. A 25-cent tax will discourage an estimated 1.3 million children and adults from smoking and will save the lives of more than 300,000 Americans alive today.

Each year amounts within the Fund would automatically be allotted to each of the NIH Institutes and Centers. Five percent of the monies would be directed to extramural construction and renovation of research facilities, the National Library of Medicine, and the Office of the Director. So that an appropriate range of basic and applied research is supported, each Institute and Center would receive the same percentage of the remaining Fund monies as they received of the total NIH appropriation for that fiscal year. In order to insure that the additional funds generated do not simply replace regularly appropriated NIH funds, monies from the Fund would be released only if the total appropriated for the NIH in that year equal or exceed the prior year appropriations.

Additional monies for the Fund would be generated by a voluntary federal income tax check-off. Every year, when filing their Federal income tax returns, Americans would have the opportunity to designate tax overpayments and contributions for health research. Monies from the check-off would be deposited in the Fund.

Why is this proposal necessary?

Health research has brought us the advances in treatment and prevention of disease and disability that define our current high standards of medical practice. Perhaps more than any other component of our health care system, health research holds the promise of both reducing medical costs and improving the quality of life of Americans. Yet, because the federal budget agreement freezes discretionary spending for the next four years, Federal funding for health research will likely not even keep up with inflation unless a separate funding stream is established.

Will the Fund simply replace existing monies appropriated to NIH?

No. Monies generated by the Fund would be in addition to, not in replacement of those provided to each of the NIH Institutes in the normal appropriations process. Monies from the Fund could not be allotted unless total NIH appropriations in that year were equal to or greater than the prior year appropriations. Therefore, the Fund could not be used as a mechanism to replace or reduce regularly appropriated funds.

How would money from the Fund be allocated among research priorities?

The proposal does not pick winners and losers among areas of health research. It does not interfere with the funding decisions made through the normal appropriations process. Funds would be allocated to each of the NIH Institutes and Centers based on the percentage that each of these entities received of the total NIH appropriation for that year. Monies allotted to each NIH entity would be spent according to a plan developed by the entities' advisory council in consultation with the NIH Director. Each Institute would decide the appropriate distribution of Fund monies among various research priorities within the Institute.

In recognition of the poor state of many medical research facilities, 2 percent of the total Fund would be taken off the top for extramural construction and renovation of research building and facilities. In accordance with traditional funding patterns, 1 percent of the total Fund would go to the National Library of Medicine. An additional 2 percent would go to the NIH Director for intramural construction and renovation and other activities supported by the Office of the Director.

Isn't research a major reason why the cost of health care is so high in this country? Won't an increase in research funding lead to an increase in health care costs?

Absolutely not. Funding for research can be an effective means of controlling health costs in the long run. Investment in research pays off in terms of lower medical expenses, reduced worker absenteeism, and improved productivity. For example, according to NIH statistics, an investment of $1.2 million in the development of a mass screening device for neonatal hypothyroidism in newborns has the potential 1-year saving of over $206 million. An investment of slightly over $679,000 for a treatment for preventing the recurrence of kidney stones saves close to $300 million in annual treatment costs and lost days work.

Today, many families are anxiously looking for a treatment and cure of Alzheimer's disease. Federally supported funding for research on Alzheimer's disease totals $300 million annually on caring for people with Alzheimer's. A cure or treatment for Alzheimer's, in addition to relieving suffering, would result in enormous savings.

Won't more research lead to the development and over utilization of new tests and expensive equipment?

There are legitimate concerns about the over utilization and duplication of expensive technologies. These concerns should be addressed by an increased emphasis on outcomes and effectiveness research. We should solve the problem of over utilization of services but not at the expense of improving quality and coming up with more effective treatments and cures.

Do the American people support increases in tobacco taxes to pay for increases in health research?

Polling data consistently show that more than two-thirds of Republican and Democratic voters, including voters in tobacco-growing states, favor raising tobacco taxes if revenues are dedicated to health-related activities.

Does the proposal include prevention research?

Absolutely. Research is our first line of defense. It is the ultimate investment in prevention. Research provides the building blocks for prevention—research has produced immunizations, critical information about the importance of diet and exercise in preventing disease, and a screening test to prevent the transmission of HIV through blood products. Research is the key to prevention.

CANCER UNDERSTANDING AND RESEARCH EFFORTS

(Statement of Zenia Kim)

The CURE program is designed to focus on two areas of cancer treatment: prevention and research.

INTRODUCTION

I remember when I was attending Junior High and High School, I never really learned about cancer or the risk factors involved. When I was a senior in high school, a very close relative of mine became very ill and was diagnosed with cancer. She started chemotherapy treatment but things got worse. I promised myself at that moment that I was going to perform my own research on cancer. What caused this disease and why wasn't my loved one getting better? I began volunteering at our local hospital in the Pathology lab, where I observed doctors examining various forms of cancers. I learned how to spot cancers of all sorts. As I continued my education at Brigham Young University, I continued with my cancer research. I worked with a Chemistry professor by the name of Dr. James Thorne, and he assisted me in understanding the chemical aspect of cancer research. We worked on a treatment called Photodynamic Therapy. This form of cancer treatment became very appealing because it did not have as many negative side effects that chemotherapy had. I became so involved with the research that I wrote my own paper on Photodynamic Therapy. I am still continuing my research with Dr. Thorne for the third year, and hope that this is our real breakthrough in curing cancer. While I was performing research on Photodynamic Therapy, I really wanted to continue my volunteer work in a hospital setting. I volunteered at Utah Valley Regional Medical Center in the Oncology Department. Here, I got to experience the other side, the patient's side. I remember talking with many cancer patients and listening to their distress, their hopeless feelings. I became so determined . . . that I was going to find a cure for cancer. As my research continued at BYU, I discovered that research funds were very limited. The national funding organizations can hardly support any of the proposals coming in. As a future medical research specialist, I became disheartened. Over the summer, I worked at Oregon Health Sciences University Medical School performing medical cancer research, and there too discovered the limited funding available for research. This is why I became so inspired to develop my own program called the CURE.

CANCER UNDERSTANDING AND RESEARCH EFFORTS

The CURE focuses on two areas of cancer treatment. The first is prevention. I believe that if many students learned about the risks involved with cancer as a junior high or high school student, there would be a significant decrease in the incidents of cancer. I would like to see a unit integrated within the health curriculum that emphasizes the risks of cancer. Furthermore, I would like to invite guest speakers, perhaps one who has fought and recovered from cancer or the loved ones of a cancer victim, to tell about their side of their story. I think that by personalizing a real situation, students feel more sensitive and more in tune with the problem. That is exactly what we need. We need students to feel realistic, sad, or even scared so that they won't associate with any of the risks involved with cancer. The decisions that students in their junior high and

high school years make can indefinitely affect the course of their lives. Furthermore, this is the time that they opt to engage in such acts as smoking, using tobacco, sun tanning, etc. So, by integrating a cancer unit within secondary education, the hope is that the future generations will choose to stay risk free and beat the battle against cancer.

The second area of cancer treatment that the CURE focuses on is research. Prevention is great to eliminate cancer but for those already afflicted with cancer, there must be another alternative. I would like to personally declare, to those of all ages, that research is the first and most important step towards cancer cure. By understanding the mechanism of how cancer cells undergo their uncontrolled rate of division, we can come closer to finding the right reagents to stop it. I know that cancer research has been going on for many years, and I believe that we are coming so much closer to the cure. We really need to support the research funding. I have sadly discovered that less than 10 percent of all the proposals that are sent to large funding organizations, such as the National Institute of Health, actually get funded. This to me is a horrifying reality. But the question always seems to be, "Where are we going to get the money?" I believe that we can first start with larger corporations. They have elicited a certain percentage of their profits into donations. I would like to encourage those corporations to donate more of their profits into research. Also, I support Senator Hatfield's and Senator Harkin's Trust Fund Proposal in allocating more money towards research from a tobacco tax. By raising the tobacco tax by a small fraction, we will not destroy the tobacco industry and we will be able to fund more scientific discoveries. As a future medical scientist, I would like to know that there will be enough funding available to pursue my research endeavors. I love research and I thrive off making new scientific discoveries. I just hope that I can continue my love for research when I work in my own laboratory someday soon.

As Miss Tri-Valley, I have actually had the opportunity to speak to students in junior high and high schools throughout the Beaverton/Portland area. I always emphasize these two important points that I have established in the CURE Program: Prevention and Research—these are our two means of defeating cancer.

AMERICAN LUNG ASSOCIATION,
September 14, 1995.

Hon. MARK HATFIELD,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR HATFIELD: The American Lung Association strongly endorses the legislation you are introducing today, Research Trust Fund Act. Enactment of the Research Trust Fund Act will be a win-win proposition for the health and well-being of the American people.

The Research Trust Fund Act will save lives through prevention. Each year 419,000 Americans die from causes directly related to tobacco use and thousands more die from diseases caused by exposure to environmental tobacco smoke. These preventable deaths represents a huge human loss to our society. The proposed $0.25 increase in the federal excise tax on tobacco products will help reduce the number of people who smoke. It is estimated that for every $0.25 increased in the federal tobacco tax, about one million people living today will be discouraged from smoking and 200,000 to 300,000 premature deaths will be prevented.

The Research Trust Fund Act will save health care dollars. The cost of treating people who suffer from tobacco related illnesses places a staggering financial burden on the American health care system. Although smokers tend to die younger, over the course of their life, current and former smokers generate an estimated $501 billion in excess health care costs. Treating tobacco related illnesses cost the $21 billion per year, with an additional estimated cost of $47 billion in lost productivity. Reducing the number of people who use tobacco products by increasing the federal tobacco tax will help reduce the economic burden tobacco consumption places on the U.S. health care system.

The Research Trust Fund Act will save lives through improved treatments and cures. The estimated $4 billion to $5 billion generated by the Research Trust Fund will provided needed additional funding for biomedical research sponsored by the National Institutes of Health. Through increased support of basic and clinical biomedical research at the National Institutes of Health, researchers will continue to broaden our understanding of life sciences and develop new approaches to preventing, treating, and curing disease.

The American Lung Association and its volunteers stand ready to work with you and Congress to enact this important legislation. I would also like to take this opportunity to commend you for your leadership and foresight in introducing the Research Trust Fund Act. The Research Trust Fund will go a long way to improving the health of all Americans.

Sincerely,
JACQUELINE D. MCLEOD, MPH, M.Ed,
President.

FEDERATION OF AMERICAN SOCIETIES FOR EXPERIMENTAL BIOLOGY,
Bethesda, MD, September 11, 1995.

Hon. MARK HATFIELD,
Chair, Senate Appropriations Committee, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Federation of American Societies for Experimental Biology (FASEB) supports with enthusiasm your efforts to provide supplemental resources for NIH and biomedical research.

The Federation concurs that the federal commitment to health research is grossly underfunded. Less than 3 percent of the nearly one trillion dollars our Nation spends on health care is devoted to health research, while the defense industry spends 15 percent of its budget on research. Ample evidence exists to demonstrate that health research has improved the quality of health care in the United States, and is one of the best methods of health care cost containment.

Therefore, FASEB supports the proposal to create an additional source of biomedical funding, such as through the National Fund for Health Research Act. We are confident that these additional funds would not be used to offset regular appropriations.

Sincerely,
RALPH A. BRADSHAW, Ph.D.,
President.

NATIONAL COMMITTEE TO PRESERVE SOCIAL SECURITY AND MEDICARE,
Washington, DC, September 14, 1995.

Hon. MARK O. HATFIELD,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR HATFIELD: On behalf of the nearly six million members and supporters of the National Committee to Preserve Social Security and Medicare, I am writing in strong support of your legislation to increase medical research funding to the National Institutes of Health (NIH).

Increased research into the causes and potential cures of many diseases related to aging could have a profound impact on the lives of older Americans and their families. Alzheimer's disease, a degenerative brain disorder, afflicts about 4 million people in the United States, and costs the nation an estimated $80 billion to $100 billion a year. Osteoporosis, which causes fragile bones and painfully crippling fractures, costs an estimated $10 billion a year. When families can no longer meet the care needs of relatives with these illnesses, disabled people often end up in nursing homes, where bills totaled $69.6 billion in 1993.

The Hatfield/Harkin Research Fund legislation to be introduced today is a significant step forward to find cures or better treatments, save lives and dollars. We commend you on your long-time commitment to medical research.

Sincerely,
MARTHA A. MCSTEEN,
President.

ASSOCIATION OF AMERICAN MEDICAL COLLEGES,
Washington, DC, September 15, 1995.

Hon. MARK O. HATFIELD,
U.S. Senate, Hart Senate Office Building, Washington, DC.

Hon. TOM HARKIN,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATORS HATFIELD AND HARKIN: The Association of American Medical Colleges (AAMC) strongly endorses your proposal to create a National Fund for Health Research. The debate on this year's budget makes it clear that we must identify additional, sustainable sources of funding to supplement the regular appropriation for the National Institutes of Health [NIH] if we are to continue to rely upon scientific discovery to improve the health and quality of life for all Americans. In addition, sustained support for the NIH is needed if the United States is to maintain its position as the world's leader in biomedical and behavioral research. The fund you propose is an innovative and necessary complement to NIH funding.

The Federal Government plays a necessary role in the support of this nation's biomedical and behavioral research efforts. The investment that the Federal Government has made in the NIH has produced a comprehensive network of scientists, physicians, and technicians at more than 1,700 institutions across the United States dedicated to the continued pursuit of fundamental knowledge and the application of this information to the prevention, diagnosis, and treatment of disease. NIH-supported scientists have made enormous contributions to the nation's health. In addition, NIH-sponsored research has made significant economic contributions, both locally and nationally. The role that the U.S. biotechnology industry plays globally is just one example of the economic benefits to be derived from NIH research.

Moreover, your proposal addresses a major cause of disease and death in this country: tobacco. As health professionals, we must do everything in our power to reduce the use of tobacco in this country, particularly among children and teenagers. Your bill is an important part of that strategy. We will work

with you to urge all health-related organizations and institutions to support this proposal and to encourage other Senators to cosponsor it.

Finally, on behalf of the Association's members, I wish to thank you for your leadership and unfailing commitment to a strong, vital medical research effort in this country. We appreciate the continued support and trust that you have placed in the NIH, and by implication in our institutions and faculty. We look forward to continuing to work with you to sustain this national treasure that is so critically important to the nation's health.

Very sincerely yours,

JORDAN J. COHEN, M.D.
President.

AMERICAN CANCER SOCIETY,
NATIONAL PUBLIC ISSUES OFFICE,
Washington, DC, September 15, 1995.

Hon. MARK HATFIELD,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATFIELD: On behalf of more than two million American Cancer Society volunteers, I am writing to commend you and Senator Harkin for your leadership in introducing the National Fund for Health Research Act. Your proposal combines two critical initiatives: increasing biomedical research funding and protecting children from tobacco addiction by raising tobacco taxes. The American Cancer Society strongly supports this bill.

Increasing funding for biomedical research is a top priority for all health organizations that understand the role such research plays in treating diseases, reducing suffering, improving the efficiency of our health care system and improving the health status of the entire nation. The American Cancer Society is particularly concerned about the rise in cancer rates. Cancer will become the leading cause of death in the United States by the year 2000. Biomedical research performed by the National Institutes of Health is of vital importance in the fight against cancer. The United States currently devotes less than 3 percent of health care spending to research. This amount is unacceptably low as a matter of health and economics.

There is no more appropriate way to finance this bill than through a tobacco tax increase. By itself, this tax will discourage about 1.3 million children and adults from smoking and will ultimately save the lives of more than 300,000 Americans alive today. Raising tobacco taxes is one of the most important measures we can take to reduce the current epidemic of tobacco use by teenagers.

More than two-thirds of Republican and Democratic voters, including voters from tobacco-growing states, supports raising tobacco taxes for health-related purposes such as this.

You have our full support. We look forward to working with you and your staff.

Sincerely,

KERRIE B. WILSON,
National Vice President for Government Relations, American Cancer Society.

MEDICAL RESEARCH AND HEALTH CARE CONCERNS: A SURVEY OF THE AMERICAN PUBLIC

(Conducted by Louis Harris & Associates, June 1995)

A nationwide Harris telephone poll was conducted of 1004 adults in the United States from June 8–11, 1995. Figures for age, sex, race, education, and region were weighted where necessary to bring them into line with their actual proportions in the population. The margin of error for the survey is approximately 3.1 percent.

Research! America, a national not-for-profit organization dedicated to raising public awareness of and support for medical research, commissioned Louis Harris & Associates to ask questions about medical research as a part of a larger survey focusing on a broad range of current issues.

HIGHLIGHTS

1. Americans oppose cuts in medical research dollars.

Respondents were told that one impact of proposed changes in the Federal budget would be less money going to universities and their hospitals which teach medical students and do medical research. When asked whether they favored or opposed these changes in the Federal budget, 65% opposed proposed cuts in Federal support for universities and hospitals.

The younger those surveyed, the higher their response: Among 18–24 year-olds, the opposition to the proposed cuts rises to 75%; among 15–29-year-olds, the opposition to the proposed cuts is 72%.

2. Americans would pay higher taxes to support medical research.

73% would be willing to pay a dollar more per week in taxes if they knew the money would be spent on medical research to better diagnose, prevent and treat disease.

Results from a November, 1993 Harris Poll were very similar—74% were willing to pay a dollar more per week in taxes if spent on medical research.

3. Americans urge Congress to provide tax incentives for private industry to conduct medical research.

61% of those surveyed want their Senators and Representatives to support legislation that would give tax credits to private industries to conduct more medical research.

4. Americans are willing to designate tax refund dollars for medical research.

45% would probably, and 15% would definitely check off a box on their federal income tax return to designate tax refund money specifically for medical research.

When asked how much money they would be willing to designate to medical research, the median amount reported was $23.

5. Americans overwhelmingly value maintaining the United States' position as a leader in medical research.

94% of those surveyed believe that it is important that the United States maintains its role as a world leader in medical research!

6. Americans heartily endorse having the Federal Government support basic science research.

Those surveyed were asked if they agree or disagree with the following: "Even if it brings no immediate benefits, basic science research which advances the frontiers of knowledge is necessary and should be supported by the Federal Government."

69% of respondent agree; 79% of young people ages 18–24 agree with the need to support basic research.

7. Medical research takes second place only to national defense for tax dollar value.

While 45% gave federal defense spending the highest rating for tax dollar value, second place went to medical research with 37% of the respondents giving it a favorable tax dollar value.

Public education and federal anti-crime efforts ranked the lowest.

8. Americans want more information about medical research in the print and broadcast media.

61% of the Americans surveyed would like to see more medical research information in newspapers, magazines and on television.

77% of young people 18–24 want more medical research information from these sources.

For further information on the survey or other Research! America activities, contact Tracy Turner at (703) 739–2577; Fax (703) 739–2372.

ORGANIZATIONS ENDORSING THE HATFIELD-HARKIN RESEARCH FUND PROPOSAL AS OF SEPTEMBER 14, 1995

Academy of Radiology Research.
Alliance for Aging Research.
Alliance for Eye and Vision Research.
Alzheimer's Association.
American Academy of Allergy, Asthma & Immunology.
American Academy of Child and Adolescent Psychiatry.
American Academy of Dermatology.
American Academy of Medical Acupuncture.
American Academy of Neurology.
American Academy of Ophthalmology.
American Academy of Orthopaedic Surgeons.
American Academy of Otolaryngology—Head and Neck Surgery.
American Academy of Pediatrics.
American Association for Cancer Education.
American Association for Cancer Research.
American Association for Dental Research.
American Association of Anatomists.
American Association of Blood Banks.
American Association of Colleges of Nursing.
American Association of Colleges of Pharmacy.
American Association of Critical-Care Nurses.
American Association of Dental Schools.
American Association of Immunologists.
American Association of Pharmaceutical Scientists.
American Cancer Society.
American College of Cardiology.
American College of Chest Physicians.
American College of Clinical Pharmacology.
American College of Medical Genetics.
American College of Preventive Medicine.
American College of Rheumatology.
American Diabetes Association.
American Federation for Clinical Research.
American Gastroenterological Association.
American Geriatrics Society.
American Heart Association.
American Institute of Nutrition.
American Lung Association.
American Nurses Association.
American Orthopaedic Association.
American Pediatric Society.
American Physiological Society.
American Podiatric Medical Association.
American Porphyria Foundation.
American Psychiatric Association.
American Psychological Society.
American Skin Association, Inc.
American Sleep Disorders Association.
American Society for Bone and Mineral Research.
American Society for Cell Biology.
American Society for Clinical Nutrition.
American Society for Dermatologic Surgery.
American Society for Investigative Pathology.
American Society for Microbiology.
American Society for Pharmacology and Experimental Therapeutics.

American Society for Reproductive Medicine.
American Society for Therapeutic Radiology and Oncology.
American Society for Virology.
American Society of Addiction Medicine.
American Society of Animal Sciences.
American Society of Clinical Oncology.
American Society of Hematology.
American Society of Nephrology.
American Society of Pediatric Hematology/Oncology.
American Society of Tropical Medicine & Hygiene.
American Speech-Language-Hearing Association.
American Thoracic Society.
American Urological Association.
Amputee Coalition of America.
Arizona Disease Prevention Center at the University of Arizona.
Arthritis Foundation.
Association for Behavioral Sciences & Medical Education.
Association for Professionals in Infection Control & Epidemiology, Inc.
Association for Research in Vision and Ophthalmology.
Association of Academic Health Centers.
Association of American Cancer Institutes.
Association of American Medical Colleges.
Association of American Veterinary Medical Colleges.
Association of Medical Graduate Departments of Biochemistry.
Association of Medical School Microbiology and Immunology Chairs.
Association of Medical School Pediatric Department Chairman.
Association of Minority Health Profession Schools.
Association of Pediatric Oncology Nurses.
Association of Population Centers.
Association of Professors of Dermatology.
Association of Professors of Medicine.
Association of Subspecialty Professors.
Association of Teachers of Preventive Medicine.
Association of University Environmental Health Sciences Centers.
Association of University Professors of Ophthalmology.
Association of University Programs in Occupational Health and Safety.
Autism Society of America.
Cancer Research Foundation of America.
Citizens for Public Action on Blood Pressure and Cholesterol, Inc.
Coalition for American Trauma Care.
Coalition of Patient Advocates for Skin Disease Research.
College on Problems of Drug Dependence.
Columbia University.
Columbia University, Health Sciences.
Consortium for Skin Research.
Peter C. & Pat Cook Health Sciences Research & Education Institute at Butterworth Hospital.
Cooley's Anemia Foundation.
Cooper Hospital/University Medical Center.
Corporation for the Advancement of Psychiatry.
Council of Community Blood Centers.
Cystic Fibrosis Foundation.
Drew/Meharry/Morehouse Consortium Cancer Center.
Digestive Disease National Coalition.
Dystonia Medical Research Foundation.
Dystrophic Epidermolysis Bullosa Research Association of America.
Ehlers Danlos National Foundation.
The Endocine Society.
Environmental Science Associates, Inc.
Epilepsy Foundation of America.
Families Against Cancer.
Federation of American Societies for Experimental Biology.
Federation of Behavioral, Psychological & Cognitive Sciences.
Foundation for Ichthyosis & Related Skin Types.
Fox Chase Cancer Center.
General Clinical Research Center Programs Directors' Association.
Genome Action Coalition.
Fred Hutchinson Cancer Research Center.
Arthur G. James Cancer Hospital & Research Institute.
Johns Hopkins University.
Johns Hopkins University, School of Medicine.
Joint Council on Allergy, Asthma and Immunology.
Joint Steering Committee for Public Policy.
Louisiana State University Medical Center.
Lupus Foundation of America, Inc.
Lucille P. Markey Cancer Center.
Medical College of Pennsylvania & Hahnemann University.
Medical Center of Wisconsin Cancer Center.
Medical Library Association.
Myasthenia Gravis Foundation of America, Inc.
National Alopecia Areata Foundation.
National Association for Biomedical Research.
National Association for the Advancement of Orthotics and Prosthetics.
National Association of Children's Hospitals.
National Association of Pediatric Nurse Associates and Practitioners.
National Association of State Universities and Land Grant Colleges.
National Breast Cancer Coalition.
National Caucus of Basic Biomedical Science Chairs.
National Coalition for Cancer Research.
National Committee to Preserve Social Security and Medicare.
National Diabetes Research Coalition.
National Easter Seal Society.
National Eczema Association.
National Foundation for Ectodermal Dysplasias.
National Health Council.
National Marfan Foundation.
National Multiple Sclerosis Society.
National Organization for Rare Disorders.
National Osteoporosis Foundation.
National Perinatal Association.
National Psoriasis Foundation.
National Tuberous Sclerosis Association.
National Vitiligo Foundation, Inc.
National Vulvodynia Association.
New England Society of Physical Medicine and Rehabilitation.
New York University Medical Center.
Northwestern Memorial Hospital.
Oncology Nursing Society.
Orton Dyslexia Society, Inc.
Paralyzed Veterans of America.
Penn State Hershey Medical Center.
Population Association of America.
Radiation Research Society.
The Family of Christopher Reeve.
Research! America.
St. Jude Children's Research Hospital.
Scleroderma Federation, Inc.
Scleroderma Research Foundation.
Society for the Advancement of Women's Health Research.
Society for Investigative Dermatology.
Society for Neuroscience.
Society for Pediatric Research.
Society of Critical Care Medicine.
Society of Medical College Directors of Continuing Medical Education.
Society of Toxicology.
Society of University Otolaryngologists—Head and Neck Surgeons.
Society of University Urologists.
Stanford University School of Medicine.
Sturge Weber Foundation.
Sudden Infant Death Syndrome Alliance.
Sylvester Comprehensive Cancer Center.
Teratology Society.
Tourette Syndrome Association, Inc.
Tufts University Dept. of Physical Medicine and Rehabilitation.
United Scleroderma Foundation Inc.
University of Cincinnati Barrett Cancer Center.
University of Miami School of Medicine, Division of Genetics.
University of Minnesota, Duluth, School of Medicine.
University of Nevada, School of Medicine.
University of Rochester Cancer Center.
University of Virginia, School of Medicine.
University of Washington, School of Medicine.
Wake Forest University, Bowman Gray School of Medicine.
Wisconsin Comprehensive Cancer Center.
Yale University, School of Medicine.

Mr. HARKIN. Mr. President, I rise today with Senator HATFIELD to introduce the Fund for Health Research Act. This legislation is similar to legislation that the two of us introduced during the last Congress which gained broad bipartisan support in both the House and Senate.

Our proposal would establish a national fund for health research to provide additional resources for health research over and above those provided to the National Institutes of Health [NIH] in the annual appropriations process. The fund would greatly enhance the quality of health care by investing more in finding preventive measures, cures and more cost effective treatments for the major illnesses and conditions that strike Americans.

The fund would be financed by a 25-cent tax on each pack of cigarettes and an equivalent tax on other tobacco products such as snuff and chewing tobacco. This tax would raise an estimated $4.2 billion annually.

Mr. President, in addition to providing revenue for health research, raising tobacco taxes will protect children and save lives. Every day more than 3,000 children become smokers and more than 1,000 of them will eventually die as a result of smoking. Raising tobacco taxes is a highly effective way to reduce tobacco use by children. A 25-cent tax will discourage an estimated 1.3 million children and adults from smoking and will save the lives of more than 300,000 Americans alive today.

Additional moneys for the fund would be generated by a voluntary Federal income tax check-off. Every year, when filing their Federal income tax returns, Americans would be given the opportunity to designate tax overpayments and contributions for health research. Moneys from the check-off would be deposited in the fund.

Each year under our proposal amounts within the national fund for health research would automatically be allocated to each of the NIH institutes and centers. Each institute and center would receive the same percentage as they received of the total NIH appropriation for that fiscal year.

Last year Senator HATFIELD and I argued that any health care reform plan should include additional funding for health research. Health care reform has been taken off the front burner but the need to increase our Nation's commitment to health research has not diminished.

While health care spending devours nearly $1 trillion annually our medical research budget is dying of starvation. The United States devotes less than 2 percent of its total health care budget to health research. The Defense Department spends 15 percent of its budget on research. Does this make sense? The cold war is over but the war against disease and disability continues.

Increased investment in health research is key to reducing health costs in the long run. If we can find the cure for a disease like Alzheimer's the savings would be enormous. Today, federally supported funding for research on Alzheimer's disease totals $300 million yet it is estimated that nearly $100 billion is expended annually on caring for people with Alzheimer's.

Gene therapy and treatments for cystic fibrosis and Parkinson's could eliminate years of chronic care costs, while saving lives and improving patients' quality of life.

Mr. President, Senator HATFIELD and I do everything we can to increase funding for NIH through the appropriations process. But, given the current budget situation and freeze in discretionary spending what we can do is limited. Without action, our investment in medical research through the NIH is likely to continue to decline in real terms.

The NIH is not able to fund even 25 percent of competing research projects or grant applications deemed worthy of funding. This is compared to rates of 30 percent or more just a decade ago. Science and cutting edge medical research is being put on hold. We may be giving up possible cures for diabetes, Alzheimer's, Parkinson's, and countless other diseases.

Our lack of investment in research may also be discouraging our young people from pursuing careers in medical research. The number of people under the age of 36 even apply for NIH grants dropped by 54 percent between 1985 and 1993. This is due to a host of factors but I'm afraid that the lower success rates among all applicants is making biomedical research less and less attractive to young people. If the perception is that funding for research is impossible to obtain, young people that may have chosen medical research 10 years ago will choose other career paths.

Mr. President, I am pleased that over 130 groups representing patients, hospitals, medical schools, researchers, and millions of Americans have already endorsed our proposal. And, polling data consistently show that more than two-thirds of Republican and Democratic voters, including votes in tobacco-growing States, favor raising tobacco taxes if funds will be devoted to health related programs.

Mr. President, health research is an investment in our future—it is an investment in our children and grandchildren. It holds the promise of cure or treatment for millions of Americans.

By Mr. ABRAHAM (for himself, Mr. LIEBERMAN, Mr. SANTORUM, Ms. MOSELEY-BRAUN, and Mr. DEWINE):

S. 1252. A bill to amend the Internal Revenue Code of 1986 to provide additional tax incentives to stimulate economic growth in depressed areas, and for other purposes; to the Committee on Finance.

THE ENHANCED ENTERPRISE ZONE ACT OF 1995

• Mr. ABRAHAM. Mr. President, today, I am joined by Senators LIEBERMAN, SANTORUM, DEWINE, and MOSELEY-BRAUN in introducing the Enhanced Enterprise Zone Act of 1995, legislation to stimulate job creation and residential growth in America's most distressed rural and urban communities.

In 1980, then-Representative Jack Kemp introduced the first enterprise zone legislation in the United States, the Urban Jobs and Enterprise Zone Act. Twelve years later, the Omnibus Budget Reconciliation Act of 1993 authorized over 100 enterprise and empowerment zones to receive a limited combination of tax benefits and other Federal assistance to support economic revitalization and community development.

For truly distressed communities, however, there is concern that this package of benefits will not be sufficient to spur economic growth and job creation. This concern was reaffirmed by the Senate earlier this week during consideration of S. 4, the Work Opportunity Act of 1995. On Wednesday, September 13, the Senate unanimously adopted an amendment calling on Congress to enact enterprise zone legislation that includes stronger incentives for investment, job creation, and economic growth.

At a time when Congress is debating the merits of the Federal welfare system and looking at reforms to our social safety net, it is imperative that we look for ways to stimulate new opportunities for work and growth in our most distressed neighborhoods.

For that reason, today my colleagues and I are introducing legislation to supercharge existing enterprise communities and empowerment zones. These enhanced enterprise zones would encourage entrepreneurial and residential activity by:

Establishing a capital gains rate of zero for the sale of any qualified investments that are held for at least 5 years;

Permitting limited income deductions for the purchase of qualified stock in businesses located in an enterprise zone;

Doubling the amount small business owners in these zones are allowed to expense;

Providing a limited tax credit for low-income renovations;

Loosening regulatory barriers to home ownership and job creation;

Providing incentives and grants for resident management and home ownership of public housing; and

Creating a pilot school choice program for the existing empowerment zones, supplemental empowerment zones, and Washington, DC.

Mr. President, for economically troubled areas, attracting entrepreneurial businesses is the key to beginning the process of revitalization. The tax benefits of enhanced enterprise zones are targeted at addressing the principal hurdles facing small businesses when they are just getting started—raising capital and maintaining cash flow.

First, we eliminate taxation on capital gains. The United States has some of the highest capital gains taxes in the world. For distressed communities seeking capital investments, these taxes inhibit investment and lockout sources of growth. Our bill establishes a capital gains rate of zero for the sale of any qualified zone stock, business property, or partnership interest that has been held for at least 5 years.

Second, we encourage investment in enterprise zones through the creation of enterprise zone stock. Ask small business entrepreneurs what their biggest hurdle is, and chances are they will reply—raising capital. This legislation allows individuals to deduct the

purchase of qualified enterprise zone stock from their income—up to $100,000 in one year and $500,000 in their lifetime.

Third, we provide small enterprise zone businesses with extra expensing. Another obstacle particularly difficult for small businesses to overcome is maintaining an adequate cash flow. Our legislation would double the maximum allowable expensing for purchases of plant and equipment in the enterprise zones.

Fourth, we encourage the renovation of deteriorated buildings located in the enterprise zones. This proposal is based upon legislation introduced by Senator KAY BAILEY HUTCHISON and it is designed to encourage private investment in economically distressed areas by providing a targeted, limited tax credit to businesses to help defray their cost of construction, expansion, and renovation of buildings located within enhanced enterprise zones.

Another obstacle to growth and jobs in distressed communities is the burden of regulation on small businesses. Our bill would create a process by which local governments could request a waiver or modification of regulations that hinder the job creation, community development, or economic revitalization objectives of the enterprise zone. The relevant Federal agencies would have the discretion to approve or disapprove of any regulatory waiver or modification. Furthermore, they would be prohibited from granting regulatory waivers that would violate the Fair Labor Standards Act or present a significant risk to public health, safety, or the environment.

To help low-income families become homeowners with a stake in their communities, our legislation would establish an Enterprise Zone Home Ownership Program. Based upon Jack Kemp's proposals when he was the Secretary of Housing and Urban Development, this proposal would provide grants for: First, resident management of public housing; and second, home ownership of public housing, vacant and foreclosed properties, and financially distressed properties.

Finally, within the nine empowerment zones, two supplemental empowerment zones, and Washington, DC, our bill would create a pilot school choice project to provide low-income parents and their children with financial assistance to enable them to select the public or private school of their choice. Under this plan, a designated grantee within each empowerment zone will provide parents with educational certificates to be used towards the cost of tuition and transportation for elementary or secondary schools within the empowerment zones.

In conclusion, Mr. President, will enhanced enterprise zones work? The answer, quite simply, is yes. We know they will work because 35 States and the District of Columbia already have enterprise zones that have produced over 663,000 jobs and $40 billion in capital investment. The enterprise zone concept has been endorsed by the National Governor's Association, the Conference of Black Mayors, the Council of Black State Legislators, and the U.S. Conference of Mayors.

This bill represents an affirmative effort to create economic opportunities for the urban and rural poor by recognizing that private enterprise, not government, is the source of economic and social development. Taken as a whole, the incentives included in this legislation for investment, entrepreneurship, home ownership, and skill development will bring economies in distressed areas back to life. They will encourage full participation in our market economy and public interest in local neighborhoods—resulting in economic growth and new jobs.●

● Mr. LIEBERMAN. Mr. President, I'm delighted to join in the introduction of this important legislation, the Enhanced Enterprise Zone Act of 1995.

Last week, this body unanimously approved an amendment calling on Congress to enact legislation to supercharge the enterprise communities and empowerment zones we created in 1993. While the 1993 legislation creating these entities was not perfect and the legislation did not go far enough, particularly for the enterprise communities, it represented a fundamental change in urban policy. I believe that legislation was a clear recognition of the fact that government does not have all the answers to the ills of poverty in this country and that American business can and must play a role in revitalizing poor neighborhoods.

The 1993 legislation was a good start but it did not go far enough. The bill we are introducing today takes us further down the road of attacking the problems that plague our cities and economically distressed rural areas.

I should note that I do have concerns with some of the provisions of the regulatory flexibility title of this bill. For example, I think we must work on making changes to provide greater assurance that any modifications or waivers of rules would not in any way compromise the benefits that are achieved through existing environmental protection and public health laws and regulations. I hope that these provisions can be worked on as this bill progresses through the legislative process.

Given that reservation, I believe this is an important bill that will do much to provide an economic boost to the areas of this country that most desperately need that help.

I urge my colleagues to join me in supporting this legislation.●

By Mr. ABRAHAM (for himself, Mr. KYL, Mrs. FEINSTEIN, and Mr. SHELBY):

S. 1253. A bill to amend the Controlled Substances Act with respect to penalties for crimes involving cocaine, and for other purposes; to the Committee on the Judiciary.

By Mr. ABRAHAM (for himself, Mr. HATCH, Mr. THURMOND, Mr. GRASSLEY, Mr. KYL, Mrs. FEINSTEIN, Mr. SHELBY, and Mr. COVERDELL):

S. 1254. A bill to disapprove of amendments to the Federal Sentencing Guidelines relating to lowering of crack sentences and sentences for money laundering and transactions in property derived from unlawful activity; read the first time.

DRUGS LEGISLATION

● Mr. ABRAHAM. Mr. President, I am today introducing two bills, both of which address one of the most serious problems facing this country today: the epidemic of drugs in our Nation.

The purpose of each bill is simple. The first bill would prevent reductions in crack cocaine penalties proposed by the U.S. Sentencing Commission from taking effect. The second would raise the penalties for distributors of powder cocaine by applying existing mandatory minimums to a larger group of cocaine dealers.

No problem has parents more worried than the drugs and violence so prevalent today in schools throughout the Nation. All of us spend a lot of time fretting about how to protect our kids and keep them from getting caught up in drugs and gangs and the terrible dangers they create.

Nevertheless, on April 11, by a 4 to 3 vote, the Sentencing Commission proposed amendments to the sentencing guidelines dealing with crack distribution and possession.

According to the Department of Justice, the effect of these amendments would be to lower base sentences dramatically for criminals who deal in crack cocaine. New sentences for these criminals would be between one-half and one-sixth their present length. Some drug dealers now subject to substantial prison sentences could end up serving no jailtime at all.

In my judgment, this sends entirely the wrong message: that in the war against crack, society has blinked.

That is not what we should be telling the crack dealers.

That is not what we should be telling concerned parents across this Nation.

And that is not what we should be telling the brave law-abiding members of our communities who are fighting back against the crack dealers.

Accordingly, the first bill I am introducing simply says: This shall not happen. It blocks these guideline changes, changes that otherwise would automatically become effective on November 1.

The principal reason the Sentencing Commission gave for lowering sentences for crack dealing was fairness.

The Commission was concerned that a powder cocaine dealer has to distribute 100 times more powder cocaine than a crack dealer to receive the same sentence as the crack dealer.

The Commission believes that this disparity creates a perception of unfairness because a substantial majority of convicted crack dealers are African-Americans, whereas a majority of convicted powder dealers are not. It further believes that the solution to this perception is to drastically lower crack sentences.

I believe the Commission is wrong on two scores. First, the Commission itself has given several strong reasons why it is entirely legitimate for our laws to punish crack distribution more severely than distribution of powder cocaine, and there are some reasons even beyond those the Commission gave.

Second, there is some basis for believing that the differential in the sentences may be too great. But the answer is not to lower the crack sentences. The answer is to toughen the powder sentences. That is what I am proposing in the second bill I am introducing today.

As to the first point: The Commission itself, in a report issued just this February, recognized that there is a strong foundation for Congress' original decision to punish distributors of crack more severely than distributors of powder cocaine.

That is a judgment every U.S. Court of Appeals that has considered the question has shared. As the Commission explained, crack is more addictive, provides a more intense high, is easier to use, does greater harm, and is associated with greater violence than simple powder.

Though powder cocaine and crack contain the same active ingredient, the cocaine alkaloid, crack is far more attractive and addictive. This is primarily because crack is easily smoked while powder is injected or snorted.

Smoking is one of the quickest methods of maximizing the drugs effects. The quicker the cocaine reaches the brain, the greater the effect, the shorter the effects duration and the greater the likelihood cocaine use will lead to dependence and abuse.

Furthermore, somebody who has never used drugs before is much more likely to try a drug by smoking it than by injecting it. It is unpleasant and requires some expertise to inject oneself with a foreign substance. Smoking seems casual and easy. Therefore it is no surprise that three times more people smoke cocaine than inject it.

Crack is also associated with systemic violence to a greater degree than powder cocaine. Use and distribution of crack are also associated more generally with enhanced criminal activity of all types.

Crack is also more dangerous in other ways. It produces more medical emergencies than snorting powder or injecting cocaine. And it is sold in small quantities at affordable, even cheap, prices—making it easier for small kids to get and use.

In short, crack is a very dangerous drug. The response it calls for is surely not to lower penalties for the people who distribute it to one-half to one-sixth their present length.

The second reason the Sentencing Commission's reasoning is unsound is that differential treatment of crack and powder cocaine is far from unique in drug sentencing. To the contrary, in other instances as well we treat source and derivative drugs differently in terms of the quantities an individual must distribute to trigger the same sentence.

For example, a distributor of a given amount of heroin—a derivative of opium just as crack is a derivative of powder cocaine—gets the same sentence as somebody who has distributed 20 times that amount of opium. Similarly, a distributor of smokeable methamphetamine, or ice, gets the same sentence as somebody who has distributed ten times that amount of regular methamphetamine.

Third, the Commission's proposed changes are incompatible with the statutory mandatory minimum sentences that Congress has established for distribution of crack cocaine.

Congress set the trigger amounts based on its view of the seriousness of the crack epidemic and the key role played by retail distributors. Congress deliberately decided that Federal enforcement should focus on both traffickers in high places in the processing or distribution chain and the managers of retail level traffic. Congress thought both were serious traffickers because they keep the street markets going.

The Commission recognized when it forwarded its amendments to the Congress that they are inconsistent with present law. Rather than adjusting its guidelines to conform with congressional directives, however, as has always previously been its practice, the Commission has instead elected to change the guidelines and ask Congress that it adjust the laws to accommodate the Commission's views.

Finally, and most importantly, the Commission's solution to this unfairness is in fact quite unfair to the law abiding citizens everywhere trying to fight back against crack dealers. And many of these antidrug activists themselves are African-Americans.

The Commission's proposals are not fair to the children in schools wracked by drug-induced violence. They are not fair to those children's parents, who want the Government to use every tool it can to protect their kids. And they are not fair to the vast majority of people living in communities, like Detroit, trying as hard as they can to defend their neighborhoods against unceasing attacks by crack dealers. The last thing most of these people want is for the Federal Government to relax its efforts in combatting the scourge of crack.

That is not to say that I have no sympathy with the Sentencing Commission's concern that the higher crack sentences create a perception of unfairness. I am particularly troubled because present law has resulted, at least occasionally, in insufficiently severe punishment of kingpins at the top of crack distribution chains when compared with punishments meted out to retail dealers.

The problem is that some of these kingpins take the precaution of distributing their product in powder rather than in crack form. Because of where the powder triggers are set, some of these individuals have received considerably less than the mandatory 5 year penalty even while the retail distributors, who are distributing the final product, are receiving at least 5 year sentences.

As I said before, though, in my view, however, the answer to these problems is not to lower the crack sentences. Instead we should toughen the powder sentences.

That is why the second bill I am introducing proposes to raise sentences for powder distribution by making the triggers for mandatory minimums 100 grams for 5 years and 1,000 grams for 10 years, rather than 500 and 5,000 as they are now. That would also mean that the quantity ratio for powder and crack would be 20 to 1, the same as the one between opium and its very dangerous and addictive derivative heroin.

I am pleased that I have been joined in the effort to block the crack guideline changes by a number of distinguished colleagues, including my good friend the chairman of the Judiciary Committee Senator HATCH, the former chairman of that committee, Senator THURMOND, and Senators GRASSLEY, Kyl, FEINSTEIN, and SHELBY.

The Department of Justice likewise opposes the Sentencing Commission's proposals and has asked Congress to block them.

It is my firm expectation that the Congress will act promptly on this measure to prevent these changes from taking effect on November 1.

I also will ask the Congress to take up in short order my proposal to toughen the sentences for powder dealers. I look forward to working with my colleagues in promoting tough, fair sentences for all drug dealers.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

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

DETROIT BRANCH—NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE,

Detroit, MI, August 8, 1995.

DETROIT BRANCH—NAACP OFFICIAL STATEMENT

DETROIT, MI.—The current issue of the sentencing policy regarding "crack" and powdered cocaine is one that grips at the very heart and soul of our society. The jails are filled with young people, particularly young African American and Hispanic males and females, for the selling of these drugs.

The Detroit Branch of the NAACP, which is the largest branch in the nation with over 51,000 members, has articulated a very specific concern in the gross inequities in the sentencing policies for the sale of "crack" cocaine as compared to the sale of powdered cocaine. Drugs are in fact destroying the very spirit of our communities and are usurping the energy and vitality of our youth. It has been our very specific hope that legislation would be implemented to equalize the penalties for identical quantities of powdered cocaine and "crack." Please note for the record that we do not condone, support, encourage or sympathize with any of those who would sell this death and destruction to our community. We believe that this is the scourge of our nation. Yet, at the same time we recognize that young African American and Hispanic individuals do not fly, ship or transport these drugs into the streets of Detroit, Chicago, Washington, D.C. or Los Angeles.

We are very pleased to note the effort to address with a more systematic commitment to equity, punishment that fits the crime. We believe that reducing from 500 grams to 100 grams, the level of powdered cocaine determined in an illegal sale of this drug does begin the process of a more equitable application of crime and punishment. It is our belief that both "crack" and powdered cocaine have a detrimental impact on our community. Yet, we do not believe that the current laws governing the illegal sale of "crack" cocaine versus powdered cocaine and the subsequent sentencing for such infractions are by any means fair and appropriate.

Therefore, it is our position that the Senate Judiciary Committee has a key opportunity to bridge the gap between these inequities and to make more appropriate the type of sentencing resulting from the sale of powdered cocaine. You must know that the overwhelming sentiment within the African American and Hispanic communities is that our young people are being targeted, exploited and directed toward the jail industrial complex. This is being done in numbers much greater than those who sell more than they, profit more than they and more often than not, are privileged more than they.

We hope that both the Senate and the House will look favorably on the recommendation to lower the level of powered cocaine to maintain a mandatory, minimum, five-year sentence for those guilty of the sale of this illegal drug.

Rev. WENDELL ANTHONY.

By Mr. ROCKEFELLER:

S. 1255. A bill to amend title XVIII of the Social Security Act to provide for Medicare contracting reforms, and for other purposes; to the Committee on Finance.

MEDICARE CONTRACTOR REFORM ACT OF 1995

Mr. ROCKEFELLER. Mr. President, I am pleased to introduce a bill to reform the way Medicare administers its health benefits. Under current law, Medicare is not allowed sufficient flexibility to award contracts to administer Medicare benefits based on performance, skill and expertise, or competition. This bill is long overdue and follows up on an oversight hearing I held as chairman of the Medicare subcommittee a few years ago.

When Medicare was enacted 30 years ago, private health insurance companies were awarded the task of administering the program. GAO recently testified before the Finance Committee that when Medicare was enacted "legislation essentially delegated many day-to-day administrative decisions to private insurers, to further lessen the risk of undue Federal interference and to better ensure that Medicare would treat its beneficiaries no differently than the private insured." Under my legislation, important administrative functions would still be performed by private sector companies but the pool of eligible companies would be broadened. Medicare would also have the opportunity to take advantage of private sector initiatives to improve customer service, lower administrative costs, and improve operational efficiency.

Mr. President, there is bipartisan recognition that funding for Medicare's administrative operations is currently inadequate. Funding for contractors has actually declined over the last several years. When adjusted for inflation, Medicare's contractor budget actually declined by 37 percent over the last 6 years. The Finance Committee, on which I serve, has heard testimony from the General Accounting Office, the HHS Office of Inspector General, and others in support of higher spending for Medicare administrative services. Increased spending on payment safeguard activities can actually save the Medicare Program money. According to the GAO, every dollar spent on Medicare safeguard activities returns at least $11 to the Medicare Program.

But, Mr. President, before we spend additional money on program administration we need to make sure that the Health Care Financing Administration [HCFA] has the ability to spend its contractor funds wisely and to enter into contracts with the most efficient entities.

The legislation I am introducing today replaces outdated Medicare law and gives HCFA the tools to take full advantage of innovations and efficiencies in the private sector when it comes to utilization review, detecting fraud and abuse, and processing claims. No longer would all Medicare contractors be required to perform all Medicare administrative activities. This legislation would permit the Secretary of HHS to selectively contract with any agency or organization that is capable of carrying out specific administrative functions, such as fraud and abuse detection, customer service, or utilization review.

Under current law, Medicare is restricted to contracting with health insurance companies. In the private sector, many large employers selectively contract with companies that specialize in, and have expertise in, utilization review or in adjudicating claims. The Medicare Program should not be prohibited from making similar competitive decisions. This flexibility will not only increase competition but it will enhance contractor performance by allowing Medicare to contract with entities who excel in a specific function.

Under current law, Medicare is forced to pay the costs of terminating a Medicare administrative contract even if the contract is terminated for cause, including poor performance, outright fraud, or even if the contract merely expires. Medicare is the only Federal program required to pay for these extraordinary termination costs. This is inconsistent with the Federal contracting authority and should be changed immediately.

Mr. President, my legislation would change current law that automatically renews Medicare's administrative contracts every year. More important, the decision on the awarding administrative contracts for part A would be given to HCFA while preserving a provider's right to choose its own fiscal intermediary. Because most hospitals have nominated the national Blue Cross-Blue Shield Association as their fiscal intermediary, when a State Blue Cross-Blue Shield plan leaves the Medicare Program the national Blue Cross-Blue Shield Association chooses which State Blue Cross-Blue Shield plan becomes the fiscal intermediary for the hospitals in that State. Under my legislation, new contractors would be awarded contracts using the same competitive requirements that apply throughout the Federal Government.

Hospital and nursing homes would still be able to choose their fiscal intermediary every 5 years from a list of at least 3 approved contractors. This freedom of choice keeps pressure on contractors to continuously improve customer service to beneficiaries and health care providers.

HCFA would also be allowed to monitor and respond to instances when a health insurance company is processing claims or auditing costs reports of health care providers that it owns. As the distinction between providers and insurers becomes blurred, a serious conflict of interest could emerge in these types of situations and HCFA must have the ability to safeguard the Medicare Trust Fund from these types of conflicts of interest.

Just as Medicare has reformed its payments to doctors and hospitals over the past decade, and is considering changes to the way it pays health maintenance organizations, it is time to consider alternative ways to pay

contractors. Current Medicare law that requires cost-based reimbursement is inconsistent with payment performance incentives and competitive bidding.

Mr. President, I believe my legislation updates current Medicare law and is long overdue. This bill would equip the Health Care Financing Administration with the tools to move the Medicare Program into the next century. I ask unanimous consent that a copy of the legislative proposal be printed in the RECORD.

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

S. 1255

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

SECTION 1. SHORT TITLE AND REFERENCES IN ACT.

(a) SHORT TITLE.—This Act may he cited as the "Medicare Contractor Reform Act of 1995".

(b) REFERENCES IN ACT.—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 a section or other provision of the Social Security Act.

SEC. 2. INCREASED FLEXIBILITY IN CONTRACTING FOR MEDICARE CLAIMS PROCESSING.

(a) CARRIERS TO INCLUDE ENTITIES THAT ARE NOT INSURANCE COMPANIES.—

(1) Section 1842(a) (42 U.S.C. 1395u(a)) is amended in the matter preceding paragraph (1) by striking "with carriers" and inserting "with agencies and organizations (hereafter in this section referred to as 'carriers')".

(2) Section 1842(f) (42 U.S.C. 1395u(f)) is repealed.

(b) CHOICE OF FISCAL INTERMEDIARIES BY PROVIDERS OF SERVICES; SECRETARIAL FLEXIBILITY IN ASSIGNING FUNCTIONS TO INTERMEDIARIES AND CARRIERS.—

(1) Section 1816(a) (42 U.S.C. 1395h(a)) to read as follows:

"(a)(1) The Secretary may enter into contracts with agencies or organizations to perform any or all of the following functions, or parts of those functions (or, to the extent provided in a contract, to secure performance thereof by other organizations):

"(A) Determination (subject to the provisions of section 1878 and to such review by the Secretary as may be provided for by the contracts) the amount of the payments required pursuant to this part to be made to providers of services.

"(B) Making payments described in subparagraph (A).

"(C) Provision of consultative services to institutions or agencies to enable them to establish and maintain fiscal records necessary for purposes of this part and otherwise to qualify as providers of services.

"(D) Serving as a center for, and communicate to individuals entitled to benefits under this part and to providers of services, any information or instructions furnished to the agency or organization by the Secretary, and serve as a channel of communication from individuals entitled to benefits under this part and from providers of services to the Secretary.

"(E) Making such audits of the records of providers of services as may be necessary to ensure that proper payments are made under this part.

"(F) Performance of the functions described under subsection (d).

"(G) Performance of such other functions as are necessary to carry out the purposes of this part.

"(2) As used in this title and title XI, the term 'fiscal intermediary' means an agency or organization with a contract under this section.".

(2) Subsections (d) and (e) of section 1816 (42 U.S.C. 1395h) are amended to read as follows:

"(d) Each provider of services shall have a fiscal intermediary that—

"(1) acts as a single point of contact for the provider of services under this part,

"(2) makes its services sufficiently available to meet the needs of the provider of services, and

"(3) is responsible and accountable for arranging the resolution of issues raised under this part by the provider of services.

"(e)(1)(A) The Secretary shall, at least every 5 years, permit each provider of services (other than a home health agency or a hospice program) to choose an agency or organization (from at least 3 proposed by the Secretary, of which at least 1 shall have an office in the geographic area of the provider of services, except as provided by subparagraph (B)(ii)(II)) as the fiscal intermediary under subsection (d) for that provider of services. If a contract with that fiscal intermediary is discontinued, the Secretary shall permit the provider of services to choose under the same conditions from 3 other agencies or organizations.

"(B)(i) The Secretary, in carrying out subparagraph (A), shall permit a group of hospitals (or a group of another class of providers other than home health agencies or hospice programs) under common ownership by, or control of, a particular entity to choose one agency or organization (from at least 3 proposed by the Secretary) as the fiscal intermediary under subsection (d) for all the providers in that group if the conditions specified in clause (ii) are met.

"(ii) The conditions specified in this clause are that—

"(I) the group includes all the providers of services of that class that are under common ownership by, or control of, that particular entity, and

"(II) all the providers of services in that group agree that none of the agencies or organizations proposed by the Secretary is required to have an office in any particular geographic area.

"(2) The Secretary, in evaluating the performance of a fiscal intermediary, shall solicit comments from providers of services.".

(3)(A) Section 1816(b)(1)(A) (42 U.S.C. 1395h(b)(1)(A)) is amended by striking "after applying the standards, criteria, and procedures" and inserting "after evaluating the ability of the agency or organization to fulfill the contract performance requirements".

(B) The first sentence of section 1816(f)(1) (42 U.S.C. 1395h(f)(1)) is amended—

(i) by striking "develop standards, criteria, and procedures" and inserting ", after public notice and opportunity for comment, develop contract performance requirements", and

(ii) by striking ", and the Secretary shall establish standards and criteria with respect to the efficient and effective administration of this part".

(C) The second sentence of section 1842(b)(2)(A) (42 U.S.C. 1395u(b)(2)(A)) is amended to read as follows: "The Secretary shall, after public notice and opportunity for comment, develop contract performance requirements for the efficient and effective performance of contract obligations under this section.".

(D) Section 1842(b)(2)(A) (42 U.S.C. 1395u(b)(2)(A)) is amended by striking the third sentence.

(E) Section 1842(b)(2)(B) (42 U.S.C. 1395u(b)(2)(B)) is amended in the matter preceding clause (i) by striking "establish standards" and inserting "develop contract performance requirements".

(F) Section 1842(b)(2)(D) (42 U.S.C. 1395u(b)(2)(D)) is amended by striking "standards and criteria" each place it appears and inserting "contract performance requirements".

(4)(A) Section 1816(b) (42 U.S.C. 1395h(b)) is amended in the matter preceding paragraph (1) by striking "an agreement" and inserting "a contract".

(B) Paragraphs (1)(B) and (2)(A) of section 1816(b) (42 U.S.C. 1395h(b)) are each amended by striking "agreement" and inserting "contract".

(C) The first sentence of section 1816(c)(1) (42 U.S.C. 1395h(c)(1)) is amended by striking "An agreement" and inserting "A contract".

(D) The last sentence of section 1816(c)(1) (42 U.S.C. 1395h(c)(1)) is amended by striking "an agreement" and inserting "a contract".

(E) Section 1816(c)(2)(A) (42 U.S.C. 1395h(c)(2)(A)) is amended in the matter preceding clause (i) by striking "agreement" and inserting "contract".

(F) Section 1816(c)(3)(A) (42 U.S.C. 1395h(c)(3)(A)) is amended by striking "agreement" and inserting "contract".

(G) The first sentence of section 1816(f)(1) (42 U.S.C. 1395h(f)(1)) is amended by striking "an agreement" and inserting "a contract".

(H) Section 1816(h) (42 U.S.C. 1395h(h)) is amended—

(i) by striking "An agreement" and inserting "A contract", and

(ii) by striking "the agreement" each place it appears and inserting "the contract".

(I) Section 1816(i)(1) (42 U.S.C. 1395h(i)(1)) is amended by striking "an agreement" and inserting "a contract".

(J) Section 1816(j) (42 U.S.C. 1395h(j)) is amended by striking "An agreement" and inserting "A contract".

(K) Section 1816(k) (42 U.S.C. 1395h(k)) is amended by striking "An agreement" and inserting "A contract".

(L) Section 1842(a) (42 U.S.C. 1395u(a)) is amended in the matter preceding paragraph (1) is amended by striking "agreements" and inserting "contracts".

(M) Section 1842(h)(3)(A) (42 U.S.C. 1395u(h)(3)(A)) is amended by striking "an agreement" and inserting "a contract".

(5) Section 1816(f)(1) (42 U.S.C. 1395h(f)(1)) is amended by striking the second sentence.

(6)(A) Section 1816(c)(2)(A) (42 U.S.C. 1395h(c)(2)(A)) is amended in the matter preceding clause (i) by inserting "that provides for making payments under this part" after "this section".

(B) Section 1816(c)(3)(A) (42 U.S.C. 1395h(c)(3)(A)) is amended by inserting "that provides for making payments under this part" after "this section".

(C) Section 1816(k) (42 U.S.C. 1395h(k)) is amended by inserting "(as appropriate)" after "submit".

(D) Section 1842(a) (42 U.S.C. 1395u(a)) is amended in the matter preceding paragraph (1) by striking "some or all of the following functions" and inserting "any or all of the following functions, or parts of those functions".

(E) The first sentence of section 1842(b)(2)(C) (42 U.S.C. 1395u(b)(2)(C)) is amended by inserting "(as appropriate)" after "carriers".

(F) Section 1842(b)(3) (42 U.S.C. 1395u(b)(3)) is amended in the matter preceding subparagraph (A) by inserting "(as appropriate)" after "contract".

(G) Section 1842(b)(7)(A) (42 U.S.C. 1395u(b)(7)(A)) is amended in the matter preceding clause (i) by striking "the carrier" and inserting "a carrier".

(H) Section 1842(b)(11)(A) (42 U.S.C. 1395u(b)(11)(A)) is amended in the matter preceding clause (i) by inserting "(as appropriate)" after "each carrier".

(I) Section 1842(h)(2) (42 U.S.C. 1395u(h)(2)) is amended in the first sentence by inserting "(as appropriate)" after "shall".

(J) Section 1842(h)(5)(A) (42 U.S.C. 1395u(h)(5)(A)) is amended by inserting "(as appropriate)" after "carriers".

(7)(A) Section 1816(c)(2)(C) (42 U.S.C. 1395h(c)(2)(C)) is amended by striking "hospital, rural primary care hospital, skilled nursing facility, home health agency, hospice program, comprehensive outpatient rehabilitation facility, or rehabilitation agency" and inserting "provider of services".

(B) Section 1816(j) (42 U.S.C. 1395h(j)) is amended in the matter preceding paragraph (1) by striking "for home health services, extended care services, or post-hospital extended care services".

(8) Section 1842(a)(3) (42 U.S.C. 1395u(a)(3)) is amended by inserting "(to and from individuals enrolled under this part and to and from physicians and other entities that furnish items and services)" after "communication".

(c) ELIMINATION OF SPECIAL PROVISIONS FOR TERMINATIONS OF CONTRACTS.—

(1) Section 1816(b) (42 U.S.C. 1395h(b)) is amended in the matter preceding paragraph (1) is amended by striking "or renew".

(2) The last sentence of section 1816(c)(1) (42 U.S.C. 1395h(c)(1)) is amended by striking "or renewing".

(3) Section 1816(f)(1) (42 U.S.C. 1395h(f)(1)) is amended—

(A) by striking ", renew, or terminate", and

(B) by striking ", whether the Secretary should assign or reassign a provider of services to an agency or organization,".

(4) Section 1816(g) (42 U.S.C. 1395h(g)) is repealed.

(5) The last sentence of section 1842(b)(2)(A) (42 U.S.C. 1395u(b)(2)(A)) is amended by striking "or renewing".

(6) Section 1842(b) (42 U.S.C. 1395u(b)) is amended by striking paragraph (5).

(d) REPEAL OF FISCAL INTERMEDIARY REQUIREMENTS THAT ARE NOT COST-EFFECTIVE.—Section 1816(f)(2) (42 U.S.C. 1395h(f)(2)) is amended to read as follows:

"(2) The contract performance requirements developed under paragraph (1) shall include, with respect to claims for services furnished under this part by any provider of services other than a hospital, whether such agency or organization is able to process 75 percent of reconsiderations within 60 days and 90 percent of reconsiderations within 90 days.".

(e) REPEAL OF COST REIMBURSEMENT REQUIREMENTS.—

(1) The first sentence of section 1816(c)(1) (42 U.S.C. 1395h(c)(1)) is amended—

(A) by striking the comma after "appropriate" and inserting "and", and

(B) by striking "subsection (a)" and all that follows through the period and inserting "subsection (a).".

(2) Section 1816(c)(1) (42 U.S.C. 1395h(c)(1)) is further amended by striking the second and third sentences.

(3) The first sentence of section 1842(c)(1) (42 U.S.C. 1395u(c)(1)) is amended—

(A) by striking "shall provide" the first place it appears and inserting "may provide", and

(B) by striking "this part" and all that follows through the period and inserting "this part.".

(4) Section 1842(c)(1) (42 U.S.C. 1395u(c)(1)) is further amended by striking the second and third sentences.

(5) Section 2326(a) of the Deficit Reduction Act of 1984 is repealed.

(f) COMPETITION REQUIRED FOR NEW CONTRACTS AND IN CASES OF POOR PERFORMANCE.—

(1) Section 1816(c) (42 U.S.C. 1395h(c)) is amended by adding at the end the following new paragraph:

"(4)(A) A contract with a fiscal intermediary under this section may be renewed from term to term without regard to any provision of law requiring competition if the fiscal intermediary has met or exceeded the performance requirements established in the current contract.

"(B) Functions may be transferred among fiscal intermediaries without regard to any provision of law requiring competition.".

(2) Section 1842(b)(1) (42 U.S.C. 1395u(b)(1)) is amended to read as follows:

"(b)(1)(A) A contract with a carrier under subsection (a) may be renewed from term to term without regard to any provision of law requiring competition if the carrier has met or exceeded the performance requirements established in the current contract.

"(B) Functions may be transferred among carriers without regard to any provision of law requiring competition.".

(g) WAIVER OF COMPETITIVE REQUIREMENTS FOR INITIAL CONTRACTS.—

(1) Contracts that have periods that begin during the 1-year period that begins on the first day of the fourth calendar month that begins after the date of enactment of this Act may be entered into under section 1816(a) of the Social Security Act (42 U.S.C. 1395h(a)) without regard to any provision of law requiring competition.

(2) The amendments made by subsection (f) apply to contracts that have periods beginning after the end of the 1-year period specified in paragraph (1).

(h) EFFECTIVE DATES.—

(1) The amendments made by subsection (c) apply to contracts that have periods ending on, or after, the end of the third calendar month that begins after the date of enactment of this Act.

(2) The amendments made by subsections (a), (b), (d), and (e) apply to contracts that have periods beginning after the third calendar month that begins after the date of enactment of this Act.•

By Mr. WELLSTONE:

S. 1257. A bill to amend the Stewart B. McKinney Homeless Assistance Act to reauthorize programs relating to homeless assistance for veterans; to the Committee on Labor and Human Resources.

THE STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT AMENDMENT ACT OF 1995

• Mr. WELLSTONE. Mr. President, to save a highly cost effective and vital program that assists homeless veterans to find employment, I am today introducing a bill that would reauthorize the Homeless Veterans Employment Program [HVEP]—formerly called the Homeless Veterans Reintegration Project—for 3 years.

As some of you may recall, during the debate on H.R. 1944, the rescissions bill, I expressed my dismay and strong opposition to the zeroing out of this low-cost national program—funded at just over $5 million annually—that is so important to homeless veterans. In view of the fact that up to one-third of America's homeless are veterans—an estimated 271,000 can be found on the streets any given night—and Minnesota veterans have often told me about the effectiveness of HVEP, I was appalled when I learned that the program had fallen victim to a late-night leadership agreement with the administration on the rescissions package.

Since it is such a small program, many of your may be unaware of HVEP's background and its impressive accomplishments. HVEP, which is administered by the Labor Department's Veterans Employment and Training Service, is a job-placement program begun in fiscal year 1989. HVEP provides grants to community based groups that employ flexible and innovative approaches to assist homeless, unemployed veterans to reenter the work force. Let me repeat—grants to community-based groups, not funding to some large impersonal Federal bureaucracy that some of my colleagues regularly deride.

Permit me to briefly point out some of HVEP's strengths and accomplishments: It is one of the most successful job placement programs in the Federal Government. Since its inception it has placed 11,000 veterans into jobs at approximately $1,000 per placement. HVEP grantees build complimentary relationships with VA, Job Training Partnership Act, and other programs—they do not duplicate any other services. HVEP is critical to the implementation and success of the innovative standdown projects that are held across the country.

I have had the good fortune of attending several Minnesota standdowns, including one recently, and I have been consistently impressed with the effectiveness of this volunteer program of veterans helping homeless veterans. I've been deeply moved by the sight of veterans doing all they can to help their less fortunate buddies—veterans exerting themselves to care for homeless veterans whom the rest of society tends to ignore and, sometimes even scorn. Standdowns are a unique point of light that need to be nourished, not strangled. And the same is true for the HVEP itself.

In conclusion, I want to stress that the $5 million saved annually by terminating HVEP will quickly be offset by the enormous costs of providing public assistance to the veterans who will remain homeless due to the lack of a paying job. Reauthorization of HVEP will permit us to meet our obligation to men and women who fought bravely and unquestioningly for our country,

but who are desperately seeking work to escape the misery and indignities of homelessness.

Mr. President, I ask that the text of the bill be printed in the RECORD.

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

S. 1257

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

SECTION 1. JOB PLACEMENT FOR HOMELESS VETERANS.

(a) HOMELESS VETERAN EMPLOYMENT PROGRAM.—Section 738(e)(1) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11448(e)(1)) is amended by striking out subparagraphs (A), (B), and (C) and inserting in lieu thereof the following new subparagraphs:

"(A) $10,000,000 for fiscal year 1996.

"(B) $10,000,000 for fiscal year 1997.

"(C) $10,000,000 for fiscal year 1998.

(b) GENERAL AUTHORIZATION OF APPROPRIATIONS.—Section 739(a) of such Act (42 U.S.C. 11449(a)) is amended by striking out "fiscal years 1994 and 1995" and inserting in lieu thereof "fiscal years 1996, 1997, and 1998".

(c) EXTENSION OF PROGRAM.—Section 741 of such Act (42 U.S.C. 11450) is amended by striking out "October 1, 1995" and inserting in lieu thereof "October 1, 1998".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1995.●

By Mr. KYL:

S. 1258. A bill to amend the Internal Revenue Code of 1986 to allow a one-time election of the interest rate to be used to determine present value for purposes of pension cash-out restrictions, and for other purposes; to the Committee on Finance.

URUGUAY ROUND AGREEMENTS ACT MODIFICATION LEGISLATION

● Mr. KYL. Mr. President, I introduce legislation to make two modifications to the pension-related provisions of the 1994 Uruguay Round Agreements Act.

Mr. President, one of the greatest challenges facing Americans today is to save and invest for retirement. It is a challenge that is made difficult by all of the important matters that compete for a share of the American family's limited income day in and day out. Parents routinely ask themselves, for example, if they can afford to make a contribution to an individual retirement account when they still need to save for their child's college education.

Sometimes, the choices people face are even more stark: Whether to set aside money for retirement, repair the family car so a mother or father can get to work, or just put food on the table or clothes on the kids' backs.

Employers, too, must make similar choices. To attract and retain qualified employees, they want to be able to offer good pension benefits. But, they have to decide whether they can put more money into a pension plan for their employees when the business needs new equipment just to stay competitive.

It's easy to relegate retirement to second place behind any of these other pressing needs—especially when retirement is 5, 10, 20, or 30 years away. But, adequate planning for retirement is no less important or urgent. When the time comes, we will all need to draw upon the resources we have been able to set aside during our working years.

Because there are so many competing demands placed on people's incomes—because it is so difficult to save for retirement even under the best of circumstances—the Federal Government should be sure to do what it can to encourage people to save and invest for their retirement years.

One thing Congress could do in that regard is provide new incentives to save. The new chairman of the Finance Committee, Senator BILL ROTH, has a plan to enhance and overhaul the Individual Retirement Account [IRA]. I am pleased to have cosponsored that proposal, S. 12, with him.

Another thing we could do is simplify current law to make it easier for people and their employers to participate in retirement plans. Senator PRYOR has an excellent proposal, S. 1006, the Pension Simplification Act, that I hope the Finance Committee will also consider when it acts on reconciliation in the near future.

The bill that I am introducing today takes two additional steps in the direction of pension simplification, correcting two problems that were created by the Uruguay Round Agreements Act, last year's GATT bill.

The first change in my bill relates to the interest rate used to calculate lump sum distributions from defined benefit pension plans. The GATT bill required use of the interest rate on 30-year Treasury securities, a rate that is proving too volatile for many retirement plans, particularly small plans. As Bruce Tempkin, an actuary and small business pension specialist at Louis Kravitz & Associates, put it recently, "it is similar to taking out a varible-rate mortgage with no cap." You could find yourself getting ready to retire and expecting a lump sum distribution of a given amount, but being told that you will actually get a third less because the interest rate just changed.

My bill would give plans a one-time option to choose a fixed interest rate between 5 and 8 percent instead of the floating 30-year Treasury rate. That will make it easier for employers to plan for the required contributions, and for employers and employees alike to understand what their lump sum benefits will ultimately be.

The second change included in my bill would correct an anomaly that was created under section 415(b)(2)(E) of the code. As a result of the change made in last year's GATT bill, lump-sum distributions are calculated differently from—and thereby bear no relationship to—the actuarial equivalent of a monthly life annuity for early retirees. It is a result that, from all indications was unintended. My bill includes a technical correction to ensure that the two options—the monthly life annuity and the lump sum distribution—are indeed actuarially equivalent for early retirees.

Mr. President, I invite my colleagues to join me as a cosponsor of this important initiative. I also ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1258

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

SECTION 1. INTEREST RATE FOR DETERMINATION OF PRESENT VALUE FOR PURPOSES OF PENSION CASH-OUT RESTRICTIONS.

(a) IN GENERAL.—Subclause (II) of section 417(e)(3)(A)(ii) of the Internal Revenue Code of 1986 (relating to determination of present value) is amended by inserting ", or, at the irrevocable election of the plan, an annual interest rate specified in the plan, which may not be less than 5 percent nor more than 8 percent" after "prescribe".

(b) CONFORMING AMENDMENT.—Subclause (II) of section 205(g)(3)(A)(ii) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1055(g)(3)(A)(ii)) is amended by inserting ", or, at the irrevocable election of the plan, an annual interest rate specified in the plan, which may not be less than 5 percent nor more than 8 percent" after "prescribe".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the amendments made by section 767 of the Uruguay Round Agreements Act.

SEC. 2. MODIFICATION OF CERTAIN ASSUMPTIONS FOR ADJUSTING BENEFITS OF DEFINED BENEFIT PLANS FOR EARLY RETIREES.

(a) IN GENERAL.—Subparagraph (E) of section 415(b)(2) of the Internal Revenue Code of 1968 (relating to limitation on certain assumptions) is amended—

(1) by striking "Except as provided in clause (ii), for purposes of adjusting any benefit or limitation under subparagraph (B) or (C)," in clause (i) and inserting "For purposes of adjusting any limitation under subparagraph (C) and, except as provided in clause (ii), for purposes of adjusting any benefit under subparagraph (B),", and

(2) by striking "For purposes of adjusting the benefit or limitation of any form of benefit subject to section 417(e)(3)," in clause (ii) and inserting "For purposes of adjusting any benefit under subparagraph (B) for any form of benefit subject to section 417(e)(3),".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the amendments made by section 767 of the Uruguay Round Agreements Act.●

ADDITIONAL COSPONSORS

S. 44

At the request of Mr. REID, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 44, a bill to amend title 4 of the United

States Code to limit State taxation of certain pension income.

S. 112

At the request of Mr. DASCHLE, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of S. 112, a bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain amounts received by a cooperative telephone company.

S. 309

At the request of Mr. BENNETT, the names of the Senator from Arkansas [Mr. PRYOR], the Senator from Rhode Island [Mr. PELL], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from North Dakota [Mr. DORGAN], and the Senator from South Dakota [Mr. DASCHLE] were added as cosponsors of S. 309, a bill to reform the concession policies of the National Park Service, and for other purposes.

S. 490

At the request of Mr. GRASSLEY, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 490, a bill to amend the Clean Air Act to exempt agriculture-related facilities from certain permitting requirements, and for other purposes.

S. 684

At the request of Mr. HATFIELD, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 684, a bill to amend the Public Health Service Act to provide for programs of research regarding Parkinson's disease, and for other purposes.

S. 881

At the request of Mr. PRYOR, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 881, a bill to amend the Internal Revenue Code of 1986 to clarify provisions relating to church pension benefit plans, to modify certain provisions relating to participants in such plans, to reduce the complexity of and to bring workable consistency to the applicable rules, to promote retirement savings and benefits, and for other purposes.

S. 1178

At the request of Mr. CHAFEE, the names of the Senator from Mississippi [Mr. LOTT] and the Senator from Utah [Mr. HATCH] were added as cosponsors of S. 1178, a bill to amend title XVIII of the Social Security Act to provide for coverage of colorectal screening under part B of the Medicare Program.

SENATE RESOLUTION 146

At the request of Mr. JOHNSTON, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of Senate Resolution 146, a resolution designating the week beginning November 19, 1995, and the week beginning on November 24, 1996, as "National Family Week," and for other purposes.

AMENDMENTS SUBMITTED

THE AGRICULTURE APPROPRIATIONS ACT FOR FISCAL YEAR 1996

REID (AND BROWN) AMENDMENT NO. 2685

Mr. REID (for himself and Mr. BROWN) proposed an amendment to the bill (H.R. 1976) making appropriations for Agriculture, rural development, Food and Drug Administration, and related agencies programs for the fiscal year ending September 30, 1996, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . BOARD OF TEA EXPERTS

None of the funds appropriated under this Act may be used for the salaries or expenses of the Board of Tea experts established under section 2 of the Act. entitled "An Act to prevent the importation of impure and unwholesome tea", approved March 2, 1897 (21 U.S.C. 42).

KERREY (AND KOHL) AMENDMENT NO. 2686

Mr. DASCHLE (for Mr. KERREY, for himself and Mr. KOHL) proposed an amendment to the bill H.R. 1976, supra; as follows:

On page 83, strike line 4 through line 15;

On page 43, line 17; strike $528,839,000 and insert in its place $563,839,000;

On page 52, line 18; strike $17,895,000 and insert in its place $22,395,000;

On page 52, line 24; strike $30,000,000 and insert in its place $37,544,000;

On page 55, line 1; strike $1,500,000 and insert in its place $3,000,000.

BROWN (AND ABRAHAM) AMENDMENT NO. 2687

Mr. BROWN (for himself and Mr. ABRAHAM) proposed an amendment to the bill H.R. 1976, supra; as follows:

At the appropriate place in the amendment, insert the following:

(a) None of the funds appropriated or made available to the Federal Drug Administration by this Act shall be used to operate the Board of Tea Experts and related activities.

(b) The Tea Importation Act (21 U.S.C. 41 et seq.) is repealed.

BROWN AMENDMENTS NOS. 2688–2690

Mr. BROWN proposed three amendments to the bill H.R. 1976, supra; as follows:

AMENDMENT NO. 2688

At the appropriate place, insert the following:

SEC. . PEANUT PROGRAM.

(a) IN GENERAL.—None of the funds made available under this Act may be used to carry out a price support or production adjustment program for peanuts.

(b) ASSESSMENT.—The Secretary of Agriculture may charge producers a marketing assessment to carry out the program under the same terms and conditions as are prescribed under section 108B(g) of the Agriculture Act of 1949 (7 U.S.C. 1445c-3(g)).

AMENDMENT NO. 2689

At the appropriate place in the amendment, insert the following:

SEC. . PRICE SUPPORT AND GRADING AND INSPECTION OF TOBACCO.

(a) IN GENERAL.—None of the funds made available under this Act may be used to pay the salaries or expenses of the employees of the Department of Agriculture to grade or inspect tobacco or to administer price support functions for tobacco.

(b) ASSESSMENT.—The Secretary of Agriculture may charge producers a marketing assessment to grade or inspect tobacco and to administer the price support functions under the same terms and conditions as are prescribed in the Agricultural Act of 1949 (7 U.S.C. 1445–1 and 1445–2).

AMENDMENT NO. 2690

Insert at page 84, between line 2 and line 3:

SEC. 730. None of the funds available in this Act shall be used for any action, including the development or assertion of any position or recommendation by or on behalf of the Forest Service, that directly or indirectly results in the loss of or restriction on the diversion and use of water from existing water supply facilities located on National Forest lands by the owners of such facilities, or result in a material increase in the cost of such yield to the owners of the water supply; *Provided:* nothing in this section shall preclude a mutual agreement between any agency of the Department of Agriculture and a state or local governmental entity or private entity or individual.

BRYAN (AND BUMPERS) AMENDMENT NO. 2691

Mr. BRYAN (for himself and Mr. BUMPERS) proposed an amendment to the bill H.R. 1976, supra; as follows:

On page 65, line 18, before the period at the end, insert the following: ": *Provided further,* That none of the funds made available under this Act may be used to carry out the market promotion program established under section 203 of the Agricultural Trade Act of 1978 (7 U.S.C. 5623)".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. COCHRAN. Mr. President, I ask unanimous consent that the committee on Armed Services be authorized to meet on Monday, September 18, 1995, at 3 p.m. in executive session, to consider and act on the committee's recommendation for the reconciliation bill.

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

ADDITIONAL STATEMENTS

THE 75TH ANNIVERSARY OF THE TOWN OF INDIAN HEAD, MD

• Mr. SARBANES. Mr. President, I would like to call to the attention of our colleagues celebrations that are

underway to celebrate the 75th anniversary of the establishment of the town of Indian Head, MD. The mayor of Indian Head, Warren Bowie, along with the entire community, has planned several significant events to commemorate this propitious milestone.

One of two incorporated townships in Charles County, Indian Head's history goes back much further than its date of incorporation in 1920. The territory now known as Indian Head was given to Lord Baltimore, and then to Gen. Charles Cornwallis, as part of a land grant made by the English King in 1736. Records later reveal that Cornwallis titled the land to George Washington in 1761.

Older charts and maps dating from 1776 through 1866 indicate that Indian Head has had several names including Indian Point, Indian Headlands, and Indian Head Point. All of these names reflect the more popular tale of how the name Indian Head was bestowed upon the town. As the story is told, there was an Algonquin chief who had promised his daughter in marriage to the son of the chief of the neighboring Piscataway Tribe. Before the two children were united, the young woman met an Indian hunter who was traveling up the Potomac River from the Virginia Colony. The two immediately fell in love. The Algonquin chief, enraged at the disruption of the wedding plans, ordered the hunter to leave and never to return to the region again. The hunter vowed that he would come back for his love. His plans to return were discovered and foiled. The night he returned, he was ambushed by Algonquin warriors and beheaded. His head was placed on a spear and set in the sand as a warning to other trespassers. The very next day, the first white settlers came and discovered this monument. Hence the name Indian Head.

Indian Head was slow to populate itself, largely due to the fact that the area was mainly marshland. But in 1890 the U.S. Navy decided to move its proving ground to Indian Head, primarily because of its location between the naval shipyards in Norfolk and the Washington Navy Yard on the Anacostia. As the installation at Indian Head grew, so did the town. When it became inevitable that the United States would become deeply engaged in World War I, Indian Head was given a large appropriation to expand its facilities to produce smokeless powder. The naval powder factory, which is now the naval ordnance station, provided the stimulus for the expansion of Indian Head.

Indian Head is a model of community spirit and cooperation. The activities that have been sponsored to commemorate this auspicious occasion exemplify the deep devotion of Indian Head's residents to the community. The spirit and enthusiasm of Indian Head's citizens have been the foundation of its success. These celebrations provide the opportunity to renew the dedication that has supported Indian Head throughout its history and helped it to develop into one of Maryland's most attractive communities.

We in Maryland are fortunate to have an area as community-oriented as Indian Head. I join the citizens of Charles County in sharing their pride in Indian Head's past and optimism for continued success in the years to come.•

SUMMER INTERNS

• Mr. ABRAHAM. Mr. President, I rise today to offer recognition to my summer interns, who have dedicated their time and effort this summer, serving the people of Michigan on my behalf. In an era when cynicism about our Government and the political process runs rampant, they have maintained an optimistic view of our Government, and have made considerable sacrifices so that they could play a more active role in the American political system. They were of great help to us this summer and I am grateful for their service. In appreciation of their hard work and dedication, I submit a list of their names, and ask that it be printed in the RECORD.

The list follows:

Lisa Maria Carroll, Nathan E. Clukey, Christopher DeMuth, Hope Durant, Michael J. Earle, Robert Glazier, John Iakovides, Thomas Marshall, Danny Mayer, Denise Mills, Michael Mikelic, Ryan O'Donovan, Stephen V. Potenza, Barry Regan, John Sanke, Sergio Santiviago, Nedda Shayota, Joseph A. Snearline, Matthew J. Suhr, Courtenay Youngblood, Paul Yu.

Mr. President, these fine young men and women performed valuable service assisting with legislative research, front office support, and playing for my expansion softball team. Like all expansion teams, this year was a rebuilding year. Our team's record may not have been the greatest, Mr. President, but without the interns, I would have had no softball team.

On a more serious note, Mr. President, it is my belief that a congressional internship is the best and most effective way to learn firsthand about the governmental process. Our interns are given the chance to observe and participate in all kinds of activities essential to the workings of the Senate. From committee markups to floor speeches and votes, to the daily workings of the office, they have been given a diverse and extensive lesson in the governmental process. It is a lesson that, regardless of their future ambitions, will remain with them throughout the course of their lives.•

THE EIGHTH ANNUAL FESTIVAL OF THE ARTS AND HERITAGE OF AFRICAN-AMERICANS

• Mr. BRADLEY. Mr. President, our country is a remarkable mosaic—a mixture of races, languages, ethnicities, and religions—that grows increasingly diverse with each passing year. Nowhere is this incredible diversity more evident than in the State of New Jersey. In New Jersey, schoolchildren come from families that speak 120 different languages at home. These different languages are used in over 1.4 million homes in my State. I have always believed that one of the United States greatest strengths is the diversity of the people that make up its citizenry and I am proud to call the attention of my colleagues to an event in New Jersey that celebrates the importance of the diversity that is a part of America's collective heritage.

On June 4, 1995, the Garden State Arts Center in Holmdel, NJ, began its 1995 Spring Heritage Festival Series. The heritage festival program salutes some of the different ethnic communities that contribute so greatly to New Jersey's diverse makeup. Highlighting old country customs and culture, the festival programs are an opportunity to express pride in the ethnic backgrounds that are a part of our collective heritage. Additionally, the Spring Heritage Festivals will contribute proceeds from their programs to the Garden State Arts Center's Cultural Center Fund which presents theater productions free-of-charge to New Jersey's school children, seniors, and other deserving residents. The heritage festival thus not only pays tribute to the cultural influences from our past, it also makes a significant contribution to our present day cultural activities.

On Saturday, September 16, 1995, the Heritage Festival Series celebrated the Eighth Annual Festival of the Arts and Heritage of African-Americans. The first African-American Heritage Festival, founded by Clinton Crocker of Tinton Falls, NJ, was held in September, 1988. The festival took its place in the series in September, 1988. The festival took its place in the series of heritage festivals at the Garden State Arts Center under the leadership of Julian Robinson, then commissioner of the New Jersey Highway Authority and was so ably organized this year by Carol Washington.

Clinton Crocker's early vision of a major festival which would reflect pride in the African-American presence in New Jersey, has laid the foundation for an outstanding event that celebrates the beauty and diversity of African-American culture. The festival presented a wide variety of performing arts including: soloists, African dance troupes, gospel singers, and African story-tellers sharing traditional tales. The festival also showcased ethnic foods from the African continent as well as African-American favorites and was undobtedly one of the highlights of the day.

The African-American Heritage Festival has proven itself to be an outstanding event over the years. The festival continues to grow in popularity each year, more than doubling its annual attendance from its first year. With increased popularity has come increased profits which has led to the development of a Relief Fund for Uwanda and other needy African nations. Profits also go to fund recreational activities for needy seniors, the disadvantaged, and for scholarship funds for college students.

Congratulations once again on the eighth anniversary of the Festival of the Arts and Heritage of African-Americans. Best wishes for continued success and to all who attended the festival to celebrate a day of pride in their ethnicity.•

TRIBUTE TO AL MEIER

• Mr. HARKIN. Mr. President, it is an honor for me to rise today to honor a distinguished citizen from my State—Iowa Commissioner of Labor Al Meier. When Al retired on July 28, he stepped down as the longest serving labor commissioner in the United States.

Over the years, Al Meier has been an ally on the side of working Iowans. Before Al was named labor commissioner in 1977, he served on the OSHA Review Commission, and prior to that he represented the AFL–CIO. He has also chaired the organizational committee of the Governor's Safety and Health Conference.

As labor commissioner, Al was responsible for helping Iowans stay safe on the job and off. Accountable for all division of labor programs, Al's duties included safety inspections, such as elevator and amusement ride inspections; wage payment collection, child labor, minimum wage, asbestos removal, and contractor registration.

I can tell you that no one worked harder on keeping Iowans safe in the workplace than Al Meier. But his work wasn't just about safety, as vital as that is. It was also about security—economic security—helping Iowans live better lives, and building a better future for our State. He was, and still is, at his best when it comes to helping others fight for a better life.

Al has been a fighter all his life. A former Golden Gloves contender, he never relinquished the fighting spirit it took for him to compete in the boxing ring. Whether it was through his work in political organizing, negotiating on the Hill, or representing the union, Al has been a fighter and a builder. He built coalitions. He built opportunities. He built a stronger Iowa.

And throughout it all, Al has never compromised in his commitment to helping people. I know of no greater tribute, and no better legacy, than that.

Mr. President, I am proud to salute the leadership and selfless service that Al Meier has demonstrated throughout his life. I am especially honored to count Al as one of my dearest friends—a friend that I have known for many years. Once again I congratulate Al on his many years of service to Iowans, and I ask my colleagues to join with me in wishing him a long and happy retirement.•

TRIBUTE TO HADLEY ROFF

• Mrs. FEINSTEIN. Mr. President, I rise today to pay tribute to a long-time friend and associate, Hadley Roff. Since I first met Hadley when we were both students at Stanford University, he has been a close and dear friend. Over the years, as we worked together when I was mayor of San Francisco, during a campaign for Governor, and as a U.S. Senator, our friendship and respect for one another continued to grow.

Hadley Roff's career, both in Washington, DC, and in San Francisco, shows exactly what can be accomplished when someone devotes his life to public service.

Hadley began his distinguished career as a reporter for a San Francisco newspaper, the News, in 1956 and continued as the News was merged with the Call Bulletin and, finally, with the San Francisco Examiner. Hadley, from his days at Stanford University, wanted to work on a San Francisco newspaper. He did and he closed two of them.

Hadley soon switched his sights to the world of public service.

In Washington, DC, he industriously served as chief of staff to U.S. Senator John V. Tunney, press secretary for Senator EDWARD M. KENNEDY and national media director for the Presidential campaign of Senator Edmund Muskie. But, Hadley gladly returned to San Francisco when the chance arose to serve the city of San Francisco.

Hadley adeptly served the citizens of San Francisco under four mayors. Beginning as press secretary for Joseph L. Alioto, Hadley continued to serve during the tenures of Art Agnos, my administration, and Frank Jordan.

Hadley served as my deputy mayor for more than 8 years when I became mayor of San Francisco in 1978. He constantly showed a particular devotion to public safety that has continued to today. As deputy mayor, Hadley was always made aware when a fire reached three alarms and, regardless of what he may have been doing, Hadley was off to the scene.

More recently, when Hadley served as my State director in my Senate office for 2 years, Hadley was instrumental in assisting former San Francisco Fire Department Assistant Chief, Frank Blackburn, in establishing a temporary emergency water system that helped save the lives of 140,000 Rwandan refugees in 1994.

Hadley describes himself as a "human switchboard," understanding the need to get the right people to a problem, but he is much more than that. He is a very gracious person who always shows great concern for people. He was never too busy to take a call or listen to someone's thoughts. During demonstrations, he effectively maintained a constructive dialog and, more often than not, made it so everyone left smiling. He was the heart and soul of the office and his dedication could not help but motivate others.

For a long, long time Hadley has been a big part of my life.

Recently, Hadley left my office to become a director for the San Francisco Urban Institute at San Francisco State University. And, today, many San Franciscans are joining together to pay tribute to him and to celebrate his affiliation with the Urban Institute. I am sorry I cannot be home right now, joining in the celebration, but it is with fond memories and enthusiastic praise, that I wish Hadley, his wife Susie, and everyone at the Urban Institute all the best.

Hadley, we miss you, but do not think for a second that we will not call you into duty when projects that need that special Hadley touch arise.

Congratulations, Hadley, on the tribute and the wonderful opportunity of working at the Urban Institute.•

PERSONAL RESPONSIBILITY CONTRACTS

• Mr. HARKIN. Mr. President, last Wednesday, the Senate adopted my amendment to condition receipt of welfare benefits on signing and adhering to a personal responsibility contract. I was pleased that this important provision was added to the Work Opportunity Act. I believe it is critical to successful welfare reform emphasizing personal responsibility and common sense.

The underlying bill required States and welfare recipients to negotiate personal responsibility contracts. However, there were no details about what that meant. Without definition, the personal responsibility contract could be meaningless and ineffective. Such a result would have been unfortunate because an effective contract has the potential to significantly change welfare as we know it.

The centerpiece of the Iowa Family Investment Program is the requirement that individuals on welfare must sign an individualized, binding contract with the State outlining what they will do to get off of welfare. The contract would also say what services the State would provide to move the family off of welfare. Failure to sign a contract or abide by the terms of the contract would result in termination of welfare benefits.

Mr. President, Iowa instituted a number of reforms in our welfare programs. After only 22 months of implementation, the Iowa welfare reform program is showing promising results. More families are working and earning income, there are fewer families on welfare and AFDC costs are declining.

My amendment borrowed from the Iowa program and used the Iowa contract as a model for the Nation. A contract significantly strengthens accountability in the welfare system.

I was pleased that the amendment was adopted and thank the two leaders for their assistance in getting my amendment approved.●

EXECUTIVE SESSION

NOMINATION OF PAUL M. HOMAN TO BE SPECIAL TRUSTEE FOR AMERICAN INDIANS

Mr. COCHRAN. Mr. President, now that we are off the bill, in executive session, I ask unanimous consent that the Indian Affairs Committee be immediately discharged from the nomination of Paul M. Homan, to be special trustee for American Indians; that the Senate proceed immediately to the consideration of the nomination; that the nomination be confirmed; that any statements thereon appear at the appropriate place in the RECORD; that, upon confirmation, the motion to reconsider be laid upon the table; that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

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

So the nomination was considered and confirmed; as follows:

DEPARTMENT OF INTERIOR

Paul M. Homan, of the District of Columbia, to be special trustee, Office of Special Trustee for American Indians.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

MEASURE READ THE FIRST TIME—S. 1254

Mr. COCHRAN. Mr. President, I understand that S. 1254, introduced earlier today by Senator ABRAHAM, is at the desk.

The PRESIDING OFFICER. The Senator is correct.

Mr. COCHRAN. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The bill (S. 1254) was read the first time.

Mr. COCHRAN. Mr. President, I now ask for its second reading.

Mr. BUMPERS. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The bill will be read for the second time on the next legislative day.

ORDERS FOR TUESDAY, SEPTEMBER 19, 1995

Mr. COCHRAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9 a.m., on Tuesday, September 19, 1995; that following the prayer, the Journal of the proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day, and there then be a period for morning business until the hour of 9:30 a.m., with Senators permitted to speak for 5 minutes each.

I further ask unanimous consent that at 9:30 a.m. the Senate then immediately resume consideration of H.R. 1976, the agriculture appropriations bill, and under a previous order, there be 15 minutes, equally divided, on the Bryan amendment, to be followed by a rollcall vote on or in relation to the Bryan amendment.

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

Mr. COCHRAN. Mr. President, I now ask unanimous consent that the Senate stand in recess between the hours of 12:30 and 2:15 on Tuesday for the weekly policy conferences to meet.

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

PROGRAM

Mr. COCHRAN. Mr. President, for the information of all Senators, the Senate will resume consideration of the agriculture appropriations bill tomorrow morning. Under the previous order, there will be a rollcall vote at 9:45 a.m. tomorrow.

In addition, at 10:30 a.m., the Senate will begin 2 hours of debate on the committee amendment regarding poultry.

Also, under a previous consent, at 2:15 p.m., the Senate will begin 30 minutes of debate on the welfare bill. And at 2:45 p.m., three rollcall votes will occur in relation to the welfare bill.

In addition, following the passage of the welfare bill, which is the third stacked rollcall vote, the Senate will begin 4 minutes of debate on the poultry committee amendment, followed immediately by a vote on or in relation to the committee amendment. Therefore, four votes will occur beginning at 2:45 p.m. on Tuesday.

UNANIMOUS-CONSENT AGREEMENT—AMENDMENT NO. 2688

Mr. COCHRAN. Mr. President, I further ask unanimous consent that immediately following the vote regarding poultry, there be 60 minutes for debate, under the control of Senator HEFLIN, on the Brown amendment, No. 2688 regarding peanuts, and 30 minutes under the control of Senator Brown, to be followed by a vote on or in relation to the BROWN amendment.

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

Mr. COCHRAN. Mr. President, again, it is the intention of the leader and the managers to conclude the agriculture appropriations bill by early evening tomorrow.

We hope we have the cooperation of all Senators to accomplish that.

RECESS UNTIL 9 A.M. TOMORROW

Mr. COCHRAN. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 8 p.m., recessed until Tuesday, September 19, 1995, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate September 18, 1995:

DEPARTMENT OF COMMERCE

JANE BOBBITT, OF WEST VIRGINIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE LORETTA L. DUNN, RESIGNED.

BARRY GOLDWATER SCHOLARSHIP AND EDUCATION FOUNDATION

DONNA DEARMAN SMITH, OF ALABAMA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING MARCH 3, 1998, VICE HOWARD W. CANNON, TERM EXPIRED.

DEPARTMENT OF STATE

HAZEL ROLLINS O'LEARY, OF MINNESOTA, TO BE THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 39TH SESSION OF THE GENERAL CONFERENCE OF THE INTERNATIONAL ATOMIC ENERGY AGENCY.

SHIRLEY ANN JACKSON, OF NEW JERSEY, TO BE THE ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 39TH SESSION OF THE GENERAL CONFERENCE OF THE INTERNATIONAL ATOMIC ENERGY AGENCY.

NELSON F. SIEVERING, JR., OF MARYLAND, TO BE THE ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 39TH SESSION OF THE GENERAL CONFERENCE OF THE INTERNATIONAL ATOMIC ENERGY AGENCY.

JOHN B. RITCH III, OF THE DISTRICT OF COLUMBIA, TO BE THE ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 39TH SESSION OF THE GENERAL CONFERENCE OF THE INTERNATIONAL ATOMIC ENERGY AGENCY.

CONFIRMATION

Executive nomination confirmed by the Senate September 18, 1995:

DEPARTMENT OF THE INTERIOR

PAUL M. HOMAN, OF THE DISTRICT OF COLUMBIA, TO BE SPECIAL TRUSTEE, OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS, DEPARTMENT OF THE INTERIOR.

WITHDRAWAL

Executive message transmitted by the President to the Senate on September 18, 1995, withdrawing from further Senate consideration the following nomination:

BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION

I WITHDRAW THE NOMINATION OF HOWARD W. CANNON, OF NEVADA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING MARCH 3, 1998 (REAPPOINTMENT), WHICH WAS SENT TO THE SENATE ON JANUARY 5, 1995.

HOUSE OF REPRESENTATIVES—*Monday, September 18, 1995*

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
September 18, 1995.

I hereby designate the Honorable DAN MILLER to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of May 12, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leader limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Florida [Mr. GOSS] for 5 minutes.

MEDICARE REFORM

Mr. GOSS. Mr. Speaker, the rhetoric has gotten pretty thick and possibly even a little sick around here recently, even by Washington standards. That is why I thought it would be helpful to take a look at the bigger picture. Specifically, I would like to take a moment this morning to investigate the long-term ramifications if we heed the advice of House Democrats and ignore the pending bankruptcy of the Medicare reform situation.

This chart, compiled by the bipartisan Kerrey Commission on entitlements, which I served on last year, states in no uncertain terms the dire consequences of inaction, of doing nothing. As you can see, in this area here, under current trends, by the year 2012, this year right here, which is only 17 years away, outlays for entitlement spending and interest on the national debt will consume all tax revenues. That is the green line. When this line is exceeded by any one of these columns, we are spending more than we are taking in. And in this case, entitlement spending and interest alone on the national debt will consume all the revenues we have collected by the Federal Government. There will be nothing left for anything else, law enforcement, military, or anything like that.

By the year 2030, entitlement spending alone will consume all tax revenues collected by the Federal Government. This is a major crisis, albeit it is a little hard to grasp and it threatens every Federal program, including the entitlement programs themselves, whether they are Medicare, Medicaid, veterans, even Social Security. You name it. We have to do something.

Mr. Speaker, what is driving this explosion in entitlement spending which we are seeing in this chart? There, in fact, are many factors, but primarily it is the out-of-control and gigantic increases in Medicare spending. We all know that the Medicare trustees' report states that the Medicare part A trust fund will be bankrupt in 7 years, in the year 2002. Ninety percent of Americans understand that according to the polls.

Mr. Speaker, essentially we have two options. We can reduce costs and reform the system now, which is what the Republicans are trying to do, or we can wait and raise taxes again later, which seems to be the plan of the Democrats.

A study conducted by John Berthoud of the Alexis de Toqueville Institute underscores the dire ramifications of raising taxes rather than addressing the inefficiencies in the current system right now today.

His study backs up the Medicare trustees' own numbers showing the potential disaster for future beneficiaries and taxpayers. If we do not act until 2002, as the other side seems to advocate, the payroll tax would have to more than double, rising from the current 2.9 percent level to 6.81 percent just to bring the fund into long-term balance. A tax hike that steep would mean over $1 trillion in taxes over the next 7 years alone on American taxpayers.

Mr. Speaker, to bring that astounding number into human terms, a worker earning $45,000 would have to pay an extra $1,500 in nonrefundable payroll taxes annually. That would be $4 a day more every day, Saturday and Sunday and holidays included, $4 more in taxes every day just to cover the trust fund of Medicare if we do not act now. And that is just part A.

Assuming middle-of-the-road projections, the part B taxpayer subsidy will grow to $147 billion by 2004 if allowed to remain in auto pilot, which is where it is now. That is four times what it is today.

Mr. Speaker, where are we going to get that kind of money, $147 billion? You guessed it, from the taxpayers. The leadership on the other side of the aisle last week in the Washington Post accused Republicans of playing a shell game and disguising the real costs of Medicare reform. What they really should acknowledge is the tremendous cost of maintaining the status quo and the increasing cost of the future status quo they advocate.

Mr. Speaker, my constituents gave me a clear message over the August break: Go back to Washington and do what it takes to fix the problem. They have seen payroll taxes increase before, in fact, 23 of them in the past 27 years. Twenty-three payroll taxes and they know that isn't the answer.

By expanding choice and utilizing reforms that have worked in the private sector, we cannot only save the Medicare program and strengthen it for our current and future beneficiaries, but we can also provide a brighter future for our children and grandchildren. We do have a program that will work and that is what we are going to do, hopefully with the bipartisan support and hopefully with constructive cooperation from the White House. Meanwhile, all the scare ads on TV, the class warfare stirred up by the liberals, and the generational debate hyped by the cynics does not solve the problem and does not make America a better place to live.

Mr. Speaker, the Republicans are trying to offer a positive solution to a real problem. Even if we do not get all the details exactly right the first time, we will get the details right and we will have made an important change for every American's quality of life and pocketbook.

SAVING THE NATIONAL PARKS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from New Mexico [Mr. RICHARDSON] is recognized during morning business for 5 minutes.

Mr. RICHARDSON. Mr. Speaker, I rise today to express my disappointment at heavy-handed actions by the leadership of the Committee on Resources by placing H.R. 260 on the Suspension Calendar today, and I hope that everybody out there that is aware of this terrible transgression realizes what H.R. 260 would do. It would simply be a vehicle to close down national parks.

Mr. Speaker, this bill would create a park closure commission to recommend specific parks to Congress foreclosure, privatization, or sale to the highest bidder. But what is most heavy handed is the fact that this bill is on the Suspension Calendar despite the fact that many of us in the Committee on Resources were able to offer amendments to change this bill. This way we have on the Suspension Calendar no opportunity to offer amendments that are alternatives.

Mr. Speaker, I had asked for one amendment that would allow a new form of financing the parks, through fees, through concessions, and through other alternatives that recognize that we do have to improve the management of the parks. But there are some very heavy-handed tactics of preventing honest debate on this issue.

Mr. Speaker, the Clinton administration opposes this bill. The environmental community opposes this bill. The National Parks and Conservation Association opposes this bill, and I would simply ask my colleagues to vote no on this bill so that it can go back to a rule and allow logical and fair amendments. In fact, just one amendment.

So by voting no, you are not killing the bill; you are killing a process that is wrong and heavy handed. What we have here is a park closure commission that would close national parks.

Now, the bill does exempt 54 national park units from closure, but it leaves less visited, smaller budgeted parks, and important national monuments like Independence Hall, the Statue of Liberty, Mount Rushmore, the Washington, Lincoln, and Jefferson Monuments, and the Martin Luther King historical site on the chopping block.

The Chair of the Subcommittee on National Parks, the gentleman from Utah [Mr. HANSEN], has said that he wants to close 150 parks. This is an agenda that I believe is wrong. Let us improve the management of these parks. Let us find ways to raise money to keep the parks as important components of this country.

Mr. Speaker, the national parks are not the playgrounds of the rich. They are the vacation destinations of millions of ordinary hard working Americans who want to see and enjoy the natural wonders they support with their tax dollars. They deserve to continue to have that opportunity.

Mr. Speaker, the national parks today are more popular than ever. This year 270 million visitors will visit our national parks, an increase of 5 million over last year. By the year 2000, 360 million visitors will visit the parks every year. That is if we still have some of them to visit in the year 2000. Recent nationwide polls show that this boom in parks visitation is matched by concern for the future of the parks.

A recent poll by Colorado State University found that 98 percent of those surveyed believed protection of the parks for future generations was important, editorial boards around the country, Salt Lake City Tribune, St. Louis Dispatch, the New York Times.

Mr. Speaker, H.R. 260 strikes at the very heart of our national heritage, the 369 natural and cultural treasures which make up the National Park System, and by authorizing, which is what we would do by passing this bill, the creation of a park closure commission, like a military base closure commission, without any alternatives, H.R. 260 takes the decisions out of the hands of the Congress and turns it over to politics, to political appointees. Surely business as usual is not the message the voters sent the Congress in the 1994 elections.

Mr. Speaker, let me explain what my alternative does, and all I want is the ability to offer this alternative under a closed rule, under a modified rule. One amendment, that instead of creating a park closure commission, that we find other ways to raise funds for parks through increased, perhaps fees, through a trust fund, through the changes in concessions so the McDonald's and other concessionaires, the Marriotts, pay a fairer share of what it costs to maintain the parks.

This is something that is on a bipartisan basis. Mrs. MEYERS of Kansas has a very constructive proposal to change the concession system of the parks.

So I am not here asking for a rejection of this bill. I am saying, let us respect the process. By voting no on H.R. 260, which we should do, 143 votes are needed so that the two-thirds is not achieved, we would send the bill back to the Committee on Rules.

Mr. Speaker, watch this bill. H.R. 260, vote "no," send it back to the Committee on Rules. Let it come back under a fair rule.

I insert the following information for the RECORD:

[From the Salt Lake Tribune, May 6, 1995]

DON'T CLOSE THE PARKS

Generally, people want to enter a national park; they want to leave a military base. Indeed, there is little that the two have in common, other than that they are both federally owned. Yet there is inexplicable sentiment in Congress for providing a common element to both-a closure commission.

A bill known as H.R. 260, which has already passed Utah Rep. Jim Hansen's subcommittee and is due up before the full House Resources Committee this month, proposes the formation of a Park System Review Commission. It would do for national park units what the Base Realignment and Closure Commission has done for military bases: It would close them.

Closure is appropriate for some unneeded military bases, but not so for national park units, which presumably have an unchanging value. After all, national parks were created for purposes of preservation and posterity, not for the ever-shifting requirements of national defense. Existing park units simply should not be exposed to the whims of an independent commission.

The issue has surfaced because the National Park Service has been having problems adequately funding all 368 units in its system. One complaint is that the system is overloaded with units that don't belong, units that were designated at the behest of some congressman trying to bring home the pork for his district.

The problem can be addressed without the creation of a park closure commission. For starters, Congress can support the portion of H.R. 260 that calls for the Interior secretary to devise tighter criteria for additions to the NPS, thereby safeguarding the system from selfish lawmakers.

Then, if Congress still feels that undeserving units have crept into the system, it can simply deauthorize them itself, as it did last year with the John F. Kennedy Center for the Performing Arts. It does not need some new level of bureaucracy to do this.

The rationale behind a park closure commission is that it would save money for the NPS. Well, as the BRAC members can testify, it would cost a lot of up front money to close these units. And once closed, who would operate them—the states, or some other division of the federal government? How do the taxpayers save on that?

If the goal is to improve NPS finances, then start with passage of park concessions reform or entrance fee reform. Start funneling such fees back into the parks, instead of the national treasury. It makes little sense to set up a mechanism to close parks when proposed methods of increase park revenues have not been implemented first.

National parks are not at all like military bases. They were created to establish a natural or historical legacy for future generations. They don't need a closure commission; they need more creative ways to stay open.

H.R. 260 would:

Create a park closure commission to recommend specific parks to Congress for closure, privatization or sale to the highest bidder;

Weaken Congress' statutory authority to make decisions on park management by granting broad powers to a politically appointed commission;

Send a strong signal to the American people that Congress does not have the political will to carry out its responsibilities of oversight over the National Park Service.

Exempt the 54 National Park units from closure, leaving less visited, smaller budgeted parks and important national monuments like Independence Hall, the Statue of Liberty, Mt. Rushmore, the Washington, Lincoln and Jefferson Monuments and the Martin Luther King, Jr. Historic Site on the chopping block.

RECESS

The SPEAKER pro tempore. There being no further requests for morning business, pursuant to clause 12, rule I, the House will stand in recess until 12 noon.

Accordingly, at 10 o'clock and 42 minutes a.m., the House stood in recess until 12 noon.

□ 1200

AFTER RECESS

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

PRAYER

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

When the light of day illumines our days, O God, we are grateful beyond any measure for we are warmed by that light and it helps us see the way. And when that light seems dim we can falter and fail, or when we turn our heads from that light and go our own way, we can so easily miss the mark. O gracious God, giver of all good things, may we eagerly seek the light of Your presence and walk in Your way so faith will be our strength, hope will be our daily support, and love our ever present reality. 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. The gentleman from New York [Mr. SOLOMON] will come forward and lead the membership in the Pledge of Allegiance.

Mr. SOLOMON 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.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Edwin Thomas, one of his secretaries.

ANNOUNCEMENT OF PREFILING REQUIREMENT FOR AMENDMENTS TO H.R. 927, CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY ACT OF 1995

Mr. SOLOMON. Mr. Speaker, the Rules Committee hearing scheduled on H.R. 927, the Cuban Liberty and Democratic Solidarity Act has been postponed until 2 p.m. tomorrow.

Due to time constraints this week, the Rules Committee may report a structured rulemaking in order only amendments prefiled with our committee. Members who wish to offer amendments to the bill should submit 55 copies of their amendments, together with a brief explanation, to the Rules Committee office at H-312 of the Capitol, no later than 1 p.m. tomorrow, Tuesday, September 19.

Amendments should be drafted to the amendment in the nature of a substitute that will be made in order as base text that is available at the Office of Legislative Counsel. Members should therefore have their amendments drafted by the Legislative Counsel's office to ensure that they are properly drafted.

If Members or their staff have any questions regarding this procedure, they should contact Eric Pelletier in the Rules Committee Office at extension 5-9191.

We appreciate the cooperation of all Members in submitting their amendments by 1 p.m. tomorrow to ensure their proper consideration by the committee.

104TH CONGRESS OUT OF TOUCH WITH THE AMERICAN PEOPLE

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

Mr. RICHARDSON. Mr. Speaker, today we are going to take up H.R. 260, a bill that will close many of our national parks.

Millions of Americans spent their summer vacations visiting Mount Rushmore, Bandolier, Independence Hall and the Statue of Liberty. In fact, 270 million visitors came to our parks this year.

As is often the case, the 104th Congress is out of touch with the American people. On the suspension calendar today will be H.R. 260. The vote will take place tomorrow. There is no reason for this bill to be on suspension.

All we had asked for, those of us who are concerned with this bill, is an amendment that would have permitted an alternative. An alternative through concessions, through increased fees, through a trust fund, we can finance these parks.

Mr. Speaker, let us make sure we have a process here. Let us have H.R. 260 sent back to the Committee on Rules.

The environmental community is against this. The Clinton administration is against this bill.

Let us have proper debate on it. Let us not get rushed on our national parks. We do not need a park closure commission. We need better management and new ways to finance our national parks.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Such rollcall votes, if postponed, will be taken on Tuesday, September 19, 1995.

EXTENSION OF DISTRICT COURT DEMONSTRATION PROJECTS

Mr. MOORHEAD. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 464) to make the reporting deadlines for studies conducted in Federal court demonstration districts consistent with the deadlines for pilot districts, and for other purposes.

The Clerk read as follows:

S. 464

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

SECTION 1. EXTENSION OF CIVIL JUSTICE EXPENSE AND DELAY REDUCTION DEMONSTRATION PROGRAMS.

Section 104 of the Civil Reform Act of 1990 (28 U.S.C. 471 note) is amended—

(1) in subsection (a)(1) by striking "4-year period" and inserting "5-year period"; and

(2) in subsection (d) by striking "December 31, 1995," and inserting "December 31, 1996,".

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

The Chair recognizes the gentleman from California [Mr. MOORHEAD].

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

Mr. Speaker, I rise in support of S. 464 which is a technical corrections bill that was introduced by Senator HATCH and passed the Senate on March 30, 1995, under a unanimous-consent request.

The Civil Justice Reform Act of 1990 set up two programs to study various innovative programs in court management. One program involves so-called pilot courts, and the other involves what are referred to as demonstration districts. Those court programs were originally established for a 3-year period, with the studies conducted over a 4-year period and the resulting reports transmitted to Congress by December 31, 1995. The Rand Corp. has been carrying out the study of the pilot courts, while the Federal Judicial Center is conducting the study of the demonstration districts.

Last year, the pilot court programs were extended for an additional year, and the Rand Corp. received a 1-year extension for its study of those courts. That extension was included in the Judicial Amendments Act of 1994. Through an oversight, however, no extension was included for the demonstration districts.

S. 464 would grant the same 1-year extension for the demonstration districts as was granted for the pilot courts. This will make the two programs and their studies consistent so that the final reports can be directly compared. That was the intent behind the deadlines that were established when the two study programs were set up. This legislation will restore that end. Also, the extension of the deadline

will improve the study, since more cases will be complete and included in the study.

Finally, this 1-year extension will entail no additional cost since the demonstration districts are planning to continue the programs under study in any event. S. 464 represents a sound judicial housekeeping proposal and I urge my colleagues' support for it.

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

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

Mr. Speaker, I join the gentleman from California in supporting this bill, because it will help our Federal courts achieve greater efficiency and effectiveness.

The demonstration program that is the subject of this bill, involves five Federal district courts, that have been experimenting with various case management systems, and forms of alternative dispute resolution, since the program was established 4 years ago. At the same time, there is a parallel pilot court program, which is testing certain principles of litigation management and cost-and-delay reduction. These programs are testing a number of systems, in a manner that will permit the Federal judiciary to compare their relative effectiveness.

As the gentleman from California has explained, we extended the pilot program last year for 1 additional year, with a 1-year extension for the study that will evaluate that program. We inadvertently failed, however, to grant a similar extension to the demonstration program. This bill will restore the demonstration program to the same time line that applies to the pilot program, making the two programs more directly comparable, and improving the studies of both programs, by ensuring that an additional year of court experience, is included in those studies. Thus, passage of S. 464 will enable our Federal courts to get the full benefit of these studies.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. MOORHEAD] that the House suspend the rules and pass the Senate bill, S. 464.

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

The motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MOORHEAD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 464, the Senate bill just passed.

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

There was no objection.

CLARIFYING RULES GOVERNING VENUE

Mr. MOORHEAD. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 532) to clarify the rules governing venue, and for other purposes.

The Clerk read as follows:

S. 532

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

SECTION 1. VENUE.

Paragraph (3) of section 1391(a) of title 28, United States Code, is amended by striking "the defendants are" and inserting "any defendant is".

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

The Chair recognizes the gentleman from California [Mr. MOORHEAD].

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

Mr. Speaker, I rise in support of S. 532 which is a technical corrections bill that was introduced by Senator HATCH and passed the Senate on March 30, 1995, under a unanimous-consent request. It is based on a proposal by the Judicial Conference of the United States to correct a flaw in a venue provision, section 1391(a) of title 28 which governs venue in diversity cases. Section 1391(a) has a fallback provision—subsection (3)—that comes into play if neither of the other subsections confers venue in a particular case. Specifically, subsection (3) provides that venue lies in "a judicial district in which the defendants are subject to personal jurisdiction at the time the action is commenced, if there is no district in which the action may otherwise be brought."

The defect in this fallback provision is that it may be read to mean that all defendants must be subject to personal jurisdiction in a district in order for venue to lie. Under this reading, there would be cases in which there would be no proper venue. S. 532 would eliminate this ambiguity and I urge its passage.

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

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

Mr. Speaker, the gentleman from California has explained the purpose of this bill, a technical amendment to ensure that in multidefendant cases, there is at least one Federal district where venue is proper.

The problem with the venue statute as it is currently written is that it is possible to read the language in such a way that there could be no Federal district court where venue is proper in some multidefendant cases. This bill resolves the ambiguity in that language, and ensures that venue requirements will not defeat the ability to bring a civil action in Federal court if subject matter and personal jurisdiction are available.

The Judiciary Committee heard testimony on behalf of the Judicial Conference of the United States supporting this bill. Having identified the ambiguity in the current venue provisions, it is important that we amend the language to ensure that there is at least one Federal district court where venue is proper in multidefendant cases. S. 532 achieves that end, and I urge its passage.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. MOORHEAD] that the House suspend the rules and pass the Senate bill S. 532.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MOORHEAD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 532, the Senate bill just considered.

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

There was no objection.

MEDISCAM, NOT MEDISCARE

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

Mr. WYNN. Mr. Speaker, in this town it seems it is always good to have a catch phrase. The latest catch phrase is "Mediscare," Mediscare, as though the cuts in Medicare were not really serious or not really painful. I think they are.

First, if you consider a premium increase of $32 a month on a senior, I think that is pretty serious and pretty scary. If you consider that seniors will be forced to choose a doctor they can afford as opposed to the doctor they trust, I think that is pretty scary, when a senior is contemplating major surgery.

Third, if you contemplate the likely possibility that some hospitals will

have to shut down, reduce services, or pass costs on to private patients, insured with private insurance, I think that is pretty scary.

When you hear the term "Mediscare," it should not be taken lightly. People say we have to do this to save the system. The trustees and the President suggest what we need is a modification, maybe $90 to $120 billion. But the Republicans are proposing $270 billion. Why? So they can give a tax break to their rich friends.

If you make $300,000, under this plan you are going to get back $20,000 in tax breaks. This $270 billion is not going back to save the trust fund. Not a penny will go back to the trust fund.

They mumble about the general fund. Translation: it is siphoned off for a tax break for the wealthy.

No, ladies and gentlemen, the term should not be "Mediscare." It should be, "Mediscam," because that is what the American people are being subjected to in the latest Republican proposal on Medicare.

ENCOURAGING THE PEACE PROCESS IN SRI LANKA

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 181) encouraging the peace process in Sri Lanka.

The Clerk read as follows:

H. RES. 181

Whereas, the United States has enjoyed a long and cordial friendship with Sri Lanka;

Whereas as one manifestation of the warm ties between the United States and Sri Lanka, the First Lady of the United States visited Sri Lanka in April 1995;

Whereas Sri Lanka is a vibrant democracy whose government is committed to political pluralism, free market economics, and a respect for human rights;

Whereas the Liberation Tigers of Tamil Eelam ("LTTE") have waged a protracted secessionist struggle in Sri Lanka for nearly 12 years;

Whereas an estimated 30,000 people have died in Sri Lanka as a result of these hostilities;

Whereas the Department of State's report on global terrorism names the LTTE as a major terrorist organization;

Whereas the LTTE is widely believed to have engaged in political assassinations, including the murder in 1994 of a leading candidate for the Sri Lankan presidency, and the killing in 1993 of President Ranasinghe Premadasa;

Whereas the government of President Kumaratunga initiated a dialogue with the LTTE in 1994, and took a number of other steps to ease tensions and set the stage for negotiations between the government and the LTTE, including lifting the ban on the transit of many commodities to Jaffna;

Whereas a cessation of hostilities in Sri Lanka went into effect on January 8, 1995;

Whereas 4 rounds of peace talks between the government and the LTTE took place; and

Whereas in April 1995, the LTTE withdrew from these negotiations and resumed military operations against the Government of Sri Lanka that have resulted in hundreds of casualties, including many innocent civilians: Now, therefore, be it

Resolved, That the House of Representatives—

(1) notes with great satisfaction the warm and friendly relations that exist between the United States and Sri Lanka;

(2) applauds the commitment to democracy demonstrated by the Sri Lankan people, in defiance of brutal acts of wanton terrorism;

(3) commends the Sri Lankan people and the Government of Sri Lanka for the significant improvements in Sri Lanka in the area of human rights;

(4) applauds the cessation of hostilities in early 1995 between the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam ("LTTE") and deplores the resumption of fighting;

(5) calls on the LTTE to desist in its resort to arms, and to return to the negotiating table;

(6) calls on all parties to negotiate in good faith with a view to ending the current armed strife in Sri Lanka and to finding a just and lasting political settlement to Sri Lanka's ethnic conflict while assuring the territorial integrity of Sri Lanka;

(7) believes that a political solution, including appropriate constitutional structures and adequate protection of minority rights, is the path to a comprehensive and lasting peace in Sri Lanka;

(8) denounces all political violence and acts of terrorism in Sri Lanka, and calls upon those who espouse such methods to reject these methods and to embrace dialogue, democratic norms, and the peaceful resolution of disputes;

(9) calls on all parties to respect the human rights of the Sri Lankan people; and

(10) states its willingness in principle to see the United States lend its good offices to help resolve the ethnic conflict in Sri Lanka, if so desired by all parties to the conflict.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska [Mr. BEREUTER] will be recognized for 20 minutes, and the gentleman from Maryland [Mr. WYNN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Nebraska [Mr. BEREUTER].

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

Mr. Speaker, located at the southern tip of the South Asia subcontinent, the tiny Indian Ocean island nation of Sri Lanka has, for the last decade and a half, been the site of one of the bloodiest ethnic wars. The conflict has pitted the separatist Liberation Tigers of Tamil Eelam—or Tamil Tigers—against the democratically elected government in Colombo, with at least 30,000—and possibly as many as 50,000—Sri Lankans of all ethnic persuasions perishing in this bloody conflict.

With both sides weary of the unrelenting bloodshed, a cessation of hostilities went into effect at the beginning of 1995, and the government and the Tamil rebels entered into a series of peace talks. Regrettably, this peace that was short lived, and the Tamil Tigers unilaterally resumed their attacks on April 19. The recent attacks have been particularly brutal, with a pair of transport aircraft being shot down, and a fishing village burned to the ground with massive loss of life.

In retaliation, the government has launched its inevitable offensive against Tiger-held territory, with government forces cutting a broad swath through positions long controlled by the rebels, thereby causing hundreds of casualties and displacing thousands of noncombatants.

This pattern of rebel offensives and government counteroffensives is all too familiar. Over the past dozen years, this cycle has been repeated time and time again. House Resolution 181 calls on the parties to break out of this vicious cycle of death and destruction. The resolution recognizes the good faith efforts of the Sri Lankan Government to work for peace, and commends the dramatic improvement in the government's human rights practices. It also denounces all acts of violence and terrorism, regardless of the perpetrator.

House Resolution 181 calls on the parties to negotiate in good faith with a view to ending the conflict and finding a just and lasting peaceful settlement to the ethnic divisions while assuring the territorial integrity of Sri Lanka.

The resolution also encourages the United States to lend its good offices to help in resolving the conflict, if so desired by the combating parties.

Mr. Speaker, this resolution passed unanimously out of the International Relations Committee. I would congratulate the ranking Democrat of the full committee, Mr. HAMILTON, for his initiative in drafting this resolution. First, it recognizes the very real efforts made by the ruling government to respect basic human rights and achieve a just peace. As House Resolution 181 notes, the resolution recognizes that improvements have indeed occurred.

Second, the resolution places the House squarely on the side of peace in a conflict that has been every bit as brutal as the war in Bosnia.

Mr. Speaker, this Member is pleased to cosponsor the excellent resolution of the distinguished gentleman from Indiana [Mr. HAMILTON] and would urge its passage. This Member would also note the thoughtful and important contribution made by the distinguished chairman of the International Relations Committee, the gentleman from New York [Mr. GILMAN].

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

□ 1320

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

Mr. Speaker, I rise to urge support for this resolution.

Sri Lanka has been wracked by a bloody civil war that has claimed the lives of at least 30,000, and perhaps as many as 50,000 people.

Sri Lanka is a country of only 18 million people. If the United States lost a comparable number of people, 730,000 Americans would have been killed.

Last winter the democratically elected President of Sri Lanka, President Kumaratunga, opened a dialog with the insurgent Liberation Tigers of Tamil Eelam, known as the LTTE.

Unfortunately, after four rounds of talks, the LTTE withdrew from the negotiations this past April and resumed military operations against the government—without provocation and in violation of the cease-fire.

Since the breakdown of the talks in April, the fighting has been heavy, producing many casualties, not only among the combatants but also among the civilian population.

Last month, the Sri Lankan Government, in an effort to reach out to the minority Tamil community, unveiled a plan that provides for a significant devolution of power to the provinces.

It is not for us to pass judgment on the merits of this or any other plan, but I think we can all applaud this effort to settle Sri Lanka's problems politically rather than militarily.

House Resolution 181 calls on the LTTE to return to the negotiating table, and urges all parties to negotiate in good faith with a view to finding a just and lasting political resolution to Sri Lanka's ethnic conflict.

It does not take sides in the conflict, but it does call for a political settlement that provides adequate protection for minority rights.

It does not commit the United States to any specific course of action, but it does indicate our willingness, in principle, to see the United States lend its good offices to help resolve the conflict, if this is desired by all parties.

This resolution has bipartisan support. It has the support of the administration as well.

I want to commend the chairman of the Asia and Pacific Subcommittee, Mr. BEREUTER, and the ranking member, Mr. BERMAN, who have worked closely with me as cosponsors of this resolution.

I urge my colleagues to put the House on record in support of a peaceful resolution of this ongoing tragedy in Sri Lanka.

I urge a "yea" vote on House Resolution 181.

Mr. GILMAN. Mr. Speaker, I commend the chairman of the Asia and Pacific Subcommittee, Mr. BEREUTER, and the ranking minority member, Mr. BERMAN, for their work on this resolution. And I commend the ranking minority member, Mr. HAMILTON for his efforts in crafting the resolution.

The conflict in Sri Lanka has gone on for nearly 12 years and so many lives—some 30,000—have been lost. The LTTE took the promising young life of Rajiv Gandhi and in 1994 a bomb attack killed the opposition presidential candidate along with more than 50 others. The State Department's human rights report for 1994 concludes that the government has used excessive force in the conflict.

As the resolution suggests, the United States could play a role in resolving the crises if the two disputing parties desire it. It is believed that the current government of President Kumaratunga is serious about working with the LTTE is finding a mutually agreeable solution. If our Government can play a role it would be an honor for all of us to help end the bloodshed.

Accordingly, I urge my colleagues to support House Resolution 181.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska [Mr. BEREUTER] that the House suspend the rules and agree to the resolution, House Resolution 181.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 181, the resolution just agreed to.

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

There was no objection.

CONGRATULATING THE PEOPLE OF MONGOLIA

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 158) congratulating the people of Mongolia on the 5th Anniversary of the first democratic multiparty elections held in Mongolia on July 29, 1990, as amended.

The Clerk read as follows:

H. RES. 158

Whereas in 1990 Mongolia ended nearly 7 decades of Soviet domination and single party Communist rule;

Whereas the 1992 Mongolian constitution established Mongolia as an independent and sovereign republic and guaranteed fundamental human rights;

Whereas the people of Mongolia enjoyed their first multiparty democratic elections on July 29, 1990, and their first direct presidential election on June 6, 1993;

Whereas the Department of State's 1994 Country Report on Human Rights practices commended Mongolia for "steady—if sometimes uneven—progress in its transition from a highly centralized Communist-led state toward a full-fledged multiparty democracy";

Whereas Mongolia continues its efforts to develop a market economy;

Whereas the United States has sought to assist Mongolia's movement toward democracy and market-oriented reforms by granting most-favored-nation status and providing insurance by the Overseas Private Investment Corporation, supporting Mongolia in international assistance organizations, and providing $35,000,000 in bilateral assistance; and

Whereas United States-funded programs of nongovernment organizations, such as the National Endowment for Democracy and the Asia Foundation, have helped build democracy in Mongolia: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends Mongolia for courageous efforts to transform itself from a single-party state to a multiparty state and from a controlled to a free market economy;

(2) congratulates Mongolia for the swift and peaceful changes that have taken place since the appearance of the internal reform movement in December 1989;

(3) cites for particular praise Mongolia's first multiparty democratic elections on July 29, 1990, and first direct presidential election on June 6, 1993;

(4) urges the Government of Mongolia to continue to strengthen and deepen democratic reform and human rights, including the full protection of religious freedom and other civil liberties, in order to enhance representative and accountable government;

(5) commends the parallel movement in Mongolia toward a free market economy through economic reforms;

(6) notes that the best hope for accelerated economic growth is to attract more foreign investment by further liberalizing the economy and expanding trade with nontraditional partners, including the United States; and

(7) pledges its continued support for democracy, human rights, and the development of a free market in Mongolia.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska [Mr. BEREUTER] will be recognized for 20 minutes, and the gentleman from Maryland [Mr. WYNN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Nebraska [Mr. BEREUTER].

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

Mr. Speaker, the resolution before us today has one simple objective—to commend the people of Mongolia for the remarkable progress that country has made since 1990. Mongolia has made great strides from a one-party Communist country with a command economy to the multiparty free market democracy. In the last 5 years, Mongolia has also freed itself from Soviet domination. Within a year from the fall of the Berlin Wall, the popularly elected Mongolian legislature—whose election we are commemorating in this resolution—enacted a new constitution which declared Mongolia an independent, sovereign republic with guaranteed civil rights and freedoms. These changes were not only dramatic in scope and speed, they were also accomplished without firing a shot and with little concrete support from the outside.

These accomplishments are worthy of congressional commendation. That is why we are here today.

The political changes of 1990–91 also marked the beginning of Mongolia's efforts to develop a market economy.

Mongolia continues to press ahead with economic reform, including privatization of the economy, price deregulation, and the establishment of a single exchange rate.

More needs to be done to consolidate these reforms. The best hope for accelerated growth in Mongolia is to attract foreign investment, further liberalize the economy, and expand trade with nontraditional partners.

The United States has sought to assist Mongolia's movement toward democracy and market-oriented reforms. The First Lady, on her recent visit to Mongolia, announced a $4.5 million aid package for that country. We accorded Mongolia most favored nation trading status. We have concluded a bilateral tax treaty and an Overseas Private Investment Corporation agreement. We have supported Mongolia's entry into the IMF, the World Bank, and the Asian Development Bank.

In short, Mongolia represents a good example of the universality of civil and political rights and provides evidence that political freedom and economic development are not mutually exclusive.

Mr. Speaker, this Member would thank the chairman of the International Relations Committee, the distinguished gentleman from New York [Mr. GILMAN], for his assistance in moving House Resolution 158.

This Member would also thank the distinguished gentleman from California, the ranking Democrat on the Asia and Pacific Subcommittee, Mr. BERMAN, and the distinguished gentleman from Indiana, Mr. HAMILTON, for their help and support in moving this resolution forward. With their help, the committee has crafted a truly bipartisan message of support for the Mongolian people.

Mr. Speaker, I urge passage of House Resolution 158.

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

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

Mr. Speaker, I strongly support House Resolution 158, as amended.

After nearly 70 years of one-party Communist rule, the Mongolian people held their first multiparty democratic elections 5 years ago, on July 29, 1990. Since then, the Mongolian people have made important progress toward establishing a democratic, multiparty state and a free market economy.

The United States has sought to assist Mongolia in this transition to democracy and a market-oriented economy.

Only last week the First Lady visited Mongolia to reiterate our support for the Mongolian people and their achievements.

It is proper and fitting that the Congress also take note of Mongolia's accomplishments.

By adopting this resolution now, the House will be voicing its own support for the remarkable transition that Mongolia has undergone in recent years.

I commend Chairman BEREUTER for this resolution and urge its swift adoption.

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

Mr. KIM. Mr. Speaker, as a member of the International Relations Subcommittee on Asian and Pacific Affairs, I rise in strong support of this resolution commemorating the fifth anniversary of the first democratic multiparty elections held in Mongolia. This is an appropriate way for the House to commend the Mongolian people for the significant political and economic reforms they have made such a relatively short period of time.

Prior to 1990, Mongolia was a subservient, Soviet satellite state isolated from the rest of the world. Mongolia did not even have diplomatic or trade relations with most countries of the world including the United States. Tens of thousands of Soviet Red army troops were stationed in the country. As in other captive nations, the Communist Party monopolized power in Mongolia.

All of that changed 5 years ago. After nearly seven decades of Communist rule, the Mongolians held their first multiparty democratic elections and embarked on a very ambitious course of democratic and economic reform. And, Mongolians are proud of their new direction. While their ongoing transition has had its obstacles and temporary setbacks, compared to the progress of its giant neighbors; namely, Russia and China, Mongolia is a welcome success. As one Mongolian boasted to me, "We have evolved from a Communist monopoly to a democracy without blowing up the parliament or running over students with tanks." Not what one would expect from the land of Genghis Khan. Perhaps Mongolia's neighbors could learn a thing or two from Ulan Bator.

Without question, Mongolia continues to face tough challenges and growing pains during this period of transition. I realize that difficulties can arise during such a comprehensive reform effort. But, for genuine democracy and economic prosperity to be realized, Mongolians must understand that these problems need to be addressed in ways that further promote freedom and the rule of law. It is in this positive context that I raised concern about the possible erosion of religious freedom as guaranteed in the 1992 Mongolian Constitution during committee consideration of this resolution. As a result, during the markup, an amendment I sponsored to reinforce the importance of respecting civil liberties and the rule of law was unanimously accepted.

Considering the history, the harsh environment, and the economic and political isolation of Mongolia, the Mongolian people can be very proud of their achievements to date. While it is true that Mongolia is often not the focus of United States foreign policy, that should not be interpreted as we do not care. We do. First Lady Hillary Clinton recently paid an important good-will visit to Mongolia. And, today, this special resolution lets Mongolians know that their efforts are recognized by the United States House of Representatives. It sends a clear message that the United States is a friend and does care about Mongolia. It encourages Mongolia to continue full speed ahead with its reform program despite the short-term challenges such action may present.

Mr. Speaker, I urge my colleagues to support House Resolution 158 and to bolster the ongoing democratic movement in Mongolia.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska [Mr. BEREUTER] that the House suspend the rules and agree to the resolution, House Resolution 158, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 158, as amended.

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

There was no objection.

SUPPORTING A DISPUTE RESOLUTION IN CYPRUS

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 42), supporting a resolution to the long-standing dispute regarding Cyprus, as amended.

The Clerk read as follows:

H. CON. RES. 42

Whereas the long-standing dispute regarding Cyprus remains unresolved;

Whereas the military occupation by Turkey of a large part of the territory of the Republic of Cyprus has continued for over 20 years;

Whereas the status quo on Cyprus remains unacceptable;

Whereas the United States attaches great importance to a just and peaceful resolution of the dispute regarding Cyprus;

Whereas the United Nations and the United States are using their good offices to resolve such dispute;

Whereas on January 5, 1995, President Clinton appointed a Special Presidential Emissary for Cyprus;

Whereas the United Nations has adopted numerous resolutions that set forth the basis of a solution for the dispute regarding Cyprus;

Whereas United Nations Security Council Resolution 939 of July 29, 1994, reaffirms that a solution must be based on a State of Cyprus with a single sovereignty and international personality, and a single citizenship, with its independence and territorial

integrity safeguarded, and comprising two politically equal communities as described in the relevant Security Council resolutions, in a bicommunal and bizonal federation, and that such a settlement must exclude union in whole or in part with any other country or any form of partition or secession;

Whereas the United Nations has described the occupied part of Cyprus as one of the most highly militarized areas in the world;

Whereas the continued overwhelming presence of more than 30,000 Turkish troops on Cyprus hampers the search for a freely negotiated solution to the dispute regarding Cyprus;

Whereas the United Nations and the United States have called for the withdrawal of all foreign troops from the territory of the Republic of Cyprus; and

Whereas comprehensive plans for the demilitarization of the Republic of Cyprus have been proposed: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) reaffirms that the status quo on Cyprus is unacceptable;

(2) welcomes the appointment of a Special Presidential Emissary for Cyprus;

(3) expresses its continued strong support for efforts by the United Nations Secretary General and the United States Government to help resolve the Cyprus problems in a just and viable manner at the earliest possible time;

(4) insists that all parties to the dispute regarding Cyprus agree to seek a solution based upon the relevant United Nations resolutions, including Security Council Resolution 939 of July 29, 1994;

(5) reaffirms the position that all foreign troops should be withdrawn from the territory of the Republic of Cyprus;

(6) considers that ultimate, total demilitarization of the Republic of Cyprus would meet the security concerns of all parties involved, would enhance prospects for a peaceful and lasting resolution of the dispute regarding Cyprus, would benefit all of the people of Cyprus, and merits international support; and

(7) encourages the United Nations Security Council and the United States Government to consider alternative approaches to promote a resolution of the long-standing dispute regarding Cyprus based upon relevant Security Council resolutions, including incentives to encourage progress in negotiations or effective measures against any recalcitrant party.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska [Mr. BEREUTER] will be recognized for 20 minutes, and the gentleman from Maryland [Mr. WYNN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Nebraska [Mr. BEREUTER].

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

Mr. Speaker, having walked the blue line that divides Greeks from Turks in Cyprus—a line frozen in time for over 20 years—this Member is well aware of the need to move forward in achieving a just settlement of the Cyprus issue. This is a line where Turkish and Greek Cypriot forces have faced off, sometimes only 20 to 30 feet from one another, ready to resume hostilities at a moment's notice.

The current division of the island of Cyprus serves the interests of no one, and hampers the development and prosperity of both Greek Cypriots and Turkish Cypriots. In the meantime, the painfully slow negotiation on confidence building measures [CBM's] has run into additional difficulties.

House Concurrent Resolution 42 seeks to break the diplomatic logjam by proposing the demilitarization of the entire island. This Member would make the obvious point that demilitarization would have to be part of a comprehensive negotiated settlement, for demilitarization in and of itself would not resolve all the island's political problems.

This Member would make one final point: It is over 20 years since the island was forcibly partitioned. This Member has met with Republic of Cyprus President Clerides and Turkish Cypriot leader Raulf Denktesh. This Member sincerely believes these men are working for what they believe are the best interests of their people. While they are on opposite sides, they know one another, and at a basic level, I believe they respect one another. These men, and those like them, are of a certain age. When they were young, they attended the same schools. As young men, they fought the Nazis together. Later, they belonged to the same clubs and ate at the same restaurants. In short, they speak from common experience.

But Mr. Denktesh and President Clerides are not young men. And those who will follow them do not have this common history. The next generation lacks those common experiences that were forged in World War II. The next generation of Cypriot leaders is likely to have far less appreciation of the unique contributions of multicultural society. And this Member fears that the next generation of leaders is likely to be less committed to a fair and equitable settlement.

It is for this reason that efforts must now be redoubled to achieve a resolution to the longstanding dispute on Cyprus. This Member would urge that all parties work toward an honorable peace, and I note the efforts of the gentleman from New York [Mr. ENGEL] to achieve that peace. I commend him for crafting House Concurrent Resolution 42.

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

Mr. WYNN. Mr. Speaker, I yield myself such time as I many consume.

Mr. Speaker, first, I would like to commend my colleagues, Representative ENGEL and Chairman GILMAN, for their work and leadership in bringing this constructive resolution before the House.

I would also point out that this resolution was adopted by an overwhelming majority of both parties when it was considered in the Committee on International Relations in July.

As an original cosponsor of House Concurrent Resolution 42, I would urge my colleagues to support this timely and important resolution.

I believe—as is amply set forth in the resolution—that the status quo on Cyprus is unacceptable.

I welcome and encourage the continuing efforts by the United States and the United Nations to help resolve the Cyprus problem in a just and viable manner.

I believe that the gradual demilitarization of the Republic of Cyprus would enhance prospects for a peaceful resolution of the long-standing dispute, and as a result would benefit all the people of that island nation.

For this important reason I strongly recommend that the House adopt House Concurrent Resolution 42. It is a helpful effort to move the peace process in Cyprus forward.

Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, I thank my colleague from Maryland for yielding time to me.

Mr. Speaker, I am here this afternoon to urge all of my colleagues to support House Concurrent Resolution 42, that calls for the demilitarization of the island nation of Cyprus.

Now in its 21st year, the illegal occupation of Cyprus by Turkey—who controls over one-third of the territory of this formerly sovereign nation with a heavily armed force of over 30,000—is an international dilemma that demands the highest degree of American attention and perseverance. Having watched with extreme pride the tireless efforts of American diplomats as they have tried to bring peace to Bosnia over the last few weeks, I want to remind all my colleagues that the issues we are fighting for in Bosnia are very much the same as those the United States needs to stand for with respect to Cyprus.

Just as the international community has condemned the Serb's brutal and shocking campaign of territorial conquest, so to has it long been in opposition to Turkey's defiant disrespect for Cyprus' sovereignty. Mr. Speaker, the international community has demanded that the Turks allow the Cypriot people to live as a free and independent people in various forms over the years. Most recently, in July of last year the U.N. Security Council passed Resolution 939, which mandated that any settlement of the Cyprus issue "must be based on a state of Cyprus with a single sovereignty and international personality and a single citizenship with its independence and territorial integrity safeguarded."

Among other things, House Concurrent Resolution 42 "insists that all parties to the dispute regarding Cyprus agree to seek a solution based upon the relevant United Nations resolutions," including Resolution 939. It does so, moreover, by calling for the complete

demilitarization of an island that the Secretary General of the United Nations has described as "one of the most highly militarized areas in the world."

Mr. Speaker, if any one can tell me why it is not a good idea to demilitarize an island that for years has brought instability to the entire region surrounding it, I would love to hear the explanation. This gesture of goodwill, which was made last year by the Cypriot President Glafcos Clerides, represents a tremendous chance to facilitate a peaceful resolution to a highly volatile situation. A Turkish refusal to act on this proposal can only be read as an unwavering determination by Turkey to ignore the rule of law.

The Turks, however, should know that should they refuse to move on this situation, their determination will be met with an equal resolve by the United States to do whatever it takes to once again see a free and independent Cyprus. As the House's decision earlier this year to cut United States aid to Turkey illustrates, we mean business when we say we want to see this issue resolved consistent with respect for international law. I would urge my colleagues to demonstrate this once again by supporting House Concurrent Resolution 42.

Mr. WYNN. Mr. Speaker, I thank the gentleman for his outstanding remarks.

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

Mr. BEREUTER. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin [Mr. ROTH], a distinguished member of the Committee on International Relations.

Mr. ROTH. Mr. Speaker, I thank my friend from Nebraska for yielding me this time.

Mr. Speaker, I know that it is politically popular to beat up on the Turks, but I think it is also important for us in the U.S. Congress to be evenhanded. Mr. Speaker, this resolution is well-intentioned. All of us would like to see the settlement take place in Cyprus. Unfortunately, this resolution does not contribute anything useful to the long search for the settlement.

For decades, Cyprus has been the object of political and sometimes military tug of war between Greece and Turkey. This resolution could well make it more difficult for a settlement to be reached in Cyprus. First of all, the language in the resolution is slanted against Turkey. Let me give you an example. Those of you who have had a chance to take a look at the resolution, it says, "Whereas, the military occupation by Turkey of a large part of the territory of the Republic of Cyprus has been continued for over 20 years," but there is nothing in here about Greece. That is why I say it is not evenhanded.

The resolution also implies that the United Nations has criticized only Turkish presence, and that is not the case, because the United Nations has called on both sides to withdraw their military forces. The resolution reaches the unfounded conclusion that Turkey's military presence is an obstacle to a negotiated solution in Cyprus.

Let me quote from the resolution. It says, "Whereas, the continued overwhelming presence of more than 30,000 Turkish troops in Cyprus hampers the search for a freely negotiated solution to the dispute regarding Cyprus," and then it goes on, but it says nothing about the Greek troops that are there.

I feel as a Congress we should be evenhanded and look at both sides. The reality is that both Greece and Turkey have a legitimate interest in Cyprus. For the U.S. Congress now to come down on one side in this dispute is both unfair, and I think it is going to be counterproductive.

How will the Turks react to this resolution? Will they be more willing or less willing to negotiate a settlement if they see the U.S. policy as this unfolds here? For that reason alone I think the Congress should not adopt this resolution.

Cyprus is a really tough problem. Everyone understands that. This resolution is, or a resolution like this can be laudatory. If, if, if, we have something useful to offer. Just to adopt a resolution like this I think is just empty rhetoric. Therefore, I think that this is not a good time to pass this resolution.

I also think when you pass a resolution like this again, it should be evenhanded. Despite the good intentions of its sponsors, this resolution will not help Greece and Turkey solve the longstanding dispute over Cyprus.

□ 1240

For that reason, Mr. Speaker, I say that this is not a good resolution for the House to pass.

Mr. GILMAN. Mr. Speaker, this resolution offers a very moderate approach to the thorny issue of Cyprus. The withdrawal of foreign forces from the island is long overdue, and would certainly contribute to a climate conducive to negotiations leading to a settlement along the lines recommended in numerous Security Council resolutions. During our August recess, I had the opportunity to visit Cyprus once again and to view first hand the tragic effects of the prolonged division of the island. People who have been unable to return to their homes and villages for over 20 years. Bitterness and enmity have replaced traditions of togetherness and common purpose among the citizens of Cyprus. It is time to take some substantive measures to break the deadlock, and I strongly believe that total demilitarization should be considered by the leaders of the two communities in Cyprus.

I congratulate the gentleman from New York [Mr. ENGEL] for bringing this measure forward and for all his diligent efforts on behalf of the people of Cyprus. Those of us in this committee and in the House who have been concerned with the tragic situation in Cyprus over the years appreciate the gentleman's contribution.

Mr. PORTER. Mr. Speaker, I rise today to speak about the tragic separation of Cyprus enforced through the ongoing presence of Turkish military troops and to express strong support for the demilitarization of Cyprus as called for in the gentleman from New York's legislation.

Mr. Speaker, for 20 years the Cyprus problem has remained unresolved, despite continual attempts by the United States Government and the United Nations to achieve a solution. Notwithstanding the presence of United Nations peacekeeping forces, there has been little peace in Cyprus. Since 1974, 5 Americans and over 1,600 Greek Cypriots are among the missing and a generation has grown up in Cyprus not knowing peace and unity.

Mr. Speaker, over one-third of the territory of the Cyprus remains under occupation by over 30,000 heavily armed troops. Indeed, United Nations Secretary General Boutros-Ghali has described the northern part of Cyprus as "one of the most highly militarized areas in the world." The Turkish occupation of Cyprus is recognized to be illegal and is in clear violation of numerous United Nations resolutions. Unfortunately, Turkey has recently increased the size of its occupation forces by adding 8,000 additional troops, accompanied by new tanks and armored vehicles. This buildup adds tension and danger to an already unconscionable situation.

Mr. Speaker, since the late 1970's the United Nations, with United States support, has promoted negotiations aimed at creating a Federal, vicommunal, bizonal Republic of Cyprus. Unfortunately these efforts have been unsuccessful. More recently, Cypriot President Clerides has proposed a demilitarization of Cyprus whereby he would completely disband the Cyprus Army in exchange for a withdrawal of Turkish forces from the island. U.N. peacekeepers could then monitor the status quo, at a reduced cost, while negotiations on the future of Cyprus continue. With both parties disarmed, the risk of violence would be reduced and, I think, the potential for progress in negotiations enhanced. This important and timely confidence building proposal by President Clerides should be embraced wholeheartedly by the Turkish Government, the leadership of northern Cyprus, and the United Nations.

Mr. Speaker, Cyprus is an incredibly beautiful island with wonderful, warm people and a rich history that is evidenced by a wealth of important archaeological sites and a beautiful legacy of art and architecture. Unfortunately, as you walk down the winding streets to Nicosia or drive through the Cyprus countryside, you are constantly reminded of the 35,000 troops that loom just beyond the horizon, beyond the U.N. peacekeeping troops, beyond the Green Line that divides Cyprus. The division of Cyprus is a profound tragedy and this Congress should be vigilant in demanding an end to this tragedy. Demilitarization of the Island represents an important step in the right direction and the United States should use all available avenues to exert pressure on the Government of Turkey to see that this step occurs.

Mrs. MALONEY. Mr. Speaker, I proudly rise today as an original cosponsor of House Concurrent Resolution 42. I would also like to

commend Representative ENGEL for his diligence and leadership on this issue. He is a true champion of the Greek-American community.

Over 21 years ago, the world witnessed a brutal and blatantly illegal act of ethnic cleansing. In 1974 hundreds of thousands of Turkish troops invaded the island of Cyprus. In a gross violation of human rights and international law, 200,000 people were expelled from their homes and forced from the land which had been theirs for generations. Tragically, this island remains divided by the continuing shackles of occupation and oppression—35,000 troops continue to occupy 37 percent of the island.

This resolution will put the House of Representatives on record supporting a number of actions which will help solve the continuing problem of Cyprus. The status quo on Cyprus is clearly unacceptable, a fact long accepted by the international community. The framework for a solution to the situation have also long been recognized, and are enshrined in UN Security Council Resolution 939, which reaffirms that a solution must be based on a bizonal and bi-communal federation.

Perhaps most importantly, this resolution calls for the demilitarization of Cyprus. This step would help dramatically to lessen the tensions in the region. This fact has been recognized by Cypriot President Clerides, who has been calling for demilitarization since 1993. Demilitarization would meet the security concerns of all the parties involved. By doing so, demilitarization would enhance the prospects for peaceful and lasting resolution of the Cyprus problem. It would benefit all the people of Cyprus and merits international support.

I would also like to take this opportunity to commend the Clinton administration for all of its hard work on resolving the problem of Cyprus and other important concerns of the Greek-American community. The President has helped to focus international attention on Cyprus with the appointment of Mr. Richard Beattie as his Special Emissary for Cyprus. The resolution of the Cyprus problem is clearly a high priority for the Clinton administration. As the proud representative of the large and vibrant community of Cypriot-Americans in Astoria, Queens, it is a high priority for me as well. With this vote, the whole House is making clear that it regards the resolution of this problem as a critical foreign policy objective.

Mr. GEKAS. Mr. Speaker, on August 2, 1990, Iraq invaded Kuwait which promoted the United States to lead the West in a unified effort to repeal that aggression and show the world it would not stand for such an injustice. While it took the West literally less than 21 hours to respond to this violation of international law, it has taken 21 years for the West to take this first step toward bringing justice to the Island of Cyprus. For this reason, I would like to take a moment and applaud the work of this body for finally taking action and, in doing so, sending a message of hope to the Greek Cypriot people.

Although it has been repeated time and time again on this House floor, I feel that it is important to resurrect the historical background of the illegal Turkish occupation of Cyprus. On July 20, 1974, Turkish troops invaded the island of Cyprus. The occupying force has since escalated into over 30,000 heavily armed troops, occupying nearly 40 percent of the sovereign territory of Cyprus. As a result of this invasion, over 1600 Greek Cypriots are unaccounted for and presumed either imprisoned or dead. As many of us know, there are also five American citizen who were abducted by Turkish forces during the invasion whose fate is still unknown and whose families have been grieving for 21 years, mystified as to why their Nation has done nothing to seek justice for their family members.

The resolution before us is the appropriate resolution for this body to act upon. House Concurrent Resolution 42, of which I am a proud original cosponsor, calls for the total withdrawal of Turkish troops from Cyprus. Without demilitarization that is little hope for meaningful negotiations. Just as we have learned from the situation in the former state of Yugoslavia, an accord can not be reached while weapons are being used as the instrument of communication.

Because we live in a country where personal freedoms and basic human rights are the cornerstone of government, it is incomprehensible for many of us to imagine a family member being dragged away by the secret police, never to be seen again; or to carry-out our daily lives with the threat and fear that comes from such military rule. For 21 years Greek Cypriots have lived under such horror waiting for their day of justice. Mr. Speaker, today we can give these people a taste of this justice by voting "aye" on House Concurrent Resolution 42, and I urge its unanimous adoption.

Mr. TORRICELLI. Mr. Speaker, I am proud to be an original cosponsor of House Concurrent Resolution 42, the Anti-Despotic Practices on Cyprus Act. The impetus for this legislation are the 500 Greek-Cypriots who are forced by the Turkish-Cypriots to live under oppressive conditions without basic freedoms.

The Anti-Despotic Practices on Cyprus Act reaffirms that the status quo on Cyprus is unacceptable and welcomes the appointment of a Special Presidential Emissary for Cyprus. The bill insists that all parties to the dispute regarding Cyprus agree to seek a solution based upon the relevant United Nations [UN] resolutions and reaffirms that all foreign troops should be withdrawn from the Republic of Cyprus. Demilitarization will lessen tensions in the region, meet the security concerns of all parties in an effective way, and help to promote a resolution to this dispute.

The Anti-Despotic Practices on Cyprus Act directs the President to make a determination as to whether United States foreign aid, either through the Economic Support Fund program, the Foreign Military Financing program, or the International Military Education and Training program, is being given to foreign governments who are participating in despotic practices against the people of Cyprus, who are not criminals and who have no association with terrorism.

For more than 20 years, innocent civilians have been limited in their location of worship, their interaction with others, telephone access, free travel, the ability to send and receive mail, access to educations beyond elementary school, the ability to return home after attending college, and access to a fair justice system. Despite continued efforts by the United States Government, the Cyprus problem remains unresolved.

Twenty years of oppression is long enough. The time has come for the United States to make a substantive, legislative mandate and utilize its power to facilitate a peace agreement in this region.

Mr. ENGEL. Mr. Speaker, I rise in support of my resolution, House Concurrent Resolution 42, which calls for the demilitarization of the island of Cyprus. This important resolution was approved by the International Relations Committee on July 19, 1995, by a vote of 24 to 6 and has now garnered almost 90 cosponsors.

As my colleagues are aware, more than one-third of the sovereign territory of the Republic of Cyprus remains under foreign occupation by over 30,000 heavily armed troops. At the same time, a continuing arms buildup on the island is increasingly a matter of serious concern. I strongly believe that demilitarizing Cyprus would lessen tensions in the region, meet the security concerns of all parties, and, thereby, help to promote a settlement of the longstanding dispute.

For over 20 years, the Cyprus problem has remained unresolved, despite continued attempts by the United States Government and the United Nations. Earlier this year, President Clinton appointed a special envoy for Cyprus and sent Assistant Secretary of State Richard Holbrooke to the region in search of a solution. Their efforts were well intentioned, but have been unable as yet to break the deadlock.

A fresh approach is necessary to bridge the gap between the parties. Last year, President Glafcos Clerides of Cyprus unveiled a balanced proposal for the complete demilitarization of the island, which has been well received in the United States and Europe. It is our hope that endorsement of this notion by the Congress will help the parties build a climate within which negotiations can succeed.

A bipartisan group of almost 90 Members of Congress has joined as cosponsors of this legislation, including large majorities of Republicans and Democrats on the International Relations Committee. I would particularly like to thank Rep. BEN GILMAN, chairman of the International Relations Committee, and Rep. LEE HAMILTON, ranking Democrat on the committee, for their support of House Concurrent Resolution 42. I would also like to express my appreciation to Rep. JOHN PORTER, original Republican cosponsor of the legislation, for his support and cooperation as we sought to move the resolution forward.

Having passed the 21st anniversary of the Turkish occupation of Cyprus, I urge the House to pass House Concurrent Resolution 42 and take this moderate, yet forward-looking step to promote a resolution of the longstanding conflict on Cyprus.

Mr. BILIRAKIS. I would like to commend my colleagues—Mr. ENGEL of New York, the sponsor of House Concurrent Resolution 42, and Mr. GILMAN, chairman of the International Relations Committee—for bringing this bill to the floor today. I rise in strong support of this important resolution, which calls for the demilitarization of Cyprus and insists that all parties to the dispute agree to seek a solution based

upon relevant U.N. resolutions, including provisions of Security Council Resolution 939. Resolution 939 reaffirms that a solution of the Cyprus problem should be based upon a state of Cyprus with a single sovereignty, citizenship, and international personality.

Demilitarization is crucial to a satisfactory resolution of the division of this island nation. In fact, this couldn't have been made more clear than in a recent report submitted to the U.N. Security Council regarding its resolution renewing the U.N. peacekeeping force in Cyprus. In that report, U.N. Secretary General Boutros Boutros-Ghali referred to occupied Cyprus as "one of the most highly militarized areas in the world."

Demilitarization would alleviate the security concerns of all parties and substantially enhance the prospects for a peaceful resolution of the problem.

It is evident, Mr. Speaker, that a solution to the 21-year-old problem on Cyprus will not be found until tensions are lessened on the island and the Turkish side agrees to come to the table and negotiate. I am satisfied that the Government of Cyprus remains committed to seeking a peaceful, just, and viable solution. The acceptance by the Turkish side of U.N. Resolution 939 and of Cyprus President Glafcos Clerides' demilitarization proposal would substantially enhance the prospects of a negotiated settlement.

Recently, in my home in Florida, a gentleman said to me that in all the history of the country of Turkey, voluntary negotiations and agreements based on those negotiations are absent. He said, "They don't negotiate."

Turkey has many internal problems. American taxpayer dollars are intended to help them with those problems, not to help them to wage invasions against their neighbors and to illegally occupy other lands.

Common sense, a true caring for their own people, their domestic needs and world opinion all would seem to dictate that Turkey would want to work out a solution to a problem that they just do not need.

I feel that we in the Congress have a responsibility to use our influence to see that Cyprus is made whole again, to rescue the thousands of Greek-Cypriots who have become refugees in the land of their birth. Like those faithful Cypriots in my district and elsewhere, we must do out utmost in this cause.

Again, Mr. Speaker I commend the sponsor of this legislation and his colleagues on the International Relations Committee, and I strongly urge passage of the bill.

Mrs. KELLY. Mr. Speaker, I rise today in strong support of House Concurrent Resolution 42, which officially calls for the demilitarization of Cyprus. This resolution will benefit both Greek and Turkish Cypriots while at the same time serving to ease the tensions in this region.

More than one-third of the sovereign territory of the Republic of Cyprus remains under foreign occupation by over 30,000 armed troops. Demilitarization of the island called for in House Concurrent Resolution 42 is essential if any type of settlement to end this longstanding dispute is to be reached.

Many efforts have been made in the past to resolve the Cyprus problem. These efforts must continue if we are to bridge the gap between the two parties. As late as last year, President Glafcos Clerides of Cyprus unveiled a plan that would demilitarize the island. This proposal should be commended. The United States has also taken steps to facilitate an agreement. Earlier this year, President Clinton appointed a special envoy for Cyprus and dispatched Assistant Secretary of State Richard Holbrooke to the region in hopes of helping to achieve a solution.

House Concurrent Resolution 42 is an important continuation of these efforts. It is a balanced and bipartisan resolution that will help to stabilize the eastern Mediterranean and will benefit all those concerned.

Ms. PELOSI. I rise today in support of House Concurrent Resolution 42, introduced by Representative ENGEL, to promote a peaceful resolution of the occupation of Cyprus. I am proud to be a cosponsor of this important bill and commend Representative ENGLE for his leadership on this issue.

In 1974, in a show of brute strength, Turkey dispatched its forces to begin an illegal occupation of Cyprus. Today, 21 years later, that tragic occupation continues. Despite calls by the United States and the United Nations for the withdrawal foreign troops from Cyprus, Turkish troops remain in Cyprus. And despite a call by the United Nations for this dispute to be resolved based on a single sovereign state of Cyprus, Cyprus remains partitioned along Greek and Turkish ethnic lines. And despite the support by the international community for a peaceful resolution of this conflict by negotiations, Turkish intransigence has, in the past, undermined the good faith atmosphere necessary for a successful conclusion to such talks.

The resolution before us today in straightforward. It places the United States Congress firmly on record in support of a peaceful resolution to the dispute between Turkey and Cyprus; it calls for the withdrawal of all foreign troops from Cyprus; and, it insists that all parties to the dispute seek a solution based on the United Nations framework. House Concurrent Resolution 42 also encourages the demilitarization of Cyprus and urges the U.N. Security Council and the administration to consider alternative approaches to resolving this dispute.

Mr. Speaker, the people of the divided nation of Cyprus have suffered for too long under an illegal occupation. A peaceful resolution to this conflict is long overdue. Withdrawal of foreign troops and the demilitarization of Cyprus are important steps toward restoring peace and harmony to this tragically divided land. I urge my colleagues to support House Concurrent Resolution 42 to put the U.S. Congress on record in support of such action.

Ms. FURSE. Mr. Speaker, with today's passage of House Concurrent Resolution 42 regarding Cyprus, I welcome this opportunity to mention the important work of the Institute for Multi-Track Diplomacy in resolving conflict there. The resolution's encouragement of the U.N. Security Council and the U.S. Government to consider alternative approaches to promote a resolution of the dispute there is especially significant.

I submit for the CONGRESSIONAL RECORD a compilation of the institute's impressive history of achievement in utilizing alternative approaches for bringing about new understandings among Cypriots in both the Greek and Turkish communities.

This model has great potential for resolving this and other seemingly intractable conflicts. I commend it to the attention of my colleagues.

INSTITUTE FOR
MULTI-TRACK DIPLOMACY,
Cyprus, August 14, 1995.

BACKGROUND

Since July 1991, we have been working in partnership with NTL Institute for Applied Behavioral Science to co-sponsor our initiative in Cyprus. The aim is to create a human infrastructure of change agents among thee Turkish- and Greek-Cypriot (TC & GC) communities who can manage a citizen-based, internal, bicommunal process of trust-building, peacebuilding, and reconciliation between two peoples who have been in conflict for decades.

Laying the groundwork for this project took nearly two years and included eight trips to Cyprus by IMTD and NTL staff members. Each of these trips included some form of training related to conflict resolution. We fostered a network of interested and active Greek and Turkish Cypriots who consistently participate in these events. This group is coordinated by a Bicommunal Steering Committee (BSC), which came into existence in November 1992. We created this Committee for the purpose of advising IMTD on this project, but we were elated to discover that it has taken on a life of its own, coordinating other peacebuilding activities on the island in addition to being involved with the IMTD project.

CATALYSTS FOR CHANGE IN CYPRUS

In late July and early August of 1993, IMTD and the NTL Institute held a ten-day intensive training in conflict resolution and intergroup relations in Oxford, England. This marked the transformation of this project into a new stage. Ten Greek Cypriots and ten Turkish Cypriots participated under the guidance of Louise Diamond and three trainers from the fields of conflict resolution and the applied behavioral sciences. The Oxford program was exciting, powerful, emotionally draining, and spiritually uplifting. The training covered many different kinds of concrete skills, ranging from basic communication, to conflict analysis, to project design and implementation. Beyond the cognitive level, the participants also developed friendships, built trust, and began the emotionally painful process of reconciliation.

They translated these learnings into the beginning of several bicommunal projects which they started upon their return to the island. The participants, who began to call themselves "The Oxford Group," returned to Cyprus with increased understanding, and, above all, with a renewed sense of hope—a crucial element of momentum needed to break the patterns of thought and action that keep the Cyprus conflict from being resolved.

CYPRUS CONFLICT MANAGEMENT PROJECT

To maintain this momentum, the Oxford Group asked for a more advanced "training of trainers" program and identified a second group of twenty who were ready to take the base training. This desire to go further, and the obvious success of the Oxford Group, spurred the Cyprus Fulbright Commission to request extensive funding for additional training in conflict resolution in Cyprus. In response to this request, IMTD formed a new consortium, joining resources with NTL and the Conflict Management Group (CMG) of

Cambridge, Massachusetts, in order to provide an extensive series of training programs during the spring and summer of 1994.

In this series, the Cyprus Consortium delivered eight training sessions to over 200 participants. One workshop was for Cyprus American Scholarship Program (CASP) students studying in American universities. Two were for community leaders who are involved in bicommunal activities. There were three sessions for CASP alumni from the thirty years of the program, and one training of trainers program was offered. A special program brought forty public policy leaders, twenty from each community, to the Coolfont Conference Center in West Virginia for intensive training. This expansive project was sponsored by the Cyprus Fulbright Commission and funded by the U.S. Agency for International Development, through Amideast.

An additional benefit of the program was the collaboration between the three different organizations in the Consortium, which proved to be a great laboratory for cross-fertilization on different theories and practices of conflict resolution. Also, an ongoing research and evaluation component is uncovering fascinating data about the effects of these types of training events on the participants and on the larger community to which they return.

Louise Diamond returned to Cyprus in December 1994 with CMG Project Director Diana Chigas to do follow-up work, particularly to conduct evaluation interviews with twenty participants from the Coolfront Public Policy Leaders training. The reports from the participants were enthusiastically positive, as they noted how they were able to use the skills upon returning and how the experience has changed their lives. Several participants wrote articles or appeared on television shows to describe the work publicly and reduce the public suspicion that follows this work in Cyprus.

In early 1995 the Bicommunal Steering Committee officially opened an office in the Ledra Palace Hotel within the UN buffer zone. This provides a physical and institutional base for continuing bicommunal activities, and indicates the degree to which the conflict resolution work has been legitimated and accepted in both communities. Recent events on conflict resolution undertaken by graduates of our programs have attracted large audiences of up to two hundred people. Clearly, our work in Cyprus is bearing fruit.

CURRENT ACTIVITIES

In August 1995 the Cyprus Consortium received a second grant from Amideast and the Cyprus Fulbright Commission—this time to conduct six different training events over a three-year span. In October 1995 we will run an advanced Training of Trainers program, building upon the training of trainers event from the summer of 1994. In 1996, three events are scheduled, including a training for Turkish-and Greek-Cypriot scholarship students in the United States, a training for Greek- and Turkish-Cypriot educators in Cyprus, and a training for Public Policy Leaders, similar to the training we offered in West Virginia last summer. In 1997 we will conduct another scholarship student training, and we will bring a group of Greek- and Turkish-Cypriot High School students to the United States for a conflict resolution summer camp.

The Cyprus Consortium has also received a small grant from the Carnegie Corporation to develop a conflict analysis workshop for public leaders that will build on the work we have already completed. The project staffs at both IMTD and CMG will engage in ongoing research into the development of the conflict case studies, including El Salvador, Northern Ireland, the Israeli-Palestinian conflict, and South Africa. The staff will also continue research on theories developed by IMTD, NTL, and CMG and the Harvard Negotiation Project with the goal of developing training materials that will aid the public policy leaders in their own conflict analysis process. If funding can be secured, a workshop could be planned for as early as spring 1996.

Mr. BURTON of Indiana. Mr. Speaker, I want to express my opposition to House Concurrent Resolution 42.

I would like to call my colleagues' attention to two clauses in this resolution which deserve close scrutiny.

The first is the fifth "Whereas Clause" on page two. It concludes

Whereas the continued overwhelming presence of more than 30,000 Turkish troops on Cyprus hampers the search for a freely negotiated solution to the dispute regarding Cyprus.

The second is the sixth "Resolved Clause" on page three. It affirms that,

The Congress—considers that the demilitarization of the Republic of Cyprus would meet the security concerns of all parties involved, would enhance prospects for a peaceful and lasting resolution of the dispute regarding Cyprus, would benefit all of the people of Cyprus, and merits international support.

I believe both of these clauses are seriously flawed.

With respect to the fifth "Whereas Clause" on page two, I wish the resolution's supporters would say what they really mean—that the 30,000 Turkish troops in the Turkish Republic of Northern Cyprus [TRNC] prevent the Greek Cypriots from unilaterally imposing their own solution to the Cyprus dispute on the Turkish Cypriots.

Calling for the withdrawal of Turkish troops from Cyprus prior to any negotiated settlement which provides for the security of the Turkish Cypriots is absurd. I would dare say that few in this body would ask the Republic of China on Taiwan to disarm as a first step toward promoting the unification of China or suggest that South Koreans should lay down their arms to facilitate the reunification of the Korean peninsula.

While I am not trying to compare the Government of the Republic of Cyprus with North Korea or Communist China, the sad fact is that Turkish Cypriot distrust of Greek Cypriots is every bit as strong as Taiwanese distrust of Communist Chinese or South Korean distrust of North Koreans. This distrust is the result of the terrible repression which they suffered at the hands of Greek Cypriots from 1960 to 1974.

To ignore the legitimate security concerns of the Turkish Cypriot community and to conclude, as this resolution does on page three, in the sixth "Resolved Clause" that the demilitarization of the Turkish Republic of Northern Cyprus [TRNC] would meet the security concerns of all parties involved and would benefit all of the people of Cyprus without also requiring the Republic of Cyprus to make similar confidence-building concessions only reveals the biased nature of this resolution.

If the supporters of this resolution were really concerned about promoting a fair resolution to the Cyprus dispute they would also call on the Governments of the Republic of Cyprus and Greece to end their defacto embargo of the Turkish Republic of Northern Cyprus [TRNC].

While the Republic of Cyprus prefers not to use the word "embargo," because a declared embargo is a form of recognition of the Turkish Republic of Northern Cyprus [TRNC], it has employed numerous tactics designed to impoverish the Turkish Cypriots since 1974.

For example, the Republic of Cyprus declares all Turkish Cypriot airports "illegal." They consider any landing by a foreign carrier as a violation of their air space, and Greek Cypriot air traffic controllers refuse to clear planes for landing in the north. Consequently, no planes from Europe will risk landing in the north. Tourists who wish to visit the north must transit through Turkey. This additional expense and burden have killed the development of a tourist industry. In addition, all overseas mail must be routed through Turkey.

The Republic of Cyprus also declares all Turkish Cypriot seaports illegal. Thus, if a ship docks in the north and afterwards docks at a southern port, its captain is subject to arrest and imprisonment.

The Republic of Cyprus has pressured most foreign countries to declare that export certificates, issued by Turkish Cyprus which vouch for the health and safety of products, are invalid. As a result, most Turkish Cypriot exports must be routed through Turkey, which adds to the cost and has jeopardized the survival of many Turkish Cypriot businesses.

The Greek Cypriot embargo has also hindered growth of international business. Turkish Cypriots, who have applied to be agents of foreign companies and open franchises in the north have been rejected because Greek Cypriots have threatened retaliation against those companies that also have franchises in the Republic of Cyprus and Greece.

Unfortunately, nothing about the Greek Cypriot embargo of the north is mentioned in House Concurrent Resolution 42. If the resolution's supporters really want to promote harmony between the two Cypriot communities, I suggest that they call on the Republic of Cyprus to end its economic embargo against the north before they demand the withdrawal of Turkish troops.

Mr. Chairman, before I conclude, I want to call attention to the most serious problem with this resolution. Like most other resolutions brought before this committee dealing with Cyprus, House Concurrent Resolution 42 glosses over—some may even say purposely ignores—the history of Cyprus prior to 1974. I, therefore, feel compelled to examine the origin of this conflict and specifically the period of 1963–74.

I want to stress to my colleagues that in 1960, when Great Britain relinquished control of the island, a bicommunal government was established with shared leadership by Turkish Cypriots and Greek Cypriots as political equals. Neither community was to dominate the new government. Tragically, right after Britain's departure, the new President of Cyprus, a Greek Cypriot, Archbishop Makarios, began to carry out his plan for union with

Greece. By December 1963, Greek Cypriots had destroyed the bicommunal character of the Republic physically ousting Turkish Cypriot leaders from their elected positions and destroying over 100 Turkish Cypriot villages.

For the next 11 years, Turkish Cypriots, heavily outnumbered by the Greek Cypriots, suffered great losses—human and material—in clashes initiated by Greek Cypriots and fully supported by the Greek Army. One out of every 120 Turkish Cypriots, including women, children, and the elderly, was killed during this period even with U.N. peacekeeping troops present on the island.

Thousands of Turkish Cypriots were forced to flee from their homes to live in enclaves throughout the island and were, in effect, held hostage in their own land without representation in government which was provided them in the 1960 constitution. United States Secretary of State George Ball visited Cyprus in February 1964 and concluded that Greek Cypriots "just wanted to be left alone to kill Turkish Cypriots." Turkey waited for 11 years for help from the world community. None came. By 1974, Turkey could no longer stand by and watch innocent Turkish Cypriots be slaughtered by Greek Cypriots. So Turkey intervened militarily on the island which was completely legal under the 1960 Treaty of Guarantee signed by the Turkish Cypriots, Turkey, Britain, Greece, and the Greek Cypriots. It clearly stated that any of signatures had the right to intervene on Cyprus should the sovereignty of the island be threatened.

Let me emphasize that these troops pose no threat to the southern part of the island. Since the Turkish military intervention concluded in 1974, these troops have never attacked or threatened to attack the south. They are there simply to deter aggression against Turkish Cypriots. Let me also add that unlike Government officials from Greece, who have often made statements saying that Cyprus is rightfully part of Greece, no Turkish officials have ever suggested that Turkey should attempt to annex the whole of Cyprus.

Unfortunately, House Concurrent Resolution 42 completely dismisses the history of Cyprus.

For Turkish Cypriots, the memories of 1960–74 remain vivid. It is absurd to suggest that they should lay down their arms and suddenly trust their age-old nemesis, especially when Greek Cypriots are continuing to try to impoverish them through an economic embargo. I cannot think of another conflict in the world where this committee would put forth such a solution.

I call on my colleagues to reject House Concurrent Resolution 42. This resolution is biased against the Turkish Republic of Northern Cyprus and Turkey. It makes no demands whatsoever of the Republic of Cyprus like lifting its economic embargo against the north, and it completely ignores the history of the island and who is to blame for its division.

Mr. FLANAGAN. Mr. Speaker, I rise in strong support of House Concurrent Resolution 42, of which I am a cosponsor. I am most encouraged that the House unanimously passed this legislation on September 18, 1995. House Concurrent Resolution 42 encourages a resolution to the longstanding dispute regarding Cyprus. It is a step toward securing world peace and will be of benefit to both Greek Cypriots and Turkish Cypriots.

Cyprus has endured the pain of 20 years of political deadlock since Turkey invaded its shores in 1974. Turkey's invasion drove over 200,000 Cypriots from their home, making them refugees in their own land. Over one-third of Cyprus was seized by the Turkish invaders who took 70 percent of the island's economic wealth and resources. Five Americans are part of the more than 2,000 inhabitants that are still missing.

Today, Greek Cypriots, which make up nearly 80 percent of the population, live in the southern two-thirds of the island. Turkish Cypriots live in the Turkish Republic of Northern Cyprus which is only recognized by Turkey. More than one-third of the sovereign territory of the Republic of Cyprus is under occupation by over 30,000 heavily armed troops. As the resolution points out, the Secretary General of the United Nations has stated that the occupied part of Cyprus is one of the most highly militarized areas in the world. Demilitarization of Cyprus, which is called for in House Concurrent Resolution 42, would reduce tension and help promote resolution of this over 20-year-old dispute.

Many sincere attempts have been made over the past years to resolve the Cyprus problem, but to no avail. Despite their best efforts, Presidents of both parties have been vexed by the situation. It is time for a new approach. Last year, President Glafcos Clerides of Cyprus unveiled a proposal for demilitarization which is, in part, incorporated into House Concurrent Resolution 42.

The House has sent out a clear message that the status quo on Cyprus is unacceptable and the resolution of the problem must be achieved. House Concurrent Resolution 42 is a well-reasoned bipartisan measure that will help to stabilize the eastern Mediterranean and benefit all, including the United States of America.

Mr. BURR. Mr. Speaker, I am proud to cosponsor and support House Concurrent Resolution 42, a measure to end the longstanding dispute regarding Cyprus. Over 20 years ago, the Turkish Army invaded the island of Cyprus, seizing over 30 percent of the island's land and approximately 70 percent of the island's wealth. This action caused more than 200,000 Cypriots to be driven from their homes and made them refugees in their own country.

Today, Turkey continues to maintain a force of over 35,000 troops on the island of Cyprus. Although this force was only supposed to stay to protect the Turkish-Cypriot minority for a short time, we are now beginning the third decade of Turkish occupation. This has led some observers to call this area one of the most highly militarized areas of the world.

Last year, in an effort to break this deadlock, Cypriot President Glafcos Clerides offered to totally demilitarize the island by dismantling his army with the understanding the Turkish Army would withdraw and work toward an agreement to unify the island and bring about a peaceful resolution to this longstanding and difficult problem. President Clerides' plan has received widespread support and international acclaim. The United Nations and the European Union have already stated their support for this plan and I am glad to see the House of Representatives join in this effort.

This resolution is a balanced, fair, and bipartisan effort to support a peaceful resolution to the problem in Cyprus and to bring peace and stability to the eastern Mediterranean. I am proud to rise in support of this measure. It is in the best interest of the people of Cyprus, the people of the eastern Mediterranean, and the people of the United States. I urge a yes vote on House Concurrent Resolution 42.

Mr. FORBES. Mr. Speaker, as an original cosponsor of House Concurrent Resolution 42, I am most pleased that this important piece of legislation passed the House last Monday. This resolution will benefit both Greek Cypriots and Turkish Cypriots alike while serving the national security and economic interests of the United States.

More than one-third of the sovereign territory of the Republic of Cyprus remains under foreign occupation by over 30,000 heavily armed Turkish troops. Demilitarization of the island called for in House Concurrent Resolution 42 will lessen tensions in the region and help to promote a settlement of the longstanding dispute.

Many efforts have been made in the past to resolve the Cyprus problem and I believe a fresh approach is necessary to bridge the gap between the two parties. Last year, President Glafcos Clerides of Cyprus unveiled a proposal for demilitarization which is incorporated in part in House Concurrent Resolution 42.

The resolution has been balanced and bipartisan from the start. Monday's vote will help to stabilize the eastern Mediterranean and will benefit all concerned including the United States of America.

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

The SPEAKER pro tempore (Mr. CLINGER). The question is on the motion offered by the gentleman from Nebraska [Mr. BEREUTER] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 42, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the resolution just agreed to.

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

There was no objection.

RELATING TO THE UNITED STATES-NORTH KOREA AGREED FRAMEWORK

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 83) relating to the United States-North Korea Agreed

Framework and the obligations of North Korea under that and previous agreements with respect to the denuclearization of the Korean Peninsula and dialog with the Republic of Korea, as amended.

The Clerk read as follows:

H.J. RES. 83

Whereas the United States-Democratic People's Republic of Korea Agreed Framework ("Agreed Framework"), entered into on October 21, 1994, between the United States and North Korea, requires North Korea to stop and eventually dismantle its graphite-moderated nuclear reactor program and related facilities, and comply fully with its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons, in exchange for alternative energy sources, including interim supplies of heavy fuel oil for electric generators and more proliferation-resistant light water reactor technology;

Whereas the Agreed Framework also commits North Korea to "consistently take steps to implement the North-South Joint Declaration on the Denuclearization of the Korean Peninsula" and "engage in North-South" dialogue with the Republic of Korea;

Whereas the Agreed Framework does not indicate specific criteria for full normalization of relations between the United States and North Korea, and does not link the sequencing of actions in the Agreed Framework with any time-frame for carrying out the provisions of the North-South Joint Declaration on the Denuclearization of the Korean Peninsula and carrying out the dialogue between North Korea and the Republic of Korea;

Whereas the commitment by North Korea to carry out the letter and spirit of the Agreed Framework has been put into doubt by actions of North Korea since October 21, 1994, including the suspected diversion of United States heavy fuel oil in apparent contravention of the agreed purpose of the interim fuel deliveries, the resistance to accepting light water reactors from the Republic of Korea, the harsh denunciations of the Government of the Republic of Korea and other actions contrary to the commitment by North Korea to engage in a dialogue with such Government, and the continued conduct of provocative, offensive oriented military exercises; and

Whereas the nuclear threat posed by North Korea is just one of a number of security concerns of the United States arising out of the policies of North Korea: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLARIFICATION OF NUCLEAR NON-PROLIFERATION OBLIGATIONS OF NORTH KOREA UNDER THE AGREED FRAMEWORK.

It is the sense of the Congress that in discussions or negotiations with the Government of North Korea pursuant to the implementation of the United States-Democratic People's Republic of Korea Agreed Framework (in this joint resolution referred to as the "Agreed Framework") entered into on October 21, 1994, the President should uphold the following minimum conditions relating to nuclear nonproliferation:

(1) All spent fuel from the graphite-moderated nuclear reactors and related facilities of North Korea should be removed from the territory of North Korea as is consistent with the Agreed Framework.

(2) The International Atomic Energy Agency should have the freedom to conduct any and all inspections that it deems necessary to fully account for the stocks of plutonium and other nuclear materials in North Korea, including special inspections of suspected nuclear waste sites before any nuclear components controlled by the Nuclear Supplier Group Guidelines are delivered for a light water reactor for North Korea.

(3) The dismantlement of all declared graphite-based nuclear reactors and related facilities in North Korea, including reprocessing units, should be completed in accordance with the Agreed Framework and in a manner that effectively bars in perpetuity any reactivation of such reactors and facilities.

(4) The United States should suspend actions described in the Agreed Framework if North Korea attempts to reload its existing 5 megawatt nuclear reactor or resumes construction of nuclear facilities other than those permitted to be built under the Agreed Framework.

SEC. 2. ROLE OF THE REPUBLIC OF KOREA UNDER THE AGREED FRAMEWORK.

It is further the sense of the Congress that the Republic of Korea should play the central role in the project to provide light water reactors to North Korea under the Agreed Framework.

SEC. 3. FURTHER STEPS TO PROMOTE UNITED STATES SECURITY AND POLITICAL INTERESTS WITH RESPECT TO NORTH KOREA.

It is further the sense of the Congress that, after the date of the enactment of this joint resolution, the President should not take further steps toward upgrading diplomatic relations with North Korea beyond opening liaison offices, or relaxing trade and investment barriers imposed against North Korea without—

(1) action by the Government of North Korea to engage in a North-South dialogue with the Government of the Republic of Korea;

(2) significant progress toward implementation of the North-South Joint Declaration on the Denuclearization of the Korean Peninsula; and

(3) progress toward the achievement of several long-standing United States policy objectives regarding North Korea and the Korean Peninsula, including—

(A) reducing the number of military forces of North Korea along the Demilitarized Zone and relocating such military forces away from the Demilitarized Zone;

(B) prohibiting any movement by North Korea toward the deployment of an intermediate range ballistic missile system; and

(C) prohibiting the export by North Korea of missiles and other weapons of mass destruction, including related technology and components.

SEC. 4. RESTRICTIONS ON ASSISTANCE TO NORTH KOREA AND THE KOREAN PENINSULA ENERGY DEVELOPMENT ORGANIZATION.

(a) IN GENERAL.—Chapter 1 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2370 et seq.) is amended by adding at the end the following new section:

"SEC. 620G. ASSISTANCE TO NORTH KOREA AND THE KOREAN PENINSULA ENERGY DEVELOPMENT ORGANIZATION.

"(a) IN GENERAL.—No assistance may be provided under this Act or any other provision of law to North Korea or the Korean Peninsula Energy Development Organization unless—

"(1) such assistance is provided in accordance with all requirements, limitations, and procedures otherwise applicable to the provision of such assistance for such purposes; and

"(2) the President—

(A) notifies the congressional committees specified in section 634(a) of this Act prior to the obligation of such assistance in accordance with the procedures applicable to reprogramming notifications under that section, irrespective of the amount of the proposed obligation of such assistance; and

"(B) determines and reports to such committees that the provision of such assistance is vital to the national interests of the United States.

"(b) EXCEPTION.—The requirement of subsection (a)(2) shall not apply with respect to assistance authorized to be appropriated and appropriated for North Korea or the Korean Peninsula Energy Development Organization.".

(b) EFFECTIVE DATE.—Section 620G of the Foreign Assistance Act of 1961, as added by subsection (a), applies with respect to assistance provided to North Korea or the Korean Peninsula Energy Development Organization on or after the date of the enactment of this joint resolution.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska [Mr. BEREUTER] will be recognized for 20 minutes, and the gentleman from Indiana [Mr. HAMILTON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Nebraska [Mr. BEREUTER].

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

Mr. Speaker, the behavior of the isolated, authoritarian Communist regime in North Korea continues to remind us that important American nonproliferation and regional security interests remain at great risk notwithstanding the October 1994 United States-DPRK Agreed Framework. North Korea remains an outlaw state that will not easily adapt itself to international norms. This has been underscored by Pyongyang's bitter resistance to accepting light water reactor technology from South Korea under the October 1994 accord, recent steps by North Korea that would have the effect of unilaterally undermining the Military Armistice Commission [MAC] that supervises the truce along the demilitarized zone [DMZ], and continued refusal to engage in normalization talks with the Republic of Korea, in the South.

In theory, the October 1994 framework agreement provides a mechanism for reining in Pyongyang's nuclear weapons program and addressing other United States security concerns regarding the Korean Peninsula. With the North Koreans, however, nothing is ever simple or settled. In June, Assistant Secretary of State Winston Lord noted at a regional security hearing before the Subcommittee on Asia and the Pacific that "We're going to have a very arduous journey in the next 10 or 15 years in implementing the Agreed Framework."

North Korea's confrontational behavior continues to raise fundamental questions about whether Pyongyang is acting in good faith. North Korea has diverted some of the United States-supplied heavy oil that we already have

delivered under the terms of the agreement, and the North has continued its relentless political attacks against our ally, South Korea. North Korea continues to make new and outrageous demands, including a demand for a billion dollars in additional assistance to enhance its power grid and for other purposes. Its implicit agreement that a South Korean firm will be the prime contractor for the project under the management of the Korean Peninsula Energy Development Organization [KEDO], negotiated at Kuala Lumpur this summer, remains to be tested.

House Joint Resolution 83 was introduced by this Member, together with my friend and distinguished subcommittee colleague from California, Mr. KIM, and was marked up by the full House International Relations Committee on June 29, The resolution provides policy guidance to the administration as it seeks to engage with North Korea. Not incidentally, the resolution will also send a signal from the Congress to Pyongyang that there can be no deviation from the terms of the United States-DPRK agreement. The resolution is similar to language adopted by the full House in action on H.R. 1561. The most important exception is a small but important change to section 4, which is intended to alleviate the administration's concerns that the resolution not impose a reprogramming notification requirement in regard to funds specifically authorized and appropriated by Congress for KEDO.

Despite the fact that the resolution is imbedded in the American Overseas Interests Act, there are compelling reasons to adopt it separately. Passage of the resolution will be a fitting expression of congressional support for our ally of more than five decades, the Republic of Korea, recently commemorated during the visit of President Kim Yong-sam to attend the dedication of the Korean War Veterans Memorial last July.

I believe that there is nothing on this issue that we in Congress can do which is more important than to go on record to emphasize the continuing concern of the United States for maintaining the peace and stability of the Korean Peninsula, and to categorically insist that South Korea must be allowed to play a central role in arrangements negotiated by the United States to address the problem of North Korea's nuclear program.

Because this issue is so important, this Member will take a moment to explain more precisely what this legislation does.

House Joint Resolution 83 has 4 major sections, addressing 4 concerns:

First, it spells out minimum objectives for United States nonproliferation policy in regard to North Korea's obligations under the United States-DPRK Agreed Framework. This is necessary to make explicitly clear that there can be no retreat from what is in the agreement regarding North Korea's obligations, and to clarify where Congress stands on issues that the administration may possibly consider as still subject to future negotiation.

Second, it insures that our longstanding ally South Korea remains a key player in the accord by reaffirming that the Republic of Korea is the only acceptable source for the light water reactors that are to be provided to North Korea under the accord.

Third, House Joint Resolution 83 establishes minimum preconditions for further moves toward relaxing United States trade sanctions and normalizing relations with North Korea. These include a requirement that North Korea engage in dialog with the South per a 1992 North-South Agreement, and also the North-South agreement on Korean Peninsula denuclearization. It also conditions further steps toward normalization on progress toward the achievement of longstanding United States goals of reducing the military threat posed by North Korea's excessive military forces, its ballistic missile programs and its exports of ballistic missiles and other weapons of mass destruction.

This latter point is important. In my view and that of many other Members of Congress and security policy experts, the administration has been understandably focused but unduly focused on containing North Korea's nuclear program and avoiding the need to seek international economic sanctions, and not enough focused on broader United States security concerns regarding the North.

Fourth, House Joint Resolution 83 imposes notification requirements on the use of reprogrammed funds to support the agreement, by establishing the same terms and conditions regarding authorizations and appropriations from non-Foreign Assistance Act sources as would apply to assistance provided to North Korea under the Foreign Assistance Act. This includes the notification of any reprogramming actions to the House International Relations Committee and the Senate Foreign Relations Committee, no matter from what source the funding is obtained, and full justification for assistance provided under waiver authority to provisions of the Foreign Assistance Act that otherwise would prohibit such assistance.

Mr. Speaker, this Member thanks the chairman of the International Relations Committee, the distinguished gentleman from New York [Mr. GILMAN], for his support and assistance in crafting this legislation. The chairman's staff provided invaluable assistance in addressing many of the issues in House Joint Resolution 83.

In addition, this Member would assure all of his colleagues that every effort has been made to make this a bipartisan initiative. This Member would point to the very constructive additions made by the ranking Democrat on the Asia and Pacific Subcommittee, distinguished gentleman from California [Mr. BERMAN].

Mr. Speaker, this is indeed a very important, long-term policy issue that merits a firm statement of congressional will. The North Korean nuclear issue is certainly, quite arguably, the most dangerous and unpredictable challenge facing us today. The resolution provides needed policy guidance to the administration, protects the interests of our ally, South Korea, broadens the scope of United States policy concerns, and protects the jurisdictional interests of this body.

I urge the House to adopt the joint resolution.

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

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

Mr. Speaker, I rise in opposition to this resolution. I regret the necessity to do that. I do think that the distinguished gentleman from Nebraska [Mr. BEREUTER], the author of the resolution, has really worked very hard to meet many of the objections of our side, and I think he has met a number of them that we originally had. Nonetheless, for my part at least, the resolution still amounts to a unilateral rewriting of the United States-North Korean agreed framework.

It is important to point out, I think, that the administration opposes this resolution. It is also important to point out that the agreement, the North Korean agreed framework with the United States, has served United States interests very well. It perhaps is worth remembering that before the negotiations got under way, there were many respected voices in this town calling for bombing North Korea, but that agreement has been struck, and it serves United States interests well. Because of this agreement North Korea has shut down its only operating reactor. It has halted construction on two new reactors. It has sealed its reprocessing facility and stopped construction on a new reprocessing line. It has refrained from reprocessing the spent fuels in its possession. It has given the IAEA inspectors and U.S. technicians access to nuclear facilities, and it has agreed not only to resume IAEA inspections, but to go beyond its obligations under the nonproliferation treaty and forgo reprocessing altogether.

Mr. Speaker, dealing with North Korea of course is never easy, but this resolution makes the President's job all the more difficult. House Joint Resolution 83 adds new conditions which North Korea must meet before the United States can take further steps to upgrade our diplomatic relations or economic relations with the North.

Now all of us want North Korea to take those steps, and all of us hope

that North Korea will do so. But these steps, it should be very clear to all, go beyond what is called for in the agreed framework by loading up the agreement with new unilaterally imposed conditions. This resolution lessens the prospects of that agreement's success, and then we could be back in the midst of a full-scale nuclear crisis with a North Korea leading to sanctions, escalation, and perhaps the bombing that some people were asking for only a few months ago.

I urge my colleagues not to allow the pursuit of an ideal outcome to destroy a good agreement that is working and working in the interests of the United States. Remember, since October 1994, North Korea's nuclear program has been frozen in its tracks. I do not thank we should jeopardize the agreement that has achieved this success, and I urge a "no" vote on this resolution.

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

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

Mr. Speaker, my colleagues, I have great respect for the gentleman from Indiana [Mr. HAMILTON], the ranking minority member of the committee. I regret the fact that he rises in opposition to the resolution, but I appreciate his kind words, and I would have to say in response just a reminder to my colleagues.

The gentleman from Indiana; I know he is aware of this fact, that the elements to which he objects are contained in a sense-of-the-Congress section, section 3, and in fact those items that we list as being important, things that should not be forgotten in this whole process, such as the continued focus on accelerating North-South dialog, all of these are existing policy supported by this administration and previous administrations, and I dare say the majority in Congress, and I would say further that in a sense-of-the-Congress resolution, it does not in any fashion object to the diplomatic relations that have been established with North Korea, although many Members do object to that fact. It says that the President should not take further steps toward upgrading diplomatic relations.

Finally, Mr. Speaker, I would say that I regard this resolution as strengthening the hand of the administration in negotiating with the North Koreans and assuring that we keep their feet to the fire and that we do verify their compliance with the agreement. I think it strengthens the hand of the administration in this respect. In fact, I would not offer it if I did not feel very strongly that it was the case, Mr. Speaker.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Wisconsin [Mr. ROTH], who by his experience and involvement is quite an expert on the Korean Peninsula.

Mr. ROTH. Mr. Speaker, I appreciate the gentleman's kind remarks, and I compliment him for the fine job he is doing in managing this legislation. I, too, am sorry to hear that the administration is opposed to this resolution. The reason I say that is this resolution, as I see it, only reemphasizes the points in our agreement with North Korea, and all we are saying is that we expect the North Koreans to live up to that agreement, and so I cannot see why the administration would be opposed to this resolution.

Mr. Speaker, all of us in this House would like to think that this resolution is unnecessary. But the North Koreans have displayed, time after time, that they cannot be trusted. Now they have lied, they have stalled, and they have cheated for too many years, and for us not to be alert to this skullduggery I think would be unwise.

It is important for the Congress to send a clear message, and this is a message to both the North Koreans and to our allies in the South. Basically what we are saying is that this resolution underscores that Congress is steadfast in that first, the terms of last October's agreement are the absolute minimum acceptable; secondly, that North Korea will not be allowed to divide us from South Korea. In this regard any further steps toward normalization must be linked to real progress in North-South dialog. Third, the only acceptable source for two nuclear reactors is South Korea; and, fourth, our other military and political objective for the Korean Peninsula will not be neglected or even bargained with. Fifth, Congress retains final authority under any expenditures in support of this agreement.

Apparently this last point has caused some controversy with the administration, and, to be honest with my colleagues, I am surprised. Under the current law we already require congressional notification and a waiver for any such use in the 150 account. It is natural that we require the same here. this resolution simply insures that the President is up front with the congress and with the U.S. taxpayers. this is what I call a sunshine provision. Everyone should know what is in it; everyone should live up to the terms.

Mr. Speaker, I cannot see any reason why anyone would be opposed to this resolution, and so I want to, in conclusion, thank my friend from Nebraska for bringing this resolution to the floor. He has presented and provided a needed opportunity to underscore the underlying and unyielding support for South Korea and for the United States vital interests in the Korean Peninsula. North Korea should have no delusions. We are resolute as a Congress, and as a people we will live up to these commitments, and we expect the North Koreans to live up to those commitments also.

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

First I thank the gentleman from Wisconsin [Mr. ROTH] for his kind remarks and for the information that he conveyed to our colleagues, which is very important, about our resolve to see that North Koreans live with the agreement and that we not backpedal in any way on our commitment that there be a North-South dialog and that we not permit the North Koreans to divide the Republic of Korea, South Korea, and the United States.

Mr. KIM. Mr. Speaker, I rise in strong support of House Joint Resolution 83, the resolution relating to the United States-North Korea Agreed Framework. As the only Korean-American in Congress, I am proud to have sponsored this measure with Asia Subcommittee chairman DOUG BEREUTER.

In October 1994, when the administration first unveiled the United States-North Korea Agreed Framework, many praised it as the beginning of the end to a perilous nuclear crisis in the Pacific rim. Unfortunately, I did not share that same optimism. In fact, I felt that the agreed framework was yet another effort to appease North Korea at the expense of the national security interests of both the United States and our ally, the Republic of Korea. It looked to me like the United States was obligated to give more than it received in return.

In that regard, I was pleased to help sponsor House Joint Resolution 83 because it defines the specific direction which the administration must follow in its dealings with North Korea, rather than allowing that direction to be dictated by the leadership in Pyongyang. Most important of all is the stipulation that a North-South dialog be of the highest priority to ensure a reduction in the hostilities between the two governments in the hopes of long-term peace on the peninsula.

I think it is important that this Congress, and this administration, send a clear message to North Korea by setting forth a blueprint of what we will accept as positive progress. And, with House Joint Resolution 83 we make it clear that without such progress, we will not provide North Korea with the economic and political benefits they want. Therefore, I ask all of my colleagues to support the immediate passage of House Joint Resolution 83 so that we set a clear plan of action with respect to North Korea.

Mr. GILMAN. Mr. Speaker, I commend the distinguished chairman of our subcommittee on Asia and the Pacific, Mr. BEREUTER, for bringing this resolution before the House. I also commend the distinguished ranking member of the subcommittee, Mr. BERMAN, for his helpful contributions.

The substance of the resolution has, of course, already passed the House as part of H.R. 1561, the American Overseas Interests Act, and so I expect it to receive broad bipartisan support today.

The resolution serves two useful purposes. First, it articulates the views of the Congress with respect to the October 21, 1994, agreed framework between the United States and North Korea under which North Korea is to suspend and then dismantle its nuclear program in exchange for deliveries of heavy fuel

oil and construction in North Korea of two 1,000 megawatt light water nuclear reactors.

The resolution does not criticize or reject the agreed framework, but it does sound several cautionary notes about implementation of the agreement. In particular, it urges that the agreed framework be implemented in a manner consistent with United States interests; that South Korea have a central role in implementing the agreed framework; and that the United States not take further steps to normalize our relations with North Korea until North Korea improves its behavior in other areas of concern to us, such as implementing the North-South Joint Declaration on the Denuclearization of the Korean Peninsula, curtailing ballistic missile exports, and reducing tensions along the DMZ.

The second purpose of the resolution is to ensure that all United States foreign assistance that is provided to North Korea or the Korean Peninsula Energy Development Organization pursuant to the agreed framework is provided under the same terms and conditions that govern all other United States foreign assistance. This is necessary because the administration has already on two occasions sought to deliver assistance to North Korea from funds not subject to the terms and conditions of the Foreign Assistance Act—in one case from Defense Department funds, and in the other from Energy Department funds.

House Joint Resolution 83 will make an important contribution to the Congress' ability to oversee implementation of the agreed framework, and I urge its adoption.

Mr. BEREUTER. Mr. Speaker, I have no further requests for time.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska [Mr. BEREUTER] that the House suspend the rules and pass the joint resolution, House Joint Resolution 83, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the joint resolution just passed.

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

There was no objection.

□ 1259

MEDAGOGUES

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

Mr. GOSS. Mr. Speaker, it is not only House Republicans that are questioning the barrage of scare tactics on Medicare that are being presented by the Democrats and certain of their special interest associates. Last week's Washington Post editorial entitled "Medagogues" puts the entire Medicare debate into perspective by comparing the two parties on this critical issue.

Mr. Speaker, as you may be able to see from this copy, the Post finds the Republican plan to be credible, gutsy, and, in some respects, inventive. It addresses a genuine problem that is only going to get worse, as we all know. What the Democrats have, instead, is a lot of expostulation, TV ads, and scare talk, so says the Washington Post.

The Post is not generally given to commenting so harshly about Democrats. The Post goes on to wonder about how the Democrats propose to finance Medicare without real structural change. They conclude that they are listening in vain for a real response from the Democrats.

Mr. Speaker, I join with the Post to call on my Democratic colleagues to abandon the politics of fear and join us in saving Medicare for current and future beneficiaries. The country needs it and we can do it.

RECESS

The SPEAKER pro tempore (Mr. CLINGER). Pursuant to clause 12 of rule I, the Chair declares the House in recess until 3 p.m.

Accordingly (at 1 o'clock p.m.), the House stood in recess until 3 p.m.

□ 1500

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. FOLEY) at 3 p.m.

RYAN WHITE CARE ACT AMENDMENTS OF 1995

Mr. BILIRAKIS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1872) 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, as amended.

The Clerk read as follows:

H.R. 1872

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 "Ryan White CARE Act Amendments of 1995".

SEC. 2. REFERENCES.

Whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to that section or other provision of the Public Health Service Act (42 U.S.C. 201 et seq.).

TITLE I—EMERGENCY RELIEF FOR AREAS WITH SUBSTANTIAL NEED FOR SERVICES

SEC. 101. ESTABLISHMENT OF PROGRAM OF GRANTS.

(a) NUMBER OF CASES; DELAYED APPLICABILITY.—Effective October 1, 1996, section 2601(a) (42 U.S.C. 300ff-11) is amended—

(1) by striking "subject to subsection (b)" and inserting "subject to subsections (b) through (d)"; and

(2) by striking "metropolitan area" and all that follows and inserting the following: "metropolitan area for which there has been reported to the Director of the Centers for Disease Control and Prevention a cumulative total of more than 2,000 cases of acquired immune deficiency syndrome for the most recent period of five calendar years for which such data are available.".

(b) OTHER PROVISIONS REGARDING ELIGIBILITY.—Section 2601 (42 U.S.C. 300ff-11) is amended by adding at the end thereof the following subsections:

"(c) REQUIREMENTS REGARDING POPULATION.—

"(1) NUMBER OF INDIVIDUALS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary may not make a grant under this section for a metropolitan area unless the area has a population of 500,000 or more individuals.

"(B) LIMITATION.—Subparagraph (A) does not apply to any metropolitan area that was an eligible area under this part for fiscal year 1995 or any prior fiscal year.

"(2) GEOGRAPHIC BOUNDARIES.—For purposes of eligibility under this part, the boundaries of each metropolitan area are the boundaries that were in effect for the area for fiscal year 1994.

"(d) CONTINUED STATUS AS ELIGIBLE AREA.—Notwithstanding any other provision of this section, a metropolitan area that was an eligible area under this part for fiscal year 1996 is an eligible area for fiscal year 1997 and each subsequent fiscal year.".

(c) CONFORMING AMENDMENT REGARDING DEFINITION OF ELIGIBLE AREA.—Section 2607(1) (42 U.S.C. 300ff-17(1)) is amended by striking "The term" and all that follows and inserting the following: "The term 'eligible area' means a metropolitan area meeting the requirements of section 2601 that are applicable to the area.".

SEC. 102. HIV HEALTH SERVICES PLANNING COUNCIL.

(a) ESTABLISHMENT.—Section 2602(b)(1) (42 U.S.C. 300ff-12(b)(1)) is amended—

(1) in subparagraph (A), by inserting before the semicolon the following: ", including federally qualified health centers";

(2) in subparagraph (D), by inserting before the semicolon the following: "and providers of services regarding substance abuse";

(3) in subparagraph (G), by inserting before the semicolon the following: "and historically underserved groups and subpopulations";

(4) in subparagraph (I), by inserting before the semicolon the following: ", including the State medicaid agency and the agency administering the program under part B";

(5) in subparagraph (J), by striking "and" after the semicolon;

(6) by striking subparagraph (K); and

(7) by adding at the end the following subparagraphs:

"(K) grantees under section 2671, or, if none are operating in the area, representatives of organizations in the area with a history of serving children, youth, women, and families living with HIV; and

"(L) grantees under other HIV-related Federal programs.".

(b) DUTIES.—Section 2602(b)(3) (42 U.S.C. 300ff-12(b)(3)) is amended—

(1) by striking "The planning" in the matter preceding subparagraph (A) and all that follows through the semicolon at the end of subparagraph (A) and inserting the following: "The planning council under paragraph (1) shall carry out the following:

"(A) Establish priorities for the al'ocation of funds within the eligible area based on the following factors:

"(i) Documented needs of the HIV-infected population.

"(ii) Cost and outcome effectiveness of proposed strategies and interventions, to the extent that such data are reasonably available.

"(iii) Priorities of the HIV-infected communities for which the services are intended.

"(iv) Availability of other governmental and nongovernmental resources.";

(2) in subparagraph (B)—

(A) by striking "develop" and inserting "Develop"; and

(B) by striking "; and" and inserting a period;

(3) in subparagraph (C)—

(A) by striking "assess" and inserting "Assess";

(B) by striking "rapidly"; and

(C) by inserting before the period the following: ", and assess the effectiveness, either directly or through contractual arrangements, of the services offered in meeting the identified needs"; and

(4) by adding at the end the following subparagraphs:

"(D) Participate in the development of the statewide coordinated statement of need initiated by the State health department (where it has been so initiated).

"(E) Obtain input on community needs through conducting public meetings.".

(c) GENERAL PROVISIONS.—Section 2602(b) (42 U.S.C. 300ff-12(b)) is amended by adding at the end the following paragraph:

"(4) GENERAL PROVISIONS.—

"(A) COMPOSITION OF COUNCIL.—The planning council under paragraph (1) shall (in addition to requirements under such paragraph) reflect in its composition the demographics of the epidemic in the eligible area involved, with particular consideration given to disproportionately affected and historically underserved groups and subpopulations. Nominations for membership on the council shall be identified through an open process, and candidates shall be selected based on locally delineated and publicized criteria. Such criteria shall include a conflict-of-interest standard for each nominee.

"(B) CONFLICTS OF INTEREST.—

"(i) The planning council under paragraph (1) may not be directly involved in the administration of a grant under section 2601(a). With respect to compliance with the preceding sentence, the planning council may not designate (or otherwise be involved in the selection of) particular entities as recipients of any of the amounts provided in the grant.

"(ii) An individual may serve on the planning council under paragraph (1) only if the individual agrees to comply with the following:

"(I) If the individual has a financial interest in an entity, and such entity is seeking amounts from a grant under section 2601(a), the individual will not, with respect to the purpose for which the entity seeks such amounts, participate (directly or in an advisory capacity) in the process of selecting entities to receive such amounts for such purpose.

"(II) In the case of a public or private entity of which the individual is an employee, or a public or private organization of which the individual is a member, the individual will not participate (directly or in an advisory capacity) in the process of making any decision that relates to the expenditure of a grant under section 2601(a) for such entity or organization or that otherwise directly affects the entity or organization.".

SEC. 103. TYPE AND DISTRIBUTION OF GRANTS.

(a) FORMULA GRANTS BASED ON RELATIVE NEED OF AREAS.—Section 2603(a) (42 U.S.C. 300ff-13(a)) is amended—

(1) in paragraph (1)—

(A) in the second sentence, by inserting ", subject to paragraph (4)" before the period; and

(B) by adding at the end the following sentence: "Grants under this paragraph for a fiscal year shall be disbursed not later than 60 days after the date on which amounts appropriated under section 2677 become available for the fiscal year, subject to any waivers under section 2605(d).";

(2) in paragraph (2), by amending the paragraph to read as follows:

"(2) ALLOCATIONS.—Of the amount available under section 2677 for a fiscal year for making grants under section 2601(a)—

"(A) the Secretary shall reserve 50 percent for making grants under paragraph (1) in amounts determined in accordance with paragraph (3); and

"(B) the Secretary shall, after compliance with subparagraph (A), reserve such funds as may be necessary to carry out paragraph (4).";; and

(3) by adding at the end the following paragraph:

"(4) MAXIMUM REDUCTION IN GRANT.—In the case of any eligible area for which a grant under paragraph (1) was made for fiscal year 1995, the Secretary, in making grants under such paragraph for the area for the fiscal years 1996 through 2000, shall (subject to the extent of the amount available under section 2677 for the fiscal year involved for making grants under section 2601(a)) ensure that the amounts of the grants do not, relative to such grant for the area for fiscal year 1995, constitute a reduction of more than the following, as applicable to the fiscal year involved:

"(A) 1 percent, in the case of fiscal year 1996.

"(B) 2 percent, in the case of fiscal year 1997.

"(C) 3 percent, in the case of fiscal year 1998.

"(D) 4 percent, in the case of fiscal year 1999.

"(E) 5 percent, in the case of fiscal year 2000.".

(b) SUPPLEMENTAL GRANTS.—Section 2603(b) (42 U.S.C. 300ff-13(b)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking "Not later than" and all that follows through "section 2605(b)—" and inserting the following: "After allocating in accordance with subsection (a) the amounts available under section 2677 for grants under section 2601(a) for a fiscal year, the Secretary, in carrying out section 2601(a), shall from the remaining amounts make grants to eligible areas described in this paragraph. Such grants shall be disbursed not later than 150 days after the date on which amounts appropriated under section 2677 become available for the fiscal year. An eligible area described in this paragraph is an eligible area whose application under section 2605(b)—";

(B) in subparagraph (D), by striking "and" after the semicolon;

(C) in subparagraph (E), by striking the period at the end and inserting "; and"; and

(D) by adding at the end thereof the following subparagraph:

"(F) demonstrates the manner in which the proposed services are consistent with the local needs assessment and the statewide coordinated statement of need."; and

(2)(A) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and

(B) by inserting after paragraph (1) the following paragraph:

"(2) PRIORITY.—

"(A) SEVERE NEED.—In determining severe need in accordance with paragraph (1)(B), the Secretary shall give priority consideration in awarding grants under this subsection to eligible areas that (in addition to complying with paragraph (1)) demonstrate a more severe need based on the prevalence in the eligible area of—

"(i) sexually transmitted diseases, substance abuse, tuberculosis, severe mental illness, or other conditions determined relevant by the Secretary, which significantly affect the impact of HIV disease;

"(ii) subpopulations with HIV disease that were previously unknown in such area; or

"(iii) homelessness.

"(B) PREVALENCE.—In determining prevalence of conditions under subparagraph (A), the Secretary shall use data on the prevalence of the conditions described in such subparagraph among individuals with HIV disease (except that, in the case of an eligible area for which such data are not available, the Secretary shall use data on the prevalences of the conditions in the general population of such area).".

(c) ADDITIONAL REQUIREMENTS FOR GRANTS.—Section 2603 (42 U.S.C. 300ff-13) is amended by adding at the end the following subsection:

"(c) COMPLIANCE WITH PRIORITIES OF HIV PLANNING COUNCIL.—Notwithstanding any other provision of this part, the Secretary, in carrying out section 2601(a), may not make any grant under subsection (a) or (b) to an eligible area unless the application submitted by such area under section 2605 for the grant involved demonstrates that the grants made under subsections (a) and (b) to the area for the preceding fiscal year (if any) were expended in accordance with the priorities applicable to such year that were established, pursuant to section 2602(b)(3)(A), by the planning council serving the area.".

SEC. 104. USE OF AMOUNTS.

Section 2604 (42 U.S.C. 300ff-14) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A), by striking "including case management and comprehensive treatment services, for individuals" and inserting the following: "including HIV-related comprehensive treatment services (including treatment education and measures for the prevention and treatment of opportunistic infections), case management, and substance abuse treatment and mental health treatment, for individuals";

(B) in paragraph (2)(A)—

(i) by inserting after "nonprofit private entities," the following: "or private for-profit entities if such entities are the only available provider of quality HIV care in the area," ; and

(ii) by striking "and homeless health centers" and inserting "homeless health centers, substance abuse treatment programs, and mental health programs"; and

(C) by adding at the end the following paragraph:

"(3) PRIORITY FOR WOMEN, INFANTS AND CHILDREN.—For the purpose of providing health and support services to infants, children, and women with HIV disease, the chief elected official of an eligible area shall use, of the grants made for the area under section 2601(a) for a fiscal year, not less than the percentage constituted by the ratio of the population in such area of infants, children, and women with acquired immune deficiency syndrome to the general population in such area of individuals with such syndrome, or 15 percent, whichever is less. In expending the funds reserved under the preceding sentence for a fiscal year, the chief elected official shall give priority to providing, for pregnant women, measures to prevent the perinatal transmission of HIV."; and

(2) in subsection (e), by adding at the end thereof the following sentence: "In the case of entities to which such officer allocates amounts received by the officer under the grant, the officer shall ensure that, of the aggregate amount so allocated, the total of the expenditures by such entities for administrative expenses does not exceed 10 percent (without regard to whether particular entities expend more than 10 percent for such expenses).".

SEC. 105. APPLICATION.

Section 2605 (42 U.S.C. 300ff-15) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(B), by striking "1-year period" and all that follows through "eligible area" and inserting "preceding fiscal year";

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

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

(D) by adding at the end thereof the following paragraph:

"(6) that the applicant will participate in the process for the statewide coordinated statement of need (where it has been initiated by the State), and will ensure that the services provided under the comprehensive plan are consistent with such statement.";

(2) in subsection (b)—

(A) in the subsection heading, by striking "ADDITIONAL"; and

(B) in the matter preceding paragraph (1), by striking "additional";

(3) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(4) by inserting after subsection (b), the following subsection:

"(c) SINGLE APPLICATION.—Upon the request of the chief elected official of an eligible area, the Secretary may authorize the official to submit a single application through which the official simultaneously requests a grant pursuant to subsection (a) of section 2603 and a grant pursuant to subsection (b) of such section. The Secretary may establish such criteria for carrying out this subsection as the Secretary determines to be appropriate.".

SEC. 106. TECHNICAL ASSISTANCE; PLANNING GRANTS.

Section 2606 (42 U.S.C. 300ff-16) is amended—

(1) by inserting before "The Administrator" the following: "(a) IN GENERAL.—";

(2) by striking "may, beginning" and all that follows through "title," and inserting "(referred to in this section as the 'Administrator') shall"; and

(3) by adding at the end the following subsection:

"(b) PLANNING GRANTS REGARDING INITIAL ELIGIBILITY FOR GRANTS.—

"(1) ADVANCE PAYMENTS ON FIRST-YEAR FORMULA GRANTS.—With respect to a fiscal year (referred to in this subsection as the 'planning year'), if a metropolitan area has not previously received a grant under section 2601 and the Administrator reasonably projects that the area will be eligible for such a grant for the subsequent fiscal year, the Administrator may make a grant for the planning year for the purpose of assisting the area in preparing for the responsibilities of the area in carrying out activities under this part.

"(2) REQUIREMENTS.—

"(A) IN GENERAL.—A grant under paragraph (1) for a planning year shall be made directly to the chief elected official of the city or urban county that administers the public health agency to which section 2602(a)(1) is projected to apply for purposes of such paragraph. The grant may not be made in an amount exceeding $75,000.

"(B) OFFSETTING REDUCTION IN FIRST FORMULA GRANT.—In the case of a metropolitan area that has received a grant under paragraph (1) for a planning year, the first grant made pursuant to section 2603(a) for such area shall be reduced by an amount equal to the amount of the grant under such paragraph for the planning year. With respect to amounts resulting from reductions under the preceding sentence for a fiscal year, the Secretary shall use such amounts to make grants under section 2603(a) for the fiscal year, subject to ensuring that none of such amounts are provided to any metropolitan area for which such a reduction was made for the fiscal year.

"(3) FUNDING.—Of the amounts available under section 2677 for a fiscal year for carrying out this part, the Administrator may reserve not more than 1 percent for making grants under paragraph (1).".

TITLE II—CARE GRANT PROGRAM

SEC. 201. GENERAL USE OF GRANTS.

Section 2612 (42 U.S.C. 300ff-22) is amended to read as follows:

"SEC. 2612. GENERAL USE OF GRANTS.

"(a) IN GENERAL.—A State may use amounts provided under grants made under this part for the following:

"(1) To provide the services described in section 2604(b)(1) for individuals with HIV disease.

"(2) To provide to such individuals treatments that in accordance with section 2616 have been determined to prolong life or prevent serious deterioration of health.

"(3) To provide home- and community-based care services for such individuals in accordance with section 2614.

"(4) To provide assistance to assure the continuity of health insurance coverage for such individuals in accordance with section 2615.

"(5) To establish and operate consortia under section 2613 within areas most affected by HIV disease, which consortia shall be designed to provide a comprehensive continuum of care to individuals and families with such disease in accordance with such section.

"(b) PRIORITY FOR WOMEN, INFANTS AND CHILDREN.—For the purpose of providing health and support services to infants, children, and women with HIV disease, a State shall use, of the funds allocated under this part to the State for a fiscal year, not less than the percentage constituted by the ratio of the population in the State of infants, children, and women with acquired immune deficiency syndrome to the general population in the State of individuals with such syndrome, or 15 percent, whichever is less. In expending the funds reserved under the preceding sentence for a fiscal year, the State shall give priority to providing, for pregnant women, measures to prevent the perinatal transmission of HIV.".

SEC. 202. GRANTS TO ESTABLISH HIV CARE CONSORTIA.

Section 2613 (42 U.S.C. 300ff-23) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting "(or private for-profit providers or organizations if such entities are the only available providers of quality HIV care in the area)" after "nonprofit private,"; and

(B) in paragraph (2)(A)—

(i) by inserting "substance abuse treatment, mental health treatment," after "nursing,"; and

(ii) by inserting after "monitoring," the following: "measures for the prevention and treatment of opportunistic infections, treatment education for patients (provided in the context of health care delivery),"; and

(2) in subsection (c)(2)—

(A) in clause (ii) of subparagraph (A), by striking "and" after the semicolon;

(B) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(C) by adding after subparagraph (B) the following subparagraph:

"(C) grantees under section 2671, or, if none are operating in the area, representatives in the area of organizations with a history of serving children, youth, women, and families living with HIV.".

SEC. 203. PROVISION OF TREATMENTS.

Section 2616(a) (42 U.S.C. 300ff-26(a)) is amended—

(1) by striking "may use amounts" and inserting "shall use a portion of the amounts";

(2) by striking "section 2612(a)(4)" and inserting "section 2612(a)(2)"; and

(3) by inserting before the period the following: ", including measures for the prevention and treatment of opportunistic infections".

SEC. 204. ADDITIONAL REQUIREMENTS FOR GRANTS.

(a) FINDINGS.—The Congress finds as follows:

(1) Research studies have demonstrated that administration of antiviral medication during pregnancy can significantly reduce the transmission of the human immunodeficiency virus (commonly known as HIV) from an infected mother to her baby.

(2) The Centers for Disease Control and Prevention have recommended that all pregnant women receive HIV counseling; voluntary, confidential HIV testing; and appropriate medical treatment (including antiviral therapy) and support services.

(3) The provision of such testing without access to such counseling, treatment, and services will not improve the health of the woman or the child.

(4) The provision of such counseling, testing, treatment, and services can reduce the number of pediatric cases of acquired immune deficiency syndrome, can improve access to and provision of medical care for the woman, and can provide opportunities for counseling to reduce transmission among adults.

(5) The provision of such counseling, testing, treatment, and services can reduce the overall cost of pediatric cases of acquired immune deficiency syndrome.

(6) The cancellation or limitation of health insurance or other health coverage on the basis of HIV status should be impermissible under applicable law. Such cancellation or limitation could result in disincentives for appropriate counseling, testing, treatment, and services.

(7) For the reasons specified in paragraphs (1) through (6)—

(A) mandatory counseling and voluntary testing of pregnant women should be the standard of care; and

(B) the relevant medical organizations as well as public health officials should issue guidelines making such counseling and testing the standard of care.

(b) ADDITIONAL REQUIREMENTS FOR GRANTS.—Part B (42 U.S.C. 300ff-21 et seq.) is amended—

(1) in section 2611, by adding at the end the following sentence: "The authority of the Secretary to provide grants under this part is subject to section 2673D (relating to the testing of pregnant women and newborn infants)."; and

(2) by inserting after section 2616 the following section:

"SEC. 2616A. REQUIREMENT REGARDING HEALTH INSURANCE.

"(a) IN GENERAL.—Subject to subsection (c), the Secretary shall not make a grant under this part to a State unless the State has in effect a statute or regulations regulating insurance that imposes the following requirements:

"(1) That, if health insurance is in effect for an individual, the insurer involved may not (without the consent of the individual) discontinue the insurance, or alter the terms of the insurance (except as provided in paragraph (3)), solely on the basis that the individual is infected with HIV disease or solely on the basis that the individual has been tested for the disease.

"(2) That paragraph (1) does not apply to an individual who, in applying for the health insurance involved, knowingly misrepresented any of the following:

"(A) The HIV status of the individual.

"(B) Facts regarding whether the individual has been tested for HIV disease.

"(C) Facts regarding whether the individual has engaged in any behavior that places the individual at risk for the disease.

"(3) That paragraph (1) does not apply to any reasonable alteration in the terms of health insurance for an individual with HIV disease that would have been made if the individual had a serious disease other than HIV disease.

"(b) REGULATION OF HEALTH INSURANCE.—A statute or regulation shall be deemed to regulate insurance for purposes of this section only to the extent that it is treated as regulating insurance for purposes of section 514(b)(2) of the Employee Retirement Income Security Act of 1974.

"(c) APPLICABILITY OF REQUIREMENT.—

"(1) IN GENERAL.—Except as provided in paragraph (2), this section applies upon the expiration of the 120-day period beginning on the date of the enactment of the Ryan White CARE Act Amendments of 1995.

"(2) DELAYED APPLICABILITY FOR CERTAIN STATES.—In the case of the State involved, if the Secretary determines that a requirement of this section cannot be implemented in the State without the enactment of State legislation, then such requirement applies to the State on and after the first day of the first calendar quarter that begins after the close of the first regular session of the State legislature that begins after the date of the enactment of the Ryan White CARE Act Amendments of 1995. For purposes of the preceding sentence, in the case of a State that has a 2-year legislative session, each year of such session is deemed to be a separate regular session of the State legislature.".

(c) TESTING OF NEWBORNS; PRENATAL TESTING.—Part D (42 U.S.C. 300ff-71 et seq.) is amended by inserting before section 2674 the following sections:

"SEC. 2673C. TESTING OF PREGNANT WOMEN AND NEWBORN INFANTS; PROGRAM OF GRANTS.

"(a) PROGRAM OF GRANTS.—The Secretary may make grants to States described in subsection (b) for the following purposes:

"(1) Making available to pregnant women appropriate counseling on HIV disease.

"(2) Making available to such women testing for such disease.

"(3) Testing newborn infants for such disease.

"(4) In the case of newborn infants who test positive for such disease, making available counseling on such disease to the parents or other legal guardians of the infant.

"(5) Collecting data on the number of pregnant women and newborn infants in the State who have undergone testing for such disease.

"(b) ELIGIBLE STATES.—Subject to subsection (c), a State referred to in subsection (a) is a State that has in effect, in statute or through regulations, the following requirements:

"(1) In the case of newborn infants who are born in the State and whose biological mothers have not undergone prenatal testing for HIV disease, that each such infant undergo testing for such disease.

"(2) That the results of such testing of a newborn infant be promptly disclosed in accordance with the following, as applicable to the infant involved:

"(A) To the biological mother of the infant (without regard to whether she is the legal guardian of the infant).

"(B) If the State is the legal guardian of the infant:

"(i) To the appropriate official of the State agency with responsibility for the care of the infant.

"(ii) To the appropriate official of each authorized agency providing assistance in the placement of the infant.

"(iii) If the authorized agency is giving significant consideration to approving an individual as a foster parent of the infant, to the prospective foster parent.

"(iv) If the authorized agency is giving significant consideration to approving an individual as an adoptive parent of the infant, to the prospective adoptive parent.

"(C) If neither the biological mother nor the State is the legal guardian of the infant, to another legal guardian of the infant.

"(3) That, in the case of prenatal testing for HIV disease that is conducted in the State, the results of such testing be promptly disclosed to the pregnant woman involved.

"(4) That, in disclosing the test results to an individual under paragraph (2) or (3), appropriate counseling on the human immunodeficiency virus be made available to the individual (except in the case of a disclosure to an official of a State or an authorized agency).

"(c) LIMITATION REGARDING AVAILABILITY OF GRANT FUNDS.—With respect to an activity described in any of paragraphs (1) through (4) of subsection (b), the requirement established by a State under such subsection that the activity be carried out applies for purposes of this section only to the extent that the following sources of funds are available for carrying out the activity:

"(1) Federal funds provided to the State in grants under subsection (a).

"(2) Funds that the State or private entities have elected to provide, including through entering into contracts under which health benefits are provided. This section does not require any entity to expend non-Federal funds.

"(d) DEFINITIONS.—For purposes of this section, the term 'authorized agency', with respect to the placement of a child (including an infant) for whom a State is a legal guardian, means an entity licensed or otherwise approved by the State to assist in such placement.

"(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $10,000,000 for each of the fiscal years 1996 through 2000.

"SEC. 2673D. TESTING OF PREGNANT WOMEN AND NEWBORN INFANTS; CONTINGENT REQUIREMENT REGARDING STATE GRANTS UNDER PART B.

"(a) DETERMINATION BY SECRETARY.—During the first 30 days following the expiration of the 2-year period beginning on the date of the enactment of the Ryan White CARE Act Amendments of 1995, the Secretary shall publish in the Federal Register a determination of whether it has become a routine practice in the provision of health care in the United States to carry out each of the activities described in paragraphs (1) through (4) of section 2673C(b). In making the determination, the Secretary shall consult with the States and with other public or private entities that have knowledge or expertise relevant to the determination.

"(b) CONTINGENT APPLICABILITY.—

"(1) IN GENERAL.—If the determination published in the Federal Register under subsection (a) is that (for purposes of such subsection) the activities involved have become routine practices, paragraph (2) applies on and after the expiration of the 18-month period beginning on the date on which the determination is so published.

"(2) REQUIREMENT.—Subject to subsection (c), the Secretary shall not make a grant under part B to a State unless the State meets not less than one of the following requirements:

"(A) The State has in effect, in statute or through regulations, the requirements specified in paragraphs (1) through (4) of section 2673C(b).

"(B) The State demonstrates that, of the newborn infants born in the State during the most recent 1-year period for which the data are available, the HIV antibody status of 95 percent of the infants is known.

"(c) LIMITATION REGARDING AVAILABILITY OF FUNDS.—With respect to an activity described in any of paragraphs (1) through (4) of section 2673C(b), the requirements established by a State under subsection (b)(2)(A) that the activity be carried out applies for purposes of this section only to the extent that the following sources of funds are available for carrying out the activity:

"(1) Federal funds provided to the State in grants under part B.

"(2) Federal funds provided to the State in grants under section 2673C.

"(3) Funds that the State or private entities have elected to provide, including through entering into contracts under which health benefits are provided. This section does not require any entity to expend non-Federal funds.".

SEC. 205. STATE APPLICATION.

Section 2617(b)(2) (42 U.S.C. 300ff-27(b)(2)) is amended—

(1) in subparagraph (A), by striking "and" after the semicolon;

(2) in subparagraph (B), by striking "and" after the semicolon; and

(3) by adding at the end thereof the following subparagraphs:

"(C) a description of the activities carried out by the State under section 2616; and

"(D) a description of how the allocation and utilization of resources are consistent with a statewide coordinated statement of need, developed in partnership with other grantees in the State that receive funding under this title and after consultation with individuals receiving services under this part.".

SEC. 206. ALLOCATION OF ASSISTANCE BY STATES; PLANNING, EVALUATION, AND ADMINISTRATION.

Section 2618(c) (42 U.S.C. 300ff-28(c)) is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively; and

(3) in paragraph (3) (as so redesignated), by adding at the end the following sentences: "In the case of entities to which the State allocates amounts received by the State under the grant (including consortia under section 2613), the State shall ensure that, of the aggregate amount so allocated, the total of the expenditures by such entities for administrative expenses does not exceed 10 percent (without regard to whether particular entities expend more than 10 percent for such expenses).".

SEC. 207. TECHNICAL ASSISTANCE.

Section 2619 (42 U.S.C. 300ff-29) is amended by inserting before the period the following: ", including technical assistance for the development and implementation of statewide coordinated statements of need".

TITLE III—EARLY INTERVENTION SERVICES

SEC. 301. ESTABLISHMENT OF PROGRAM.

Section 2651(b) (42 U.S.C. 300ff-51(b)) is amended—

(1) in paragraph (1), by inserting before the period the following: ", and unless the applicant agrees to expend not less than 50 percent of the grant for such services that are specified in subparagraphs (B) through (E) of such paragraph"; and

(2) in paragraph (4), by inserting after "nonprofit private entities" the following: "(or private for-profit entities, if such entities are the only available providers of quality HIV care in the area)".

SEC. 302. MINIMUM QUALIFICATIONS OF GRANTEES.

Section 2652(b)(1)(B) (42 U.S.C. 300ff-52(b)(1)(B)) is amended by inserting after "nonprofit private entity" the following: "(or a private for-profit entity, if such an entity is the only available provider of quality HIV care in the area)".

SEC. 303. MISCELLANEOUS PROVISIONS; PLANNING AND DEVELOPMENT GRANTS.

Section 2654 (42 U.S.C. 300ff-54) is amended by adding at the end thereof the following subsection:

"(c) PLANNING AND DEVELOPMENT GRANTS.—

"(1) IN GENERAL.—The Secretary may provide planning grants, in an amount not to exceed $50,000 for each such grant, to public and nonprofit private entities for the purpose of enabling such entities to provide early intervention services.

"(2) REQUIREMENT.—The Secretary may award a grant to an entity under paragraph (1) only if the Secretary determines that the entity will use such grant to assist the entity in qualifying for a grant under section 2651.

"(3) PREFERENCE.—In awarding grants under paragraph (1), the Secretary shall give preference to entities that provide HIV primary care services in rural or underserved communities.

"(4) LIMITATION.—Not to exceed 1 percent of the amount appropriated for a fiscal year under section 2655 may be used to carry out this section.".

SEC. 304. ADDITIONAL REQUIRED AGREEMENTS.

Section 2664(a)(1) (42 U.S.C. 300ff-64(a)(1)) is amended—

(1) in subparagraph (A), by striking "and" after the semicolon; and

(2) by adding at the end the following subparagraph:

"(C) evidence that the proposed program is consistent with the statewide coordinated statement of need and that the applicant will participate in the ongoing revision of such statement of need.".

SEC. 305. AUTHORIZATION OF APPROPRIATIONS.

Section 2655 (42 U.S.C. 300ff-55) is amended by striking "$75,000,000" and all that follows and inserting "such sums as may be necessary for each of the fiscal years 1996 through 2000.".

TITLE IV—GENERAL PROVISIONS

SEC. 401. COORDINATED SERVICES AND ACCESS TO RESEARCH FOR WOMEN, INFANTS, AND CHILDREN.

(a) IN GENERAL.—Section 2671 (42 U.S.C. 300ff-71) is amended—

(1) in subsection (a), by amending the subsection to read as follows:

"(a) IN GENERAL.—

"(1) PROGRAM OF GRANTS.—The Secretary, acting through the Administrator of the Health Resources and Services Administration and in consultation with the Director of the National Institutes of Health, shall make grants to public and nonprofit private entities that provide primary care (directly or through contracts) for the purpose of—

"(A) providing through such entities, in accordance with this section, opportunities for women, infants, and children to be participants in research of potential clinical benefit to individuals with HIV disease; and

"(B) providing to women, infants, and children health care on an outpatient basis.

"(2) PROVISIONS REGARDING PARTICIPATION IN RESEARCH.—With respect to the projects of research with which an applicant under paragraph (1) is concerned, the Secretary may not make a grant under such paragraph to the applicant unless the following conditions are met:

"(A) The applicant agrees to make reasonable efforts—

"(i) to identify which of the patients of the applicant are women, infants, and children who would be appropriate participants in the projects; and

"(ii) to offer women, infants, and children the opportunity to so participate (as appropriate), including the provision of services under subsection (f).

"(B) The applicant agrees that the applicant, and the projects of research, will comply with accepted standards of protection for human subjects (including the provision of written informed consent) who participate as subjects in clinical research.

"(C) For the third or subsequent fiscal year for which a grant under such paragraph is sought by the applicant, the Secretary has determined that—

"(i) a significant number of women, infants, and children who are patients of the applicant are participating in the projects (except to the extent this clause is waived under subsection (k)); and

"(ii) the applicant, and the projects of research, have complied with the standards referred to in subparagraph (B).

"(3) PROHIBITION.—Receipt of services by a patient shall not be conditioned upon the consent of the patient to participate in research.

"(4) CONSIDERATION BY SECRETARY OF CERTAIN CIRCUMSTANCES.—In administering the requirement of paragraph (2)(C)(i), the Secretary shall take into account circumstances in which a grantee under paragraph (1) is temporarily unable to comply with the requirement for reasons beyond the control of the grantee, and shall in such circumstances provide to the grantee a reasonable period of opportunity in which to reestablish compliance with the requirement.";

(2) in subsection (c), by amending the subsection to read as follows:

"(c) PROVISIONS REGARDING CONDUCT OF RESEARCH.—With respect to eligibility for a grant under subsection (a):

"(1) A project of research for which subjects are sought pursuant to such subsection may be conducted by the applicant for the grant, or by an entity with which the applicant has made arrangements for purposes of the grant. The grant may not be expended for the conduct of any project of research.

"(2) The grant may not be made unless the Secretary makes the following determinations:

"(A) The applicant or other entity (as the case may be under paragraph (1)) is appropriately qualified to conduct the project of research. An entity shall be considered to be so qualified if any research protocol of the entity has been recommended for funding under this Act pursuant to technical and scientific peer review through the National Institutes of Health.

"(B) The project of research is being conducted in accordance with a research protocol to which the Secretary gives priority regarding the prevention and treatment of HIV disease in women, infants, and children. After consultation with public and private entities that conduct such research, and with providers of services under this section and recipients of such services, the Secretary shall establish a list of such protocols that are appropriate for purposes of this section. The Secretary may give priority under this subparagraph to a research protocol that is not on such list.";

(3) by striking subsection (i);

(4) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively;

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

"(g) ADDITIONAL PROVISIONS.—The Secretary may not make a grant under subsection (a) unless the applicant for the grant agrees as follows:

"(1) The applicant will coordinate activities under the grant with other providers of health care services under this Act, and under title V of the Social Security Act.

"(2) The applicant will participate in the statewide coordinated statement of need under part B (where it has been initiated by the State) and in revisions of such statement.";

(6) by redesignating subsection (j) as subsection (m); and

(7) by inserting before subsection (m) (as so redesignated) the following subsections:

"(j) COORDINATION WITH NATIONAL INSTITUTES OF HEALTH.—The Secretary shall develop and implement a plan that provides for the coordination of the activities of the National Institutes of Health with the activities carried out under this section. In carrying out the preceding sentence, the Secretary shall ensure that projects of research conducted or supported by such Institutes are made aware of applicants and grantees under this section, shall require that the

projects, as appropriate, enter into arrangements for purposes of this section, and shall require that each project entering into such an arrangement inform the applicant or grantee under this section of the needs of the project for the participation of women, infants, and children.

"(k) TEMPORARY WAIVER REGARDING SIGNIFICANT PARTICIPATION.—

"(1) IN GENERAL.—In the case of an applicant under subsection (a) who received a grant under this section for fiscal year 1995, the Secretary may, subject to paragraph (2), provide to the applicant a waiver of the requirement of subsection (a)(2)(C)(i) if the Secretary determines that the applicant is making reasonable progress toward meeting the requirement.

"(2) TERMINATION OF AUTHORITY FOR WAIVERS.—The Secretary may not provide any waiver under paragraph (1) on or after October 1, 1998. Any such waiver provided prior to such date terminates on such date, or on such earlier date as the Secretary may specify.

"(l) TRAINING AND TECHNICAL ASSISTANCE.—Of the amounts appropriated under subsection (m) for a fiscal year, the Secretary may use not more than five percent to provide training and technical assistance to assist applicants and grantees under subsection (a) in complying with the requirements of this section.".

(b) CONFORMING AMENDMENTS.—Section 2671 (42 U.S.C. 300ff-71) is amended—

(1) in the heading for the section, by striking **"DEMONSTRATION"** and all that follows and inserting **"COORDINATED SERVICES AND ACCESS TO RESEARCH FOR WOMEN, INFANTS, AND CHILDREN."**;

(2) in subsection (b), by striking "pediatric patients and pregnant women" and inserting "women, infants, and children"; and

(3) in each of subsections (d) through (f), by striking "pediatric", each place such term appears.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 2671 (42 U.S.C. 300ff-71) is amended in subsection (m) (as redesignated by subsection (a)(6)) by striking "there are" and all that follows and inserting the following: "there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1996 through 2000.".

SEC. 402. PROJECTS OF NATIONAL SIGNIFICANCE.

(a) IN GENERAL.—Part D of title XXVI (42 U.S.C. 300ff-71 et seq.) is amended by inserting after section 2673 the following section:

"SEC. 2673A. DEMONSTRATION PROJECTS OF NATIONAL SIGNIFICANCE.

"(a) IN GENERAL.—The Secretary shall make grants to public and nonprofit private entities (including community-based organizations and Indian tribes and tribal organizations) for the purpose of carrying out demonstration projects that provide for the care and treatment of individuals with HIV disease, and that—

"(1) assess the effectiveness of particular models for the care and treatment of individuals with such disease;

"(2) are of an innovative nature; and

"(3) have the potential to be replicated in similar localities, or nationally.

"(b) CERTAIN PROJECTS.—Demonstration projects under subsection (a) shall include the development and assessment of innovative models for the delivery of HIV services that are designed—

"(1) to address the needs of special populations (including individuals and families with HIV disease living in rural communities, adolescents with HIV disease, Native American individuals and families with HIV disease, homeless individuals and families with HIV disease, hemophiliacs with HIV disease, and incarcerated individuals with HIV disease); and

"(2) to ensure the ongoing availability of services for Native American communities to enable such communities to care for Native Americans with HIV disease.

"(c) COORDINATION.—The Secretary may not make a grant under this section unless the applicant submits evidence that the proposed program is consistent with the applicable statewide coordinated statement of need under part B, and the applicant agrees to participate in the ongoing revision process of such statement of need (where it has been initiated by the State).

"(d) REPLICATION.—The Secretary shall make information concerning successful models developed under this section available to grantees under this title for the purpose of coordination, replication, and integration.

"(e) FUNDING; ALLOCATION OF AMOUNTS.—

"(1) IN GENERAL.—Of the amounts available under this title for a fiscal year for each program specified in paragraph (2), the Secretary shall reserve 3 percent for making grants under subsection (a).

"(2) RELEVANT PROGRAMS.—The programs referred to in subsection (a) are the program under part A, the program under part B, the program under part C, the program under section 2671, the program under section 2672, and the program under section 2673.".

(b) STRIKING OF RELATED PROVISION.—Section 2618 (42 U.S.C. 300ff-28) is amended by striking subsection (a).

SEC. 403. SPECIAL TRAINING PROJECTS.

(a) TRANSFER OF PROGRAM.—The Public Health Service Act (42 U.S.C. 201 et seq.) is amended—

(1) by transferring section 776 from the current placement of the section;

(2) by redesignating the section as section 2673B; and

(3) by inserting the section after section 2673A (as added by section 402(a)).

(b) MODIFICATIONS.—Section 2673B (as transferred and redesignated by subsection (a)) is amended—

(1) in subsection (a)(1)—

(A) by striking subparagraphs (B) and (C);

(B) by redesignating subparagraphs (A) and (D) as subparagraphs (B) and (C), respectively;

(C) by inserting before subparagraph (B) (as so redesignated) the following subparagraph:

"(A) to train health personnel, including practitioners in programs under this title and other community providers, in the diagnosis, treatment, and prevention of HIV disease, including the prevention of the perinatal transmission of the disease and including measures for the prevention and treatment of opportunistic infections;";

(D) in subparagraph (B) (as so redesignated), by adding "and" after the semicolon; and

(E) in subparagraph (C) (as so redesignated), by striking "curricula and";

(2) by striking subsection (c) and redesignating subsection (d) as subsection (c); and

(3) in subsection (c) (as so redesignated)—

(A) in paragraph (1)—

(i) by striking "is authorized" and inserting "are authorized"; and

(ii) by inserting before the period the following: ", and such sums as may be necessary for each of the fiscal years 1996 through 2000"; and

(B) in paragraph (2)—

(i) by striking "is authorized" and inserting "are authorized"; and

(ii) by inserting before the period the following: ", and such sums as may be necessary for each of the fiscal years 1996 through 2000".

SEC. 404. EVALUATIONS AND REPORTS.

Section 2674 (42 U.S.C. 300ff-74) is amended—

(1) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "not later than 1 year" and all that follows through "title," and inserting the following: "not later than October 1, 1996,";

(B) by striking paragraphs (1) through (3) and inserting the following paragraph:

"(1) evaluating the programs carried out under this title; and"; and

(C) by redesignating paragraph (4) as paragraph (2); and

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

"(d) ALLOCATION OF FUNDS.—The Secretary shall carry out this section with amounts available under section 241. Such amounts are in addition to any other amounts that are available to the Secretary for such purpose.".

SEC. 405. COORDINATION OF PROGRAM.

Section 2675 of the Public Health Service Act (42 U.S.C. 300ff-75) is amended by adding at the end the following subsection:

"(d) ANNUAL REPORT.—Not later than October 1, 1996, and annually thereafter, the Secretary shall submit to the appropriate committees of the Congress a report concerning coordination efforts under this title at the Federal, State, and local levels, including a statement of whether and to what extent there exist Federal barriers to integrating HIV-related programs.".

TITLE V—ADDITIONAL PROVISIONS

SEC. 501. AMOUNT OF EMERGENCY RELIEF GRANTS.

Paragraph (3) of section 2603(a) (42 U.S.C. 300ff-13(a)(3)) is amended to read as follows:

"(3) AMOUNT OF GRANT.—

"(A) IN GENERAL.—Subject to the extent of amounts made available in appropriations Acts, a grant made for purposes of this paragraph to an eligible area shall be made in an amount equal to the product of—

"(i) an amount equal to the amount available for distribution under paragraph (2) for the fiscal year involved; and

"(ii) the percentage constituted by the ratio of the distribution factor for the eligible area to the sum of the respective distribution factors for all eligible areas.

"(B) DISTRIBUTION FACTOR.—For purposes of subparagraph (A)(ii), the term 'distribution factor' means the product of—

"(i) an amount equal to the estimated number of living cases of acquired immune deficiency syndrome in the eligible area involved, as determined under subparagraph (C); and

"(ii) the cost index for the eligible area involved, as determined under subparagraph (D).

"(C) ESTIMATE OF LIVING CASES.—The amount determined in this subparagraph is an amount equal to the product of—

"(i) the number of cases of acquired immune deficiency syndrome in the eligible area during each year in the most recent 120-month period for which data are available with respect to all eligible areas, as indicated by the number of such cases reported to and confirmed by the Director of the Centers for Disease Control and Prevention for each year during such period; and

"(ii) with respect to—

"(I) the first year during such period, .06;

"(II) the second year during such period, .06;

"(III) the third year during such period, .08;

"(IV) the fourth year during such period, .10;

"(V) the fifth year during such period, .16;

"(VI) the sixth year during such period, .16;

"(VII) the seventh year during such period, .24;

"(VIII) the eighth year during such period, .40;

"(IX) the ninth year during such period, .57; and

"(X) the tenth year during such period, .88.

"(D) COST INDEX.—The amount determined in this subparagraph is an amount equal to the sum of—

"(i) the product of—

"(I) the average hospital wage index reported by hospitals in the eligible area involved under section 1886(d)(3)(E) of the Social Security Act for the 3-year period immediately preceding the year for which the grant is being awarded; and

"(II) .70; and

"(ii) .30.

"(E) UNEXPENDED FUNDS.—The Secretary may, in determining the amount of a grant for a fiscal year under this paragraph, adjust the grant amount to reflect the amount of unexpended and uncanceled grant funds remaining at the end of the most recent fiscal year for which the amount of such funds can be determined using the required financial status report. The amount of any such unexpended funds shall be determined using the financial status report of the grantee.

"(F) PUERTO RICO, VIRGIN ISLANDS, GUAM.—For purposes of subparagraph (D), the cost index for an eligible area within Puerto Rico, the Virgin Islands, or Guam shall be 1.0.".

SEC. 502. AMOUNT OF CARE GRANTS.

Section 2618 (42 U.S.C. 300ff-28), as amended by section 402(b), is amended by striking subsection (b) and inserting the following subsections:

"(a) AMOUNT OF GRANT.—

"(1) IN GENERAL.—Subject to subsection (b) (relating to minimum grants), the amount of a grant under this part for a State for a fiscal year shall be the sum of—

"(A) the amount determined for the State under paragraph (2); and

"(B) the amount determined for the State under paragraph (4) (if applicable).

"(2) PRINCIPAL FORMULA GRANTS.—For purposes of paragraph (1)(A), the amount determined under this paragraph for a State for a fiscal year shall be the product of—

"(A) the amount available under section 2677 for carrying out this part, less the reservation of funds made in paragraph (4)(A) and less any other applicable reservation of funds authorized or required in this Act (which amount is subject to subsection (b)); and

"(B) the percentage constituted by the ratio of—

"(i) the distribution factor for the State; to

"(ii) the sum of the distribution factors for all States.

"(3) DISTRIBUTION FACTOR FOR PRINCIPAL FORMULA GRANTS.—For purposes of paragraph (2)(B), the term 'distribution factor' means the following, as applicable:

"(A) In the case of each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico, the product of—

"(i) the number of cases of acquired immune deficiency syndrome in the State, as indicated by the number of cases reported to and confirmed by the Secretary for the 2 most recent fiscal years for which such data are available; and

"(ii) the cube root of the ratio (based on the most recent available data) of—

"(I) the average per capita income of individuals in the United States (including the territories); to

"(II) the average per capita income of individuals in the State.

"(B) In the case of a territory of the United States (other than the Commonwealth of Puerto Rico), the number of additional cases of such syndrome in the specific territory, as indicated by the number of cases reported to and confirmed by the Secretary for the 2 most recent fiscal years for which such data is available.

"(4) SUPPLEMENTAL AMOUNTS FOR CERTAIN STATES.—For purposes of paragraph (1)(B), an amount shall be determined under this paragraph for each State that does not contain any metropolitan area whose chief elected official received a grant under part A for fiscal year 1996. The amount determined under this paragraph for such a State for a fiscal year shall be the product of—

"(A) an amount equal to 7 percent of the amount available under section 2677 for carrying out this part for the fiscal year (subject to subsection (b)); and

"(B) the percentage constituted by the ratio of—

"(i) the number of cases of acquired immune deficiency syndrome in the State (as determined under paragraph (3)(A)(i)); to

"(ii) the sum of the respective numbers determined under clause (i) for each State to which this paragraph applies.

"(5) DEFINITIONS.—For purposes of this subsection and subsection (b):

"(A) The term 'State' means each of the 50 States, the District of Columbia, and the territories of the United States.

"(B) The term 'territory of the United States' means each of the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, and the Republic of the Marshall Islands.

"(b) MINIMUM AMOUNT OF GRANT.—

"(1) IN GENERAL.—Subject to the extent of the amounts specified in paragraphs (2)(A) and (4)(A) of subsection (a), a grant under this part for a State for a fiscal year shall be the greater of—

"(A) the amount determined for the State under subsection (a); and

"(B) the amount applicable under paragraph (2) to the State.

"(2) APPLICABLE AMOUNT.—For purposes of paragraph (1)(B), the amount applicable under this paragraph for a fiscal year is the following:

"(A) In the case of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico—

"(i) $100,000, if it has less than 90 cases of acquired immune deficiency syndrome (as determined under subsection (a)(3)(A)(i)); and

"(ii) $250,000, if it has 90 or more such cases (as so determined).

"(B) In the case of each of the territories of the United States (other than the Commonwealth of Puerto Rico), $0.0.".

SEC. 503. CONSOLIDATION OF AUTHORIZATIONS OF APPROPRIATIONS.

(a) IN GENERAL.—Part D of title XXVI (42 U.S.C. 300ff-71) is amended by adding at the end thereof the following section:

"SEC. 2677. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—For the purpose of carrying out parts A and B, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1996 through 2000. Subject to section 2673A and to subsection (b), of the amount appropriated under this section for a fiscal year, the Secretary shall make available 64 percent of such amount to carry out part A and 36 percent of such amount to carry out part B.

"(b) DEVELOPMENT OF METHODOLOGY.—With respect to each of the fiscal years 1997 through 2000, the Secretary may develop and implement a methodology for adjusting the percentages referred to in subsection (a).".

(b) REPEALS.—Sections 2608 and 2620 (42 U.S.C. 300ff-18 and 300ff-30) are repealed.

(c) CONFORMING AMENDMENTS.—Section 2605(d)(1) (as redesignated by section 105(3)), is amended by striking "2608" and inserting "2677".

SEC. 504. ADDITIONAL PROVISIONS.

(a) DEFINITIONS.—Section 2676(4) (42 U.S.C. 300ff-76(4)) is amended by inserting "funeral-service practitioners," after "emergency medical technicians,".

(b) MISCELLANEOUS AMENDMENT.—Section 1201(a) (42 U.S.C. 300d(a)) is amended in the matter preceding paragraph (1) by striking "The Secretary," and all that follows through "shall," and inserting "The Secretary shall,".

(c) TECHNICAL CORRECTIONS.—Title XXVI (42 U.S.C. 300ff-11 et seq.) is amended—

(1) in section 2601(a), by inserting "section" before "2604";

(2) in section 2603(b)(4)(B), by striking "an expedited grants" and inserting "an expedited grant";

(3) in section 2617(b)(3)(B)(iv), by inserting "section" before "2615";

(4) in section 2618(b)(1)(B), by striking "paragraph 3" and inserting "paragraph (3)";

(5) in section 2647—

(A) in subsection (a)(1), by inserting "to" before "HIV";

(B) in subsection (c), by striking "section 2601" and inserting "section 2641"; and

(C) in subsection (d)—

(i) in the matter preceding paragraph (1), by striking "section 2601" and inserting "section 2641"; and

(ii) in paragraph (1), by striking "has in place" and inserting "will have in place";

(6) in section 2648—

(A) by converting the heading for the section to boldface type; and

(B) by redesignating the second subsection (g) as subsection (h);

(7) in section 2649—

(A) in subsection (b)(1), by striking "subsection (a) of"; and

(B) in subsection (c)(1), by striking "this subsection" and inserting "subsection";

(8) in section 2651—

(A) in subsection (b)(3)(B), by striking "facility" and inserting "facilities"; and

(B) in subsection (c), by striking "exist" and inserting "exists";

(9) in section 2676—

(A) in paragraph (2), by striking "section" and all that follows through "by the" and inserting "section 2686 by the"; and

(B) in paragraph (10), by striking "673(a)" and inserting "673(2)";

(10) in part E, by converting the headings for subparts I and II to Roman typeface; and

(11) in section 2684(b), in the matter preceding paragraph (1), by striking "section 2682(d)(2)" and inserting "section 2683(d)(2)".

TITLE VI—EFFECTIVE DATE

SEC. 601. EFFECTIVE DATE.

Except as provided in section 101(a), this Act takes effect October 1, 1995.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. BILIRAKIS] will be recognized for 20 minutes, and the gentleman from California [Mr. WAXMAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. BILIRAKIS].

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

Mr. Speaker, H.R. 1872, as amended, exemplifies a true bipartisan effort which included Chairman TOM BLILEY, Ranking Minority Member JOHN DINGELL, Subcommittee Ranking Minority Member HENRY WAXMAN, and myself. The bill before us represents the bill as reported out of the Commerce Committee with technical and clarifying changes and an amendment negotiated by Congressmen COBURN and WAXMAN regarding HIV testing of newborns.

The Ryan White Care Act was first enacted into law in 1990 to provide emergency relief to areas hardest hit by the AIDS epidemic and to provide essential health services to individuals afflicted by HIV and AIDS. This reauthorization has provided the first opportunity to evaluate how the program is working. Generally, I believe the program is working as intended. The bill before us makes modifications and clarifications to respond to the changes in the AIDS epidemic over the last 5 years.

Some of the key provisions of H.R. 1872 include: Modifications to both the title I and title II formulas; conflict of interest provisions for title I planning councils; priority for supplemental grants to areas with greater prevalence of specified comorbidity factors; and limits on administrative costs. In addition, the bill includes a requirement that all four titles contribute 3 percent to the Projects of National Significance; clarification that the intent of title IV is to increase the number of women and children in clinical research projects; transfer of the dental reimbursement program from title 7 of the Public Health Service Act; and reauthorization of all programs at such sums through fiscal year 2000.

Clearly, one of the most difficult issues we faced was the funding formulas for title I and II. Because of the spread of HIV across the country, some States were seeing significant increases in their number of HIV-AIDS cases but did not have any one area with enough cases to qualify as an eligible metropolitan area. Our goal was to provide these States with very needed additional funds without shifting large amounts of money from other States with a high percentage of AIDS cases. We tried to balance the need for additional money with our concern that services currently being provided to people with AIDS not be disrupted. The bill ensures that all States will receive at least the current dollar amount appropriated to them. And many States will receive increases over what they are currently receiving—no State will lose money.

I urge my colleagues to support H.R. 1872, but, before I reserve the balance of my time, at this point I would like to express my appreciation to the staffs, the staff of the majority of the subcommittee, Melody Harned, and also to the staff of the gentleman from California [Mr. WAXMAN] and other people who helped us to craft this very, very needed bill and to handle the controversy, if I can call it that, that involved the testing of newborns.

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

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

Mr. Speaker, I rise in support of the motion to suspend the rules, and I urge my colleagues to support the bill. The bill has passed the Senate, was reported by the Commerce Committee unanimously, and it should be acted on expeditiously by the House.

The Ryan White Program was originally enacted in 1990 to respond to the crisis in AIDS health services in America's cities and States, and in its clinics and hospitals. This act has been a great success.

Outpatient services are now available as an alternative to expensive hospital care; prescription drugs are provided to people who have no other source of coverage; early intervention treatments can be given to keep people healthy longer; and, effective service programs for mothers and children are up and running, programs which also coordinate their activities with research organizations to assure that appropriate research opportunities are available to their clients.

This law has improved health care for people with AIDS and HIV all over the country.

This bill renews the authorization for these successful programs and fine tunes the response to the new and changing needs of the epidemic. I'm especially pleased to say that this legislation, and the committee report that accompanies it, emphasize those basic services that people with HIV need most—the services that slow the progress of the disease, that prevent opportunistic infections, and that meet basic primary care needs—and that it targets assistance to those people least likely to be able to afford such services themselves. At a time when funding will continue to be limited, it is important that all services programs focus on the primary care of people with HIV.

This legislation does contain some controversial items. The inevitable disputes over formulas among cities and States appear here, as they have done and will continue to do in so much legislation before this Congress. The formulas contained in this bill represent a good faith effort to provide basic care to all Americans with HIV, and this bill is a balanced political compromise.

In addition, this legislation contains compromise provisions regarding the testing of newborns that I have worked out with the gentleman from Oklahoma [Mr. COBURN]. Although the so-called Coburn-Waxman amendment bears my name, I do have many reservations about this provision, as, I am sure, does the gentleman from Oklahoma. It deals with an issue about which there are profound differences in approach, which cannot be smoothed over. However, I believe the compromise approach embodied in this bill is necessary to move the Ryan White reauthorization forward and I urge Members to support it today.

Let me be clear at the outset: We do not disagree about the ultimate goals here. Mr. COBURN and I both want to reduce the number of HIV infections passed from mother to infant, and we have agreed that the most effective means of achieving that goal is counseling and voluntary testing of pregnant women. This agreement is reflected in the findings of the Coburn-Waxman provisions.

Mr. COBURN and I also agree that we want to reduce the rate of preventable pneumonia and other illnesses among HIV-infected infants and to improve their health care. Where we have differences is the most effective way of achieving the goal.

During the committee's consideration of this bill, an amendment was offered by Mr. COBURN that would have required all States to initiate the mandatory testing of all newborns immediately. I opposed that amendment, as did a wide variety of health and medical groups. I asked the gentleman from Oklahoma to withdraw his amendment and to work with me to produce an amendment that would provide alternatives to the mandatory approach.

I am gratified to say that he was willing to do so and that our staffs have worked since that time to come to some agreement. The provisions reflected in this bill are the product of that work.

This provision is not perfect by any means. As I say, I have serious concerns about its possible effects.

I believe that voluntary programs of HIV testing of infants would result in more infants receiving the care needed to prevent pneumonia and improve their health.

I believe that mothers who are highly encouraged to have their babies tested will be better partners in the lifelong medical care of these children than will mothers who are required to do so.

And I remain very concerned that the emphasis on newborn testing will divert attention and resources from the

more important goal of encouraging pregnant women to be tested themselves in time to provide care that will reduce the chance that the baby will be infected.

But I believe that the Coburn-Waxman amendment is a significant improvement over other proposals that have been considered. This provision postpones requirements that a State mandatorily test all newborns until a time when it is agreed such mandatory testing is the recommended standard of medical care. Some believe that day will inevitably come, but, at this time, virtually all medical groups oppose the practice.

The provision also gives States 2 years to develop effective alternatives to mandatory testing. If, after that time, mandatory testing is determined to be the routine of practice and if the State is not reaching most of its infants, the State will have up to 18 months to enact a mandatory testing law.

I support the Coburn-Waxman amendment as far preferable to the alternative of an immediately effective requirement of mandatory testing. I thank the gentleman from Oklahoma for his willingness to work with me on this more flexible approach.

I also want to take this moment to remind my colleagues why this action is taking place. Over the past year, new research developments have made it possible to prevent pneumonia and other diseases in newborns. That is why the question of testing babies is being debated and legislated about.

In addition, there have been research breakthroughs that are truly good news about the possibility of reducing HIV transmission from mother to child. That is what the findings of this bill are about, stating that voluntary prenatal testing should be the standard of care. This is not about testing newborns, but it has often been discussed in the same breath.

But both of these possibilities—preventing HIV through prenatal services and preventing disease in infected newborns through early intervention services—require services. Testing is not the answer; medical care is. Testing without care will make no difference. Testing without treatment is a cruel hoax on everyone concerned.

And, in truth, most of the care for HIV-infected pregnant women and children come from one source—Medicaid. I hope that as my colleagues move to reshape the Medicaid Program, that they will remember that there are services that we can all agree should be available to poor people.

Many of my colleagues, from both sides of the aisle, support the Coburn-Waxman amendment that may require States to provide testing of newborns if it is determined to be the medical standard of care. I hope that their enthusiasm for testing will be reflected in equal enthusiasm for assuring that the health care services are paid for.

Finally, the Coburn-Waxman amendment includes provisions about health insurance. These provisions repeat the protections that the Americans With Disabilities Act provides for people with any disability, in any employment setting. It was believed to be appropriate to repeat these protections here so that anyone concerned that HIV testing would be used inappropriately could see the testing provision and the protection in one place.

In addition, the provision describes how insurers may respond if fraud was committed. It is my clear understanding that this provision does not override any ADA, State law, or NAIC provisions that limit what may be asked for a person seeking insurance or holding insurance. These provisions are included to provide clear consumer protection and to allow insurers to respond appropriately if there is fraud in the answering of a permissible question. For instance, the National Association of Insurance Commissioners and many States have regulations restricting what can be asked of a person who is insured or seeking insurance. The insurance provisions of the Coburn-Waxman amendment provide additional protection for these consumers and are not intended to undo the NAIC and State actions.

In conclusion, I would note for my colleagues that this bill was reported from the Commerce Committee unanimously. Whatever the differences among us on other issues, we have come together to reauthorize this program of AIDS health care services and to assure those who depend on it that it will continue. I urge my colleagues to do so today.

Finally I would like to thank the staff involved for their diligent work on this important bill. Karen Nelson, Kay Holcombe, Melody Harned, Mark Agrast, Roland Foster, and Peter Goodloe have put in many long hours on this legislation and I want to express my appreciation to them.

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Mr. BILIRAKIS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from North Carolina [Mr. BURR].

Mr. BURR. Mr. Speaker, I rise today to offer support for the passage of the Ryan White CARE Act. I strongly support the intent of this legislation, but have some strong concerns about the inequitable distribution of funds to non-title I areas.

Currently, there is a 15 percent increase in the incidence of AIDS in rural areas. This is far greater than the 5 percent increase in cities of more than 50,000. I believe that we must address the serious problems associated with AIDS in all pockets of this country, not just the ones that are most visible. It is for this reason that I support inclusion of the Senate passed title II distribution formula.

By adopting the Senate title II formula, the conference committee has an opportunity to put a stop to unfair double counting. In effect, double counting places a higher priority on the needs of AIDS patients in 42 metropolitan areas than it does the needs of AIDS victims across the rest of America. After all, who are we to geographically prioritize the value of American lives.

As I have become more familiar with the horrors of this disease, I am acutely aware of the need for AIDS funding, and I appreciate the efforts of the chairman to craft a bill which addresses this growing concern. I hope that the conference committee will go one step further by adopting a title II formula which looks to the needs of all AIDS victims, and helps to prevent the spread of this dreadful disease in both urban and rural areas.

Mr. Speaker, I along with other Members of the Commerce Committee, urge this body to support the reauthorization. I encourage the chairman and the ranking minority member to fight in Congress for the Senate formula so that all areas of this country can be represented.

Mr. WAXMAN. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me time. I rise in support of the reauthorization of the Ryan White Care Act, and in doing so commend the gentleman from Florida, Chairman BILIRAKIS, and the gentleman from California, the ranking member, Mr. WAXMAN, for their leadership in bringing this bill today to the Floor in a bipartisan fashion.

Originally enacted in 1990, with strong bipartisan support then, this program provides assistance for health care with people with AIDS. Congress should take great pride in its actions in regard to the Ryan White CARE Act, both in the past 5 years and in the legislative activity that is happening today.

The Ryan White Program provides vital grants to metropolitan areas with high numbers of AIDS cases for outpatient health care and social services. In the coming year, 49 cities will receive direct emergency assistance through a formula grant, and will be eligible to compete for supplemental funds to assist with meeting the health care needs of people with AIDS.

Mr. Speaker, as Chairman BILIRAKIS mentioned in his opening remarks, the Ryan White Program also provides comprehensive care grants to states for the operation of HIV service delivery consortia in localities most heavily affected, for the provision of home and

community-based care, for the continuation of insurance coverage for infected persons, and for purchase of therapeutic drugs.

In addition, the Ryan White CARE Act provides grants to community, migrant and homeless health centers, family granting grantees, hemophilia centers and other nonprofit entities that provide comprehensive primary care services to people with AIDS or population at increased risk for HIV inspection.

Mr. Speaker, separate grants are also made to foster collaboration between clinical research institutions and primary community-based medical and social service providers for the target population of HIV infected children, pregnant women, and their families.

Mr. Speaker, since 1981, my community of San Francisco has reported 22,000 cases of AIDS. Imagine if this happened in your district, my colleagues; 14,600 deaths. You can see how grateful we are to the leaders of the committee for this as well as the fact that this is a national tragedy. We do not want our colleagues to experience the tragedy we have had in our community.

I commend our colleagues for their leadership in bringing this to the floor and laying the foundation for a compromise on other issues.

Mr. BILIRAKIS. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Speaker, let me begin by saying a special thank you to the gentleman from Florida, Chairman BILIRAKIS, to the gentleman from Virginia, Chairman BLILEY, to the gentleman from California, Mr. WAXMAN, and others for bringing up this legislation today. It is essential we pass this before the end of the month, and, obviously, that time clock is ticking.

Mary Fisher, an active well-known Republican who spoke so eloquently to the Nation at the Republican National Convention in 1992, talks often about pilgrims in the road to AIDS. Today each one of us, in our own small way, are able to be one of those pilgrims. We are about to do a small part in this fight.

We have learned a lot as we deal with the reauthorization of Ryan White. We have learned that the cure is much harder to find, the services are much harder to fund, and that the fighters, the pilgrims in this fight, are much more tired than they were 4 or 5 years ago. Recognizing all of that, I think we have also learned in this reauthorization that AIDS is no longer unique to big cities. It is no longer unique to the gay community. It is no longer unique just to the low income. It touches everybody in a different way.

Mr. Speaker, my guess is that every person on Capitol Hill in some way, shape or form has been touched by AIDS. We have either known a family member, a friend, or a coworker who either has lost their life or is presently suffering from this disease. Just yesterday in Wisconsin over 10,000 people marched, the largest ever in the State of Wisconsin, in their AIDS walk. This coming Saturday, here in Washington, DC, the AIDS walk will be held again, and many people, myself included, will join that effort at a time when our Nation's Capital is more challenged by resources to fight AIDS than ever before in its history.

And so, Mr. Speaker, this year, as we reauthorize Ryan White, we do not just continue the programs, but we recognize that rural America, that small States as well as big cities and populace areas, all have been touched by AIDS and the funding formulas need to and do recognize that. My home State of Wisconsin, under this funding formula will receive over $600,000 more annually than they have under the previous act.

As we pass this legislation, let us remember, as Mary Fisher so eloquently has said, we are all pilgrims in the road to AIDS. Each of us today has a chance in a small way to do our part.

Mr. WAXMAN. Mr. Speaker, I yield 7 minutes to the gentleman from New York [Mr. ACKERMAN].

Mr. ACKERMAN. Mr. Speaker, I rise today in the strongest of support for H.R. 1872, the Ryan White CARE Act Amendments of 1995. By adopting this legislation today, we can stop sending women and infants home from the hospital without knowing their HIV status. Language included in this bill for the first time would require all newborns in America to be tested for HIV if the infant's mother was not voluntarily tested during her pregnancy.

Mr. Speaker, H.R. 1872 encourages voluntary HIV counseling, testing, and treatment of pregnant women as recommended by the Centers for Disease Control and forbids insurance companies for terminating the insurance of anybody who undergoes tests for AIDS.

I want to pay special tribute today to the gentleman from Virginia, Chairman BLILEY, and the gentleman from Michigan, Mr. DINGELL, the gentleman from Florida, Chairman BILIRAKIS, the gentleman from California, Mr. WAXMAN, and especially the gentleman from Oklahoma, Dr. COBURN, for his tireless efforts on behalf of this legislation.

Mr. Speaker, make no mistake about it, with regard to this aspect of the legislation, there is not a person that I have met who does not prefer to encourage every pregnant woman in America to voluntarily be tested, to know her HIV status so that she might be treated with AZT, so that in at least 65 percent of the cases the in utero transmission of the virus will not be passed on to the yet-to-be-born child. This has been a national tragedy, Mr. Speaker. For years our country has been testing newborn infants anonymously to determine whether or not they have their mother's antibodies for HIV and then allowing those infants and mothers to go home from the hospital, never being told that the child tested positive, never allowing that child, that newborn infant, to access the medical system so that his or her young life might be made a little bit more comfortable.

Usually, the first time that that mother, whose child had been tested for six or seven other kinds of diseases, such as hepatitis B, or syphilis, or so many other things, was told that the child tested positive to anything that the States required testing for but we were silent, absolutely silent if the child tested positive for the mother's antibodies to HIV, that mother thought she was taking home an otherwise healthy child, the next time that that child often appeared in the health care system was when he or she began dying of AIDS. That is absolutely unconscionable.

And that test, Mr. Speaker, has now been stopped. But we must deal with this problem, the problem of transmission to thousands of young lives, newborn infants. And how do we do that? First, we try to get the mothers to undergo voluntary testing. But in some cases the mothers do not volunteer. We are all hopeful there will be 100 percent who would be willing to know what their status is and what the status of their newborn infant is, but that does not happen. Some mothers show up at the health care system the very first time when she is about to deliver. Other mothers, for whatever reasons, decide they do not want to know themselves and refuse testing.

What happens to the children of those mothers should they be condemned to death? Should not somebody be advocating for those young people? If their mothers are not advocating for them, who will act in loco parentis? For the first time, Mr. Speaker, we address that problem, and, hopefully, it will be a very, very small percentage, because those mothers will undergo voluntary counseling and testing.

What we do in this legislation, which this House should be so proud of, is we take all of those infants whose mother's status is not known, which is, hopefully, a very small number, and make sure that they get tested. Some have advocated that the mother has a right to privacy, and in testing the child we have inadvertently or deliberately tested the mother to determine her status, and that the mother has a right to remain ignorant of her status if she so chooses. That may be so, but the child has a right to live.

In this complex and complicated society, so often rights conflict. We must make tough decisions, and we have made this decision before, certainly in

the case of those mothers, in those cases where a family has their own religious beliefs and does not believe in medical intervention and their religion calls for the divine intervention instead. If the life of the child is threatened and the mother refuses to allow the medical community to assist the child because of her religion, we have made the decision that the life of the child takes precedence. Every ethical panel has made that decision. Certainly if the right of the child to survive is more important than the constitutional right of freedom of religion, certainly it is equally important as the mother's right to remain ignorant.

□ 1530

We deal with this problem squarely in this legislation. And I want to caution this House, because this legislation has been brought together by people who are liberals and conservatives, Republicans and Democrats, parents and not, people of good will, but this should not be just delivering the mother a death certificate and saying, "Your child is ill and is going to die."

There is no substitution for care. There is no substitution for treatment. There is no substitution for the kind of resources this Nation is going to have to put behind any effort to eliminate and eradicate this dreaded disease. I urge all of our colleagues in the House to support this legislation. For the very first time since the Ryan White bill has been enacted in this House, we deal with the problem of those newest of Americans, those newborn citizens, who before had no access to the health care system, had no access to Ryan White money, and we treat them the same as if they were anybody else. I think that is pretty important.

Mr. Speaker, I thank all of those who have worked on this legislation, and urge strongly passage of this bill.

Mr. BILIRAKIS. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. FOLEY].

Mr. FOLEY. Mr. Speaker, I thank the gentleman from Florida for yielding and for his leadership on this issue.

Mr. Speaker, I rise in support of the Ryan White Care Act Amendments of 1995. I stress that the Ryan White Care Act as been passed by the Senate 97 to 3.

Since its enactment in 1990, the CARE Act has been a vital lifeline of comprehensive medical and support services for Americans living with HIV and AIDS.

While progress has been made in educating citizens about this deadly disease, the statistics are grim: AIDS has become the leading killer of young men and women between the ages of 25 and 44.

Regrettably, one American becomes infected with HIV every 15 minutes and is spreading most rapidly among women, adolescents and within minority communities.

My home district of Florida has been severely devastated by this deadly disease, with the city of West Palm Beach having the second highest case rate of HIV infections in females.

AIDS also hits the minority communities especially hard, with African-Americans in Palm Beach County being 10 times more likely to be infected with HIV than whites.

Mr. Speaker, it is important we continue the educational process. It is important that we stress to our youth in America that abstinence is the only way to preserve and protect yourself.

Mr. Speaker, it is critical we preserve the partnership we have carved between the Federal, State, and local governments in the fight against AIDS.

Through the cooperation of private and public efforts on all levels, the CARE Act has been instrumental in helping meet the emergency medical and support needs of communities impacted by the AIDS epidemic.

These funds all provide needed assistance to help keep thousands of men, women, and children affected by AIDS healthy and living longer.

Since the CARE Act is set to expire on September 30, 1995, reauthorization is urgent to ensure there is no disruption in services for those suffering with AIDS across the country.

Mr. Speaker, I ask my colleagues to join me in support of the Ryan White CARE Act—it is a vital national investment for all Americans.

Ms. WOOLSEY. Mr. Speaker, with AIDS now the leading killer of Americans between the ages of 25 and 44, it is more important than ever that we move forward, and do not retreat, in the fight against AIDS. To that end, swift reauthorization of the Ryan White CARE Act is crucial.

The district I represent in California, Marin and Sonoma Counties, is one of the hardest hit by the AIDS epidemic. In fact, it has one of the highest incidence of HIV infection for a suburban/rural area in the country. While communities in my district have developed HIV/AIDS care and prevention systems that are a model for the Nation, they simply cannot do it on their own. That is why the care and services funded under the Ryan White CARE Act are essential to the men, women, children, and families living with HIV and AIDS in Marin and Sonoma Counties, CA, and in every community in this Nation.

The CARE Act has proven to be highly successful at delivering quality AIDS-related care in cost-effective home and community-based settings, rather than in expensive emergency rooms and acute care hospital settings. It keeps people healthy, and lets them live and die with dignity in their homes, thus reducing the amount that State and Federal Governments spend on Medicaid.

Mr. Speaker, any way you look at it, the Ryan White CARE Act is a wise national investment that must be continued. I urge the House to renew its commitment to the fight against AIDS by giving the Ryan White CARE Act reauthorization the widespread and bipartisan support it deserves.

Mr. STUDDS. Mr. Chairman, as a cosponsor of H.R. 1872, I rise to express my strong support for the bill.

Some 5 years ago, I joined with colleagues on both sides of the aisle in passing the Ryan White Care Act. Since then, this legislation has been a lifeline to hundreds of thousands of people in States and communities across the United States.

Since then, AIDS has become the primary cause of death of men and women in the prime of their lives. Nearly half a million cases have been reported to the Center for Disease Control and Prevention, and nearly half that number have died since the first case was formally recognized in the early 1980's.

Included in those grim statistics are two former Members of this House and many members of our families and our official family.

Notwithstanding the recent comments of some public figures, most of us now recognize that the AIDS virus is indifferent to the social boundaries which separate us from one another. It does not discriminate by race or creed or sexual orientation—or even by party affiliation.

Most of us understand that this is one of those occasions which require us to put aside our differences and deal thoughtfully and humanely with a crisis that affects us all.

The effort to reauthorize this legislation has been a long and difficult process. It has been, from first to last, a bipartisan effort, and I commend Chairman BLILEY, the ranking member, Mr. DINGELL, our subcommittee chairman, Mr. BILIRAKIS, and the ranking member, Mr. WAXMAN, for all they have done to bring the bill to the floor.

I urge my colleagues to join together in that spirit to pass the bill and send it to conference at the earliest possible date.

Mrs. MINK of Hawaii. Mr. Speaker, today I rise in strong support of H.R. 1872, the reauthorization of the Ryan White CARE Act. This legislation has proven to be successful in helping those with HIV/AIDS receive adequate health care.

Over the past 14 years we have watched helplessly as this disease was transformed from that of an unknown virus into a killer of epidemic proportions. We all know the numbers. AIDS has now infected over 400,000 Americans. It has become the leading killer of all Americans ages 25–44. My own State of Hawaii has had over 1,400 total AIDS cases, 250 of which were reported over the past year. As striking as these numbers may be, they only tell a small part of the story.

AIDS is unlike any other disease we have ever encountered. In addition to having to deal with the day-to-day effects of their condition, AIDS victims must also confront daily discrimination brought on by fear and lack of awareness. Unlike cancer and heart disease which primarily occur later in life, AIDS usually strikes its victims in their prime. As a result, they are robbed of their quality of life, they are robbed of their opportunity to reach their full potential as productive members of society, and their Nation is robbed of a group of individuals at an age when they are most likely to contribute to our economy, to our work force and to our communities. I firmly believe that the Federal Government must step forward to offer the strongest possible response to this terrible epidemic.

Prior to 1990, most Federal AIDS funding went toward research programs with the hope of learning more about the disease. Health care costs for treating AIDS have been rising astronomically. As a result, AIDS has also become detrimental to its victims from an economic standpoint. It was not until the implementation of the Ryan White CARE Act that money was first made available to help treat the victims of this deadly disease. Since that time we have helped provide essential treatment and services for needy AIDS patients with resounding success.

I would like to take this opportunity to express my concern over the language being proposed by my colleague from Oklahoma regarding mandatory testing of newborns. I firmly believe that we must test for this disease as soon as possible. The sooner we can detect the virus in newborns, the higher a quality of life they can expect to lead. In fact, if we can treat an infected mother with AZT prior to pregnancy, we reduce the risk of transmitting the virus to the infant by almost one-third. However, I question whether or not we can accomplish this by simply mandating testing. Mandatory testing violates the civil liberties of the woman and may produce the opposite response by driving them out of medical care. We need to take into account the psychological ramifications of this disease by implementing testing methods which are not as coercive. This can be accomplished by working with these women to offer them adequate counseling and voluntary testing.

I adamantly urge my colleagues to vote to reauthorize this most important program. While we must be sure to allocate adequate resources for AIDS research and prevention, we must also be sure to do all that we can to help lessen the burden on those already infected with the virus. We took a huge step forward 5 years ago toward this goal by passing the Ryan White CARE Act. This program has successfully helped needy AIDS victims attain sufficient treatment. We need to reauthorize this vital program, and we need to do it in a timely matter to ensure that none of these critical services are interrupted.

Mrs. MORELLA. Mr. Speaker, I rise in support of H.R. 1872, the Ryan White CARE Act reauthorization bill. I am a cosponsor of this legislation, and I want to particularly thank subcommittee Chairman MICHAEL BILIRAKIS, Mr. WAXMAN, and the other members of the subcommittee and full committee for their efforts to bring this bill to the House floor without further delay. H.R. 1872 was approved by the committee by a unanimous vote, and the bill has been cosponsored by a diverse, bipartisan group of Members.

The CARE Act provides medical care to more than 350,000 people living with HIV/AIDS. Under the Act, local communities make the decisions as to how funding should be allocated, in a manner consistent with this Congress' efforts to give States and localities greater control. It is critical that we pass this bill today and approve a final reauthorization bill as soon as possible.

The funding formula in H.R. 1872, while far from perfect, is an improvement over the Senate version of the bill. I again thank the chairman and members of the subcommittee for working to improve the Senate formula, and I will be working to ensure that the House funding formula prevails in conference.

In regard to the issue of HIV testing for infants and pregnant women, I have serious concerns with any attempt to impose mandatory testing. While I certainly share the view that we must do everything possible to reduce perinatal transmission of HIV, I believe that we have to try to distance ourselves from the emotions and create policies that will truly save women and their children.

The most effective way to prevent perinatal HIV transmission is to prevent women from becoming infected in the first place. So far we have failed to effectively reach out to women and inform them of their risks for HIV and its potential impact on their lives. For this reason, I have introduced legislation since 1990 targeting prevention efforts to women. And my colleague from California, Congresswoman PELOSI, worked tirelessly with CDC to craft the HIV Community Planning process to ensure that HIV prevention funding is targeted to the particular needs of local communities and that prevention plans are developed and implemented by community-based organizations that know best what works for the specific populations they serve.

In addition, the CDC guidelines for routine counseling and voluntary, confidential testing of pregnant women will provide access to early interventions that will actually prevent perinatal transmission, and link them to HIV care and services. Most medical and public health groups support a voluntary testing policy. During the subcommittee hearing in May, representatives of the American Academy of Pediatrics and the American College of Obstetricians and Gynecologists testified in support of a voluntary testing policy.

Preserving a patient-provider relationship of trust is essential to keeping women in the health care system. And, clearly, it is women who have the greatest investment in the health and well-being of their children. Many voluntary counseling and testing programs exist, at Harlem Hospital and others; the physicians who run these programs will tell you that it is because the testing is voluntary that they are successful. In these programs, most all women, after talking with their provider, will choose testing and the treatment recommended by their provider. We should devote our resources to replicating these models, rather than to efforts that will do nothing to prevent perinatal transmission.

Despite my strong reservations with the House testing provision, I urge my colleagues to vote in favor of H.R. 1872. We must move quickly to reauthorize this critical program providing medical care to all people living with HIV/AIDS.

Mr. OWENS. Mr. Speaker, some of the most passionate letters that I have received come from my constituents concerned with the fate of the Ryan White Comprehensive AIDS Resources Emergency [CARE] Act (H.R. 1872). Today, hundreds of thousands of people are breathing sighs of relief as we finally reauthorize the Ryan White CARE Act, the bedrock of Federal comprehensive assistance for women, men and children living with the HIV or AIDS virus.

As my colleagues and I consider this significant legislation, it is crucial that we do not diminish the crisis that currently exists. It is a chilling reality that AIDS has etched a place in history as the disease that has taken the lives of more Americans in the United States than all of the wars combined since the Civil War. I appeal to all to remember that AIDS is not a distant nightmare relegated only to those communities and individuals who behave irresponsibly.

We must remember AIDS is now the leading cause of death for individuals between the ages of 25 and 44. Since AIDS was first identified in the 1980's, one-half million individuals have been diagnosed. Tragically, one-half of those, or 250,000 people, have died. According to the Centers for Disease Control, between 800,000 and 1 million Americans are currently HIV infected; and close to 100 Americans will die from the disease each day.

Our urban epicenters have become depositories for AIDS/HIV-infected persons. My own State of New York has nearly 20 percent of reported AIDS cases in the U.S., although the State holds only 7 percent of the Nation's population. Moreover, in New York City, AIDS is among the top five causes of death for children up to 9 years of age. And by the year 2000, it is estimated that 30,000 children will be orphaned by AIDS in New York City.

It is in our common interest, socially, medically and fiscally, to fully fund the Ryan White CARE Act. Ryan White CARE programs have become integral components of the entire health care system. By providing early intervention, housing assistance and case management to some of our most fragile citizens, these programs have effectively and efficiently served as their safety net.

The impact of these programs is evident everywhere including New York State. Despite the fact that the number of people living with AIDS in New York doubled between 1989 and 1992, the number hospitalized increased by less than one third. In the State, Ryan White HIV home care services average a cost of $194 per day, while 1 day at the hospital costs $993 and nursing home care costs $424 per day. At the very least, we would be fiscally irresponsible to ignore these facts.

Without a doubt, the scope of this crisis merits the full employment of Federal resources. Last month, the House passed other measures that acknowledge the AIDS emergency, including funding for AIDS research at the Centers for Disease Control and the National Institutes for Health. But, more resources should and can be devoted to combatting this epidemic. In the Labor-HHS-Education Appropriations bill (H.R. 2127), Ryan White AIDS programs were authorized for $67.5 million less than the administration's request.

America cannot afford to fall short on the Ryan White CARE Act. The provision of food, housing, medical care, prescription drugs and other important services is the least that the government can do to ensure that the appropriate level of care reaches the infirm. Ryan White CARE programs are to the AIDS community what Social Security is to senior citizens. I appeal to my colleagues with any sense of compassion to vote "yes" for H.R. 1872 and pledge their support for further efforts to fully fund these vital programs.

Mr. KLECZKA. Mr. Speaker, passage of the Ryan White CARE Act Amendments is the

culmination of more than 20 years of untiring work by the HIV/AIDS community not only to reauthorize this landmark legislation, but to make it stronger. In a time when divisive politics has become the norm, the Ryan White CARE Act is a rare example of the good work that can be accomplished when individuals, despite different socioeconomic status, locales, and politics, come together in a strong partnership to work for a common goal.

This past Sunday I had the wonderful opportunity to join over ten thousand supporters of the Ryan White CARE Act at the Wisconsin AIDS Walk. Some walked to remember a loved one or coworker that had died of the disease; some walked in the hope they could raise money for research to help find a cure; some walked to promote awareness, or to show their support for the HIV/AIDS community. But they all walked together. And together they raised over $700,000 for the cause.

Similarly, because we all worked together, Republicans and Democrats, Members from urban areas and those from rural districts, the Ryan White CARE Act is even stronger than the original legislation. For example, the new funding formulas that were so carefully fashioned will increase Federal AIDS funding in Wisconsin by over $3 million.

It is through the commitment of the Ryan White CARE Act, that the Federal Government joins State and local governments in an inclusive partnership with health care providers, religious organizations, people afflicted with the AIDS epidemic, and members of the Wisconsin community who came out on Sunday to walk for a good cause. This partnership has afforded people with the HIV disease access to a comprehensive support structure that includes housing, medical care, legal and social services, and most importantly, hope.

I am proud to have been a part of this important bipartisan effort to reauthorize the Ryan White CARE Act. It is truly gratifying to see this bill pass overwhelmingly in both Houses. But on this important day, let us remember that we could not have reached this important goal if we had not all worked together.

Ms. HARMAN. Mr. Speaker, I rise in strong support of the Ryan White CARE Act. Its four different titles will continue to bring critical medical and support services to people with HIV/AIDS through the year 2000. It also provides for training programs for health practitioners who treat HIV-positive individuals, and funds demonstration projects to treat and care for HIV-infected individuals with particular needs. The CARE Act is a proven success, and I strongly urge its passage.

There is a very human face to HIV and AIDS, and I have witnessed the way that AIDS has impacted the lives of many of my constituents and my friends. Elizabeth Glasser touched my life deeply. She dedicated her life to raising awareness about pediatric AIDS, courageously fighting until she died. Her commitment demonstrated how much one person can do. The Children Affected by AIDS Foundation [CAAF], is another example. CAAF was started in 1993 by Joe Cristina, a vice-president at Mattel in El Segundo, who is also HIV positive. Its mission is to raise funds and support grassroots agencies nationwide that provide direct care, support, and assistance to children with AIDS. CAAF successfully involves corporate America, Hollywood, the media, service providers, advocates, and community organizations. Although CAAF has been incredibly successful in raising private support to combat pediatric AIDS, the Ryan White Act is critical to its continued success. Women's Link, located in Marina del Rey, is an information center for women with HIV that also relies on Ryan White Act funds, as does the Santa Monica AIDS Project, another successful program serving hundreds in my district.

Regrettably, Los Angeles stands to lose money under title I and title II of the bill because its appropriations are not sufficient to adequately fund currently eligible and newly added cities. The Senate version has a clause that allows the Secretary of Health and Human Services to fully fund the currently eligible cities in the second year. I strongly support that provision.

I strongly urge Congress to pass this authorizing legislation, and to fully fund the Ryan White CARE Act. The lives of over 1 million Americans infected with the AIDS virus depend on it.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. BILIRAKIS] that the House suspend the rules and pass the bill, H.R. 1872, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1872, as amended.

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

There was no objection.

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 641) to reauthorize the Ryan White CARE Act of 1990, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 641

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 "Ryan White CARE Reauthorization Act of 1995".

SEC. 2. REFERENCES.

Whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of title XXVI of the Public Health Service Act (42 U.S.C. 300ff-11 et seq.).

SEC. 3. GENERAL AMENDMENTS.

(a) ESTABLISHMENT OF GRANT PROGRAM.—Section 2601 (42 U.S.C. 300ff-11) is amended—

(1) in subsection (a)—

(A) by striking "March 31 of the most recent fiscal year" and inserting "March 31, 1995, and December 31 of the most recent calendar year thereafter"; and

(B) by striking "fiscal year—" and all that follows through the period and inserting "fiscal year, there has been reported to and confirmed by, for the 5-year period prior to the fiscal year for which the grant is being made, the Director of the Centers for Disease Control and Prevention a cumulative total of more than 2,000 cases of acquired immune deficiency syndrome."; and

(2) by adding at the end thereof the following new subsections:

"(c) POPULATION OF ELIGIBLE AREAS.—The Secretary may not make a grant to an eligible area under subsection (a) after the date of enactment of this subsection unless the area has a population of at least 500,000 individuals, except that this subsection shall not apply to areas that are eligible as of March 31, 1994. For purposes of eligibility under this title, the boundaries of each metropolitan area shall be those in effect in fiscal year 1994.

"(d) CONTINUED FUNDING.—A metropolitan area that has received a grant under this section for the fiscal year in which this subsection is enacted, shall be eligible to receive such a grant in subsequent fiscal years.".

(b) EMERGENCY RELIEF FOR AREAS WITH SUBSTANTIAL NEED FOR SERVICES.—

(1) HIV HEALTH SERVICES PLANNING COUNCIL.—Subsection (b) of section 2602 (42 U.S.C. 300ff-12(b)) is amended—

(A) in paragraph (1)—

(i) by striking "include" and all that follows through the end thereof, and inserting "reflect in its composition the demographics of the epidemic in the eligible area involved, with particular consideration given to disproportionately affected and historically underserved groups and subpopulations."; and

(ii) by adding at the end thereof the following new sentences: "Nominations for membership on the council shall be identified through an open process and candidates shall be selected based on locally delineated and publicized criteria. Such criteria shall include a conflict-of-interest standard for each nominee.";

(B) in paragraph (2), by adding at the end thereof the following new subparagraph:

"(C) CHAIRPERSON.—A planning council may not be chaired solely by an employee of the grantee.";

(C) in paragraph (3)—

(i) in subparagraph (A), by striking "area;" and inserting "area based on the—

"(i) documented needs of the HIV-infected population;

"(ii) cost and outcome effectiveness of proposed strategies and interventions, to the extent that such data are reasonably available, (either demonstrated or probable);

"(iii) priorities of the HIV-infected communities for whom the services are intended; and

"(iv) availability of other governmental and nongovernmental resources;";

(ii) by striking "and" at the end of subparagraph (B);

(iii) by striking the period at the end of subparagraph (C) and inserting ", and at the discretion of the planning council, assess the effectiveness, either directly or through contractual arrangements, of the services offered in meeting the identified needs; "; and

(iv) by adding at the end thereof the following new subparagraphs:

"(D) participate in the development of the Statewide coordinated statement of need initiated by the State health department;

"(E) establish operating procedures which include specific policies for resolving disputes, responding to grievances, and minimizing and managing conflict-of-interests; and

"(F) establish methods for obtaining input on community needs and priorities which may include public meetings, conducting focus groups, and convening ad-hoc panels.";

(D) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(E) by inserting after paragraph (1), the following new paragraph:

"(2) REPRESENTATION.—The HIV health services planning council shall include representatives of—

"(A) health care providers, including federally qualified health centers;

"(B) community-based organizations serving affected populations and AIDS service organizations;

"(C) social service providers;

"(D) mental health and substance abuse providers;

"(E) local public health agencies;

"(F) hospital planning agencies or health care planning agencies;

"(G) affected communities, including people with HIV disease or AIDS and historically underserved groups and subpopulations;

"(H) nonelected community leaders;

"(I) State government (including the State medicaid agency and the agency administering the program under part B);

"(J) grantees under subpart II of part C;

"(K) grantees under section 2671, or, if none are operating in the area, representatives of organizations with a history of serving children, youth, women, and families living with HIV and operating in the area; and

"(L) grantees under other Federal HIV programs.".

(2) DISTRIBUTION OF GRANTS.—Section 2603 (42 U.S.C. 300ff–13) is amended—

(A) in subsection (a)(2), by striking "Not later than—" and all that follows through "the Secretary shall" and inserting the following: "Not later than 60 days after an appropriation becomes available to carry out this part for each of the fiscal years 1996 through 2000, the Secretary shall"; and

(B) in subsection (b)

(i) in paragraph (1)—

(I) by striking "and" at the end of subparagraph (D);

(II) by striking the period at the end of subparagraph (E) and inserting a semicolon; and

(III) by adding at the end thereof the following new subparagraphs:

"(F) demonstrates the inclusiveness of the planning council membership, with particular emphasis on affected communities and individuals with HIV disease; and

"(G) demonstrates the manner in which the proposed services are consistent with the local needs assessment and the Statewide coordinated statement of need."; and

(ii) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and

(iii) by inserting after paragraph (1), the following new paragraph:

"(2) PRIORITY.—

"(A) SEVERE NEED.—In determining severe need in accordance with paragraph (1)(B), the Secretary shall give priority consideration in awarding grants under this section to any qualified applicant that demonstrates an ability to spend funds efficiently and demonstrates a more severe need based on prevalence of—

"(i) sexually transmitted diseases, substance abuse, tuberculosis, severe mental illness, or other diseases determined relevant by the Secretary, which significantly affect the impact of HIV disease in affected individuals and communities;

"(ii) AIDS in individuals, and subpopulations, previously unknown in the eligible metropolitan area; or

"(iii) homelessness.

"(B) PREVALENCE.—In determining prevalence of diseases under subparagraph (A), the Secretary shall use data on the prevalence of the illnesses described in such subparagraph in HIV-infected individuals unless such data is not available nationally. Where such data is not nationally available, the Secretary may use the prevalence (with respect to such illnesses) in the general population.".

(3) DISTRIBUTION OF FUNDS.—

(A) IN GENERAL.—Section 2603(a)(2) (42 U.S.C. 300ff–13(a)(2)) (as amended by paragraph (2)) is further amended—

(i) by inserting ", in accordance with paragraph (3)" before the period; and

(ii) by adding at the end thereof the following new sentence: "The Secretary shall reserve an additional percentage of the amount appropriated under section 2677 for a fiscal year for grants under part A to make grants to eligible areas under section 2601(a) in accordance with paragraph (4).".

(B) INCREASE IN GRANT.—Section 2603(a) (42 U.S.C. 300ff–13(a)) is amended by adding at the end thereof the following new paragraph:

"(4) INCREASE IN GRANT.—With respect to an eligible area under section 2601(a), the Secretary shall increase the amount of a grant under paragraph (2) for a fiscal year to ensure that such eligible area receives not less than—

"(A) with respect to fiscal year 1996, 98 percent;

"(B) with respect to fiscal year 1997, 97 percent;

"(C) with respect to fiscal year 1998, 95.5 percent;

"(D) with respect to fiscal year 1999, 94 percent; and

"(E) with respect to fiscal year 2000, 92.5 percent;

of the amount allocated for fiscal year 1995 to such entity under this subsection.".

(4) USE OF AMOUNTS.—Section 2604 (42 U.S.C. 300ff–14) is amended—

(A) in subsection (b)(1)(A)—

(i) by inserting ", substance abuse treatment and mental health treatment," after "case management"; and

(ii) by inserting "which shall include treatment education and prophylactic treatment for opportunistic infections," after "treatment services,";

(B) in subsection (b)(2)(A)—

(i) by inserting ", or private for-profit entities if such entities are the only available provider of quality HIV care in the area," after "nonprofit private entities,"; and

(ii) by striking "and homeless health centers" and inserting "homeless health centers, substance abuse treatment programs, and mental health programs"; and

(C) in subsection (e)—

(i) in the subsection heading, by striking "AND PLANNING;

(ii) by striking "The chief" and inserting: "(1) IN GENERAL.—The chief";

(iii) by striking "accounting, reporting, and program oversight functions";

(iv) by adding at the end thereof the following new sentence: "An entity (including subcontractors) receiving an allocation from the grant awarded to the chief executive officer under this part shall not use in excess of 12.5 percent of amounts received under such allocation for administration."; and

(v) by adding at the end thereof the following new paragraphs:

"(2) ADMINISTRATIVE ACTIVITIES.—For the purposes of paragraph (1), amounts may be used for administrative activities that include—

"(A) routine grant administration and monitoring activities, including the development of applications for part A funds, the receipt and disbursal of program funds, the development and establishment of reimbursement and accounting systems, the preparation of routine programmatic and financial reports, and compliance with grant conditions and audit requirements; and

"(B) all activities associated with the grantee's contract award procedures, including the development of requests for proposals, contract proposal review activities, negotiation and awarding of contracts, monitoring of contracts through telephone consultation, written documentation or onsite visits, reporting on contracts, and funding reallocation activities.".

"(3) SUBCONTRACTOR ADMINISTRATIVE COSTS.—For the purposes of this subsection, subcontractor administrative activities include—

"(A) usual and recognized overhead, including established indirect rates for agencies;

"(B) management oversight of specific programs funded under this title; and

"(C) other types of program support such as quality assurance, quality control, and related activities.".

(5) APPLICATION.—Section 2605 (42 U.S.C. 300ff–15) is amended—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1), by inserting ", in accordance with subsection (c) regarding a single application and grant award," after "application";

(ii) in paragraph (1)(B), by striking "1-year period" and all that follows through "eligible area" and inserting "preceding fiscal year";

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

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

(v) by adding at the end thereof the following new paragraph:

"(6) that the applicant has participated, or will agree to participate, in the Statewide coordinated statement of need process where it has been initiated by the State, and ensure that the services provided under the comprehensive plan are consistent with the Statewide coordinated statement of need.";

(B) in subsection (b)—

(i) in the subsection heading, by striking "ADDITIONAL";

(ii) in the matter preceding paragraph (1), by striking "additional application" and inserting "application, in accordance with subsection (c) regarding a single application and grant award,";

(iii) in paragraph (3), by striking "and" at the end thereof; and

(iv) in paragraph (4), by striking the period and inserting "; and";

(C) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(D) by inserting after subsection (b), the following new subsection:

"(c) SINGLE APPLICATION AND GRANT AWARD.—

"(1) APPLICATION.—The Secretary may phase in the use of a single application that meets the requirements of subsections (a) and (b) of section 2603 with respect to an eligible area that desires to receive grants under section 2603 for a fiscal year.

"(2) GRANT AWARD.—The Secretary may phase in the awarding of a single grant to an eligible area that submits an approved application under paragraph (1) for a fiscal year.".

(6) TECHNICAL ASSISTANCE.—Section 2606 (42 U.S.C. 300ff-16) is amended—

(A) by striking "may" and inserting "shall";

(B) by inserting after "technical assistance" the following: ", including peer based assistance to assist newly eligible metropolitan areas in the establishment of HIV health services planning councils and,"; and

(C) by adding at the end thereof the following new sentences: "The Administrator may make planning grants available to metropolitan areas, in an amount not to exceed $75,000 for any metropolitan area, projected to be eligible for funding under section 2601 in the following fiscal year. Such grant amounts shall be deducted from the first year formula award to eligible areas accepting such grants. Not to exceed 1 percent of the amount appropriated for a fiscal year under section 2677 for grants under part A may be used to carry out this section.".

(b) CARE GRANT PROGRAM.—

(1) HIV CARE CONSORTIA.—Section 2613 (42 U.S.C. 300ff-23) is amended—

(A) in subsection (a)—

(i) in paragraph (1), by inserting "(or private for-profit providers or organizations if such entities are the only available providers of quality HIV care in the area)" after "nonprofit private,"; and

(ii) in paragraph (2)(A)—

(I) by inserting "substance abuse treatment, mental health treatment," after "nursing,"; and

(II) by inserting "prophylactic treatment for opportunistic infections, treatment education to take place in the context of health care delivery," after "monitoring,";

(B) in subsection (c)—

(i) in subparagraph (C) of paragraph (1), by inserting before "care" "and youth centered"; and

(ii) in paragraph (2)—

(I) in clause (ii) of subparagraph (A), by striking "served; and" and inserting "served;";

(II) in subparagraph (B), by striking the period at the end; and

(III) by adding after subparagraph (B), the following new subparagraphs:

"(C) grantees under section 2671 and representatives of organizations with a history of serving children, youth, women, and families with HIV and operating in the community to be served; and

"(D) representatives of community-based providers that are necessary to provide the full continuum of HIV-related health care services, which are available within the geographic area to be served."; and

(C) in subsection (d), to read as follows:

"(d) DEFINITION.—As used in this part, the terms 'family centered care' and 'youth centered care' mean the system of services described in this section that is targeted specifically to the special needs of infants, children (including those orphaned by the AIDS epidemic), youth, women, and families. Family centered and youth centered care shall be based on a partnership among parents, extended family members, children and youth, professionals, and the community designed to ensure an integrated, coordinated, culturally sensitive, and community-based continuum of care.".

(2) PROVISION OF TREATMENTS.—Section 2616 (42 U.S.C. 300ff-26) is amended by striking subsection (c) and inserting the following new subsections:

"(c) STANDARDS FOR TREATMENT PROGRAMS.—In carrying out this section, the Secretary shall—

"(1) review the current status of State drug reimbursement programs and assess barriers to the expended availability of prophylactic treatments for opportunistic infections (including active tuberculosis); and

"(2) establish, in consultation with States, providers, and affected communities, a recommended minimum formulary of pharmaceutical drug therapies approved by the Food and Drug Administration.

In carrying out paragraph (2), the Secretary shall identify those treatments in the recommended minimum formulary that are for the prevention of opportunistic infections (including the prevention of active tuberculosis).

"(d) STATE DUTIES.—

"(1) IN GENERAL.—In implementing subsection (a), States shall document the progress made in making treatments described in subsection (c)(2) available to individuals eligible for assistance under this section, and to develop plans to implement fully the recommended minimum formulary of pharmaceutical drug therapies approved by the Food and Drug Administration.

"(2) OTHER MECHANISMS FOR PROVIDING TREATMENTS.—In meeting the standards of the recommended minimum formulary developed under subsection (c), a State may identify other mechanisms such as consortia and public programs for providing such treatments to individuals with HIV.".

(3) STATE APPLICATION.—Section 2617(b) (42 U.S.C. 300ff-27(b)) is amended—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking "and" at the end thereof; and

(ii) by adding at the end thereof the following new subparagraph:

"(C) a description of how the allocation and utilization of resources are consistent with the Statewide coordinated statement of need (including traditionally underserved populations and subpopulations) developed in partnership with other grantees in the State that receive funding under this title;";

(B) by redesignating paragraph (3) as paragraph (4);

(C) by inserting after paragraph (2), the following new paragraph:

"(3) the public health agency administering the grant for the State shall convene a meeting at least annually of individuals with HIV who utilize services under this part (including those individuals from traditionally underserved populations and subpopulations) and representatives of grantees funded under this title (including HIV health services planning councils, early intervention programs, children, youth and family service projects, special projects of national significance, and HIV care consortia) and other providers (including federally qualified health centers) and public agency representatives within the State currently delivering HIV services to affected communities for the purpose of developing a Statewide coordinated statement of need; and"; and

(D) by adding at the end thereof the following flush sentence:

"The State shall not be required to finance attendance at the meetings described in paragraph (3). A State may pay the travel-related expenses of individuals attending such meetings where appropriate and necessary to ensure adequate participation.".

(4) PLANNING, EVALUATION AND ADMINISTRATION.—Section 2618(c) (42 U.S.C. 300ff-28(c)) is amended—

(A) in paragraphs (3) and (4), to read as follows:

"(3) PLANNING AND EVALUATIONS.—Subject to paragraph (5) and except as provided in paragraph (6), a State may not use more than 10 percent of amounts received under a grant awarded under this part for planning and evaluation activities.

"(4) ADMINISTRATION.—

"(A) IN GENERAL.—Subject to paragraph (5) and except as provided in paragraph (6), a State may not use more than 10 percent of amounts received under a grant awarded under this part for administration. An entity (including subcontractors) receiving an allocation from the grant awarded to the State under this part shall not use in excess of 12.5 percent of amounts received under such allocation for administration.

"(B) ADMINISTRATIVE ACTIVITIES.—For the purposes of subparagraph (A), amounts may be used for administrative activities that include routine grant administration and monitoring activities.

"(C) SUBCONTRACTOR ADMINISTRATIVE COSTS.—For the purposes of this paragraph, subcontractor administrative activities include—

"(i) usual and recognized overhead, including established indirect rates for agencies;

"(ii) management oversight of specific programs funded under this title; and

"(iii) other types of program support such as quality assurance, quality control, and related activities.";

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

(C) by inserting after paragraph (4), the following new paragraphs:

"(5) LIMITATION ON USE OF FUNDS.—Except as provided in paragraph (6), a State may not use more than a total of 15 percent of amounts received under a grant awarded under this part for the purposes described in paragraphs (3) and (4).

"(6) EXCEPTION.—With respect to a State that receives the minimum allotment under subsection (a)(1) for a fiscal year, such State, from the amounts received under a grant awarded under this part for such fiscal year for the activities described in paragraphs (3) and (4), may, notwithstanding paragraphs (3), (4), and (5), use not more than that amount required to support one full-time-equivalent employee.".

(5) TECHNICAL ASSISTANCE.—Section 2619 (42 U.S.C. 300ff-29) is amended—

(A) by striking "may" and inserting "shall"; and

(B) by inserting before the period the following: ", including technical assistance for the development and implementation of Statewide coordinated statements of need".

(6) GRIEVANCE PROCEDURES AND COORDINATION.—Part B of title XXVI (42 U.S.C. 300ff-21) is amended by adding at the end thereof the following new sections:

"SEC. 2621. GRIEVANCE PROCEDURES.

"Not later than 90 days after the date of enactment of this section, the Administration, in consultation with affected parties, shall establish grievance procedures, specific

to each part of this title, to address allegations of egregious violations of each such part. Such procedures shall include an appropriate enforcement mechanism.

"SEC. 2622. COORDINATION.

"The Secretary shall ensure that the Health Resources and Services Administration, the Centers for Disease Control and Prevention, and the Substance Abuse and Mental Health Services Administration coordinate the planning and implementation of Federal HIV programs in order to facilitate the local development of a complete continuum of HIV-related services for individuals with HIV disease and those at risk of such disease. The Secretary shall periodically prepare and submit to the relevant committees of Congress a report concerning such coordination efforts at the Federal, State, and local levels as well as the existence of Federal barriers to HIV program integration.".

(c) EARLY INTERVENTION SERVICES.—

(1) ESTABLISHMENT OF PROGRAM.—Section 2651(b) (42 U.S.C. 300ff-51(b)) is amended—

(A) in paragraph (1), by striking "grant agrees to" and all that follows through the period and inserting: "grant agrees to—

"(A) expend the grant for the purposes of providing, on an out-patient basis, each of the early intervention services specified in paragraph (2) with respect to HIV disease; and

"(B) expend not less than 50 percent of the amount received under the grant to provide a continuum of primary care services, including, as appropriate, dental care services, to individuals confirmed to be living with HIV."; and

(B) in paragraph (4)—

(i) by striking "The Secretary" and inserting "(A) IN GENERAL.—The Secretary";

(ii) by inserting ", or private for-profit entities if such entities are the only available provider of quality HIV care in the area," after "nonprofit private entities";

(iii) by realigning the margin of subparagraph (A) so as to align with the margin of paragraph (3)(A); and

(iv) by adding at the end thereof the following new subparagraph:

"(B) OTHER REQUIREMENTS.—Grantees described in—

"(i) paragraphs (1), (2), (5), and (6) of section 2652(a) shall use not less than 50 percent of the amount of such a grant to provide the services described in subparagraphs (A), (B), (D), and (E) of section 2651(b)(2) directly and on-site or at sites where other primary care services are rendered; and

"(ii) paragraphs (3) and (4) of section 2652(a) shall ensure the availability of early intervention services through a system of linkages to community-based primary care providers, and to establish mechanisms for the referrals described in section 2651(b)(2)(C), and for follow-up concerning such referrals.".

(2) MINIMUM QUALIFICATIONS.—Section 2652(b)(1)(B) (42 U.S.C. 300ff-52(b)(1)(B)) is amended by inserting ", or a private for-profit entity if such entity is the only available provider of quality HIV care in the area," after "nonprofit private entity";

(3) MISCELLANEOUS PROVISIONS.—Section 2654 (42 U.S.C. 300ff-54) is amended by adding at the end thereof the following new subsection:

"(c) PLANNING AND DEVELOPMENT GRANTS.—

"(1) IN GENERAL.—The Secretary may provide planning grants, in an amount not to exceed $50,000 for each such grant, to public and nonprofit private entities that are not direct providers of primary care services for the purpose of enabling such providers to provide HIV primary care services.

"(2) REQUIREMENT.—The Secretary may only award a grant to an entity under paragraph (1) if the Secretary determines that the entity will use such grant to assist the entity in qualifying for a grant under section 2651.

"(3) PREFERENCE.—In awarding grants under paragraph (1), the Secretary shall give preference to entities that would provide HIV primary care services in rural or underserved communities.

"(4) LIMITATION.—Not to exceed 1 percent of the amount appropriated for a fiscal year under section 2655 may be used to carry out this section.".

(4) AUTHORIZATION OF APPROPRIATIONS.—Section 2655 (42 U.S.C. 300ff-55) is amended by striking "$75,000,000" and all that follows through the end of the section, and inserting "such sums as may be necessary in each of the fiscal years 1996, 1997, 1998, 1999, and 2000.".

(5) REQUIRED AGREEMENTS.—Section 2664(g) (42 U.S.C. 300ff-64(g)) is amended—

(A) in paragraph (2), by striking "and" at the end thereof;

(B) in paragraph (3)—

(i) by striking "5 percent" and inserting "10 percent including planning, evaluation and technical assistance"; and

(ii) by striking the period and inserting "; and"; and

(C) by adding at the end thereof the following new paragraph:

"(4) the applicant will submit evidence that the proposed program is consistent with the Statewide coordinated statement of need and agree to participate in the ongoing revision of such statement of need.".

(d) GRANTS.—

(1) IN GENERAL.—Section 2671 (42 U.S.C. 300ff-71) is amended to read as follows:

"SEC. 2671. GRANTS FOR COORDINATED SERVICES AND ACCESS TO RESEARCH FOR CHILDREN, YOUTH, AND FAMILIES.

"(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, and in consultation with the Director of the National Institutes of Health, shall award grants to appropriate public or nonprofit private entities that, directly or through contractual arrangements, provide primary care to the public for the purpose of—

"(1) providing out-patient health care and support services (which may include family-centered and youth-centered care, as defined in this title, family and youth support services, and services for orphans) to children, youth, women with HIV disease, and the families of such individuals, and supporting the provision of such care with programs of HIV prevention and HIV research; and

"(2) facilitating the voluntary participation of children, youth, and women with HIV disease in qualified research protocols at the facilities of such entities or by direct referral.

"(b) ELIGIBLE ENTITIES.—The Secretary may not make a grant to an entity under subsection (a) unless the entity involved provides assurances that—

"(1) the grant will be used primarily to serve children, youth, and women with HIV disease;

"(2) the entity will enter into arrangements with one or more qualified research entities to collaborate in the conduct or facilitation of voluntary patient participation in qualified research protocols;

"(3) the entity will coordinate activities under the grant with other providers of health care services under this title, and under title V of the Social Security Act;

"(4) the entity will participate in the Statewide coordinated statement of need under section 2619 and in the revision of such statement; and

"(5) the entity will offer appropriate research opportunities to each patient, with informed consent.

"(c) APPLICATION.—The Secretary may not make a grant under subsection (a) unless an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

"(d) PATIENT PARTICIPATION IN RESEARCH PROTOCOLS.—

"(1) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration and the Director of the Office of AIDS Research, shall establish procedures to ensure that accepted standards of protection of human subjects (including the provision of written informed consent) are implemented in projects supported under this section. Receipt of services by a patient shall not be conditioned upon the consent of the patient to participate in research.

"(2) RESEARCH PROTOCOLS.—

"(A) IN GENERAL.—The Secretary shall establish mechanisms to ensure that research protocols proposed to be carried out to meet the requirements of this section, are of potential clinical benefit to the study participants, and meet accepted standards of research design.

"(B) REVIEW PANEL.—Mechanisms established under subparagraph (A) shall include an independent research review panel that shall review all protocols proposed to be carried out to meet the requirements of this section to ensure that such protocols meet the requirements of this section. Such panel shall make recommendations to the Secretary as to the protocols that should be approved. The panel shall include representatives of public and private researchers, providers of services, and recipients of services.

"(e) TRAINING AND TECHNICAL ASSISTANCE.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may use not to exceed five percent of the amounts appropriated under subsection (h) in each fiscal year to conduct training and technical assistance (including peer-based models of technical assistance) to assist applicants and grantees under this section in complying with the requirements of this section.

"(f) EVALUATIONS AND DATA COLLECTION.—

"(1) EVALUATIONS.—The Secretary shall provide for the review of programs carried out under this section at the end of each grant year. Such evaluations may include recommendations as to the improvement of access to and participation in services and access to and participation in qualified research protocols supported under this section.

"(2) REPORTING REQUIREMENTS.—The Secretary may establish data reporting requirements and schedules as necessary to administer the program established under this section and conduct evaluations, measure outcomes, and document the clients served, services provided, and participation in qualified research protocols.

"(3) WAIVERS.—Notwithstanding the requirements of subsection (b), the Secretary may award new grants under this section to an entity if the entity provide assurances,

satisfactory to the Secretary, that the entity will implement the assurances required under paragraph (2), (3), (4), or (5) of subsection (b) by the end of the second grant year. If the Secretary determines through the evaluation process that a recipient of funds under this section is in material noncompliance with the assurances provided under paragraph (2), (3), (4), or (5) of subsection (b), the Secretary may provide for continued funding of up to one year if the recipient provides assurances, satisfactory to the Secretary, that such noncompliance will be remedied within such period.

"(g) DEFINITIONS.—For purposes of this section:

"(1) QUALIFIED RESEARCH ENTITY.—The term 'qualified research entity' means a public or private entity with expertise in the conduct of research that has demonstrated clinical benefit to patients.

"(2) QUALIFIED RESEARCH PROTOCOL.—The term 'qualified research protocol' means a research study design of a public or private clinical program that meets the requirements of subsection (d).

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums as may be necessary for each of the fiscal years 1996 through 2000.".

(2) CONFORMING AMENDMENT.—The heading for part D of title XXVI of the Public Health Service Act is amended to read as follows:

"PART D—GRANTS FOR COORDINATED SERVICES AND ACCESS TO RESEARCH FOR CHILDREN, YOUTH, AND FAMILIES".

(e) DEMONSTRATION AND TRAINING.—

(1) IN GENERAL.—Title XXVI is amended by adding at the end, the following new part:

"PART F—DEMONSTRATION AND TRAINING

"Subpart I—Special Projects of National Significance

"SEC. 2691. SPECIAL PROJECTS OF NATIONAL SIGNIFICANCE.

"(a) IN GENERAL.—Of the amount appropriated under each of parts A, B, C, and D of this title for each fiscal year, the Secretary shall use the greater of $20,000,000 or 3 percent of such amount appropriated under each such part, but not to exceed $25,000,000, to administer a special projects of national significance program to award direct grants to public and nonprofit private entities including community-based organizations to fund special programs for the care and treatment of individuals with HIV disease.

"(b) GRANTS.—The Secretary shall award grants under subsection (a) based on—

"(1) the need to assess the effectiveness of a particular model for the care and treatment of individuals with HIV disease;

"(2) the innovative nature of the proposed activity; and

"(3) the potential replicability of the proposed activity in other similar localities or nationally.

"(c) SPECIAL PROJECTS.—Special projects of national significance shall include the development and assessment of innovative service delivery models that are designed to—

"(1) address the needs of special populations;

"(2) assist in the development of essential community-based service delivery infrastructure; and

"(3) ensure the ongoing availability of services for Native American communities to enable such communities to care for Native Americans with HIV disease.

"(d) SPECIAL POPULATIONS.—Special projects of national significance may include the delivery of HIV health care and support services to traditionally underserved populations including—

"(1) individuals and families with HIV disease living in rural communities;

"(2) adolescents with HIV disease;

"(3) Indian individuals and families with HIV disease;

"(4) homeless individuals and families with HIV disease;

"(5) hemophiliacs with HIV disease; and

"(6) incarcerated individuals with HIV disease.

"(e) SERVICE DEVELOPMENT GRANTS.—Special projects of national significance may include the development of model approaches to delivering HIV care and support services including—

"(1) programs that support family-based care networks critical to the delivery of care in minority communities;

"(2) programs that build organizational capacity in disenfranchised communities;

"(3) programs designed to prepare AIDS service organizations and grantees under this title for operation within the changing health care environment; and

"(4) programs designed to integrate the delivery of mental health and substance abuse treatment with HIV services.

"(f) COORDINATION.—The Secretary may not make a grant under this section unless the applicant submits evidence that the proposed program is consistent with the Statewide coordinated statement of need, and the applicant agrees to participate in the ongoing revision process of such statement of need.

"(g) REPLICATION.—The Secretary shall make information concerning successful models developed under this part available to grantees under this title for the purpose of coordination, replication, and integration. To facilitate efforts under this subsection, the Secretary may provide for peer-based technical assistance from grantees funded under this part.".

(2) REPEAL.—Subsection (a) of section 2618 (42 U.S.C. 300ff-28(a)) is repealed.

(f) HIV/AIDS COMMUNITIES, SCHOOLS, CENTERS.—

(1) NEW PART.—Part F of title XXVI (as added by subsection (e)) is further amended by adding at the end, the following new subpart:

"Subpart II—AIDS Education and Training Centers

"SEC. 2692. HIV/AIDS COMMUNITIES, SCHOOLS, AND CENTERS.".

(2) AMENDMENTS.—Section 776(a)(1) (42 U.S.C. 294n(a)) is amended—

(A) by striking subparagraphs (B) and (C);

(B) by redesignating subparagraphs (A) and (D) as subparagraphs (B) and (C), respectively;

(C) by inserting before subparagraph (B) (as so redesignated) the following new subparagraph:

"(A) training health personnel, including practitioners in title XXVI programs and other community providers, in the diagnosis, treatment, and prevention of HIV infection and disease;"; and

(D) in subparagraph (B) (as so redesignated) by adding "and" after the semicolon.

(3) TRANSFER.—Subsection (a) of section 776 (42 U.S.C. 294n(a)) (as amended by paragraph (2)) is amended by transferring such subsection to section 2692 (as added by paragraph (1)).

(4) AUTHORIZATION OF APPROPRIATIONS.—Section 2692 (as added by paragraph (1)) is amended by adding at the end thereof the following new subsection:

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums as may be necessary for each of the fiscal years 1996 through 2000.".

SEC. 4. AMOUNT OF EMERGENCY RELIEF GRANTS.

Paragraph (3) of section 2603(a) (42 U.S.C. 300ff-13(a)(3)) is amended to read as follows:

"(3) AMOUNT OF GRANT.—

"(A) IN GENERAL.—Subject to the extent of amounts made available in appropriations Acts, a grant made for purposes of this paragraph to an eligible area shall be made in an amount equal to the product of—

"(i) an amount equal to the amount available for distribution under paragraph (2) for the fiscal year involved; and

"(ii) the percentage constituted by the ratio of the distribution factor for the eligible area to the sum of the respective distribution factors for all eligible areas.

"(B) DISTRIBUTION FACTOR.—For purposes of subparagraph (A)(ii), the term 'distribution factor' means an amount equal to the estimated number of living cases of acquired immune deficiency syndrome in the eligible area involved, as determined under subparagraph (C).

"(C) ESTIMATE OF LIVING CASES.—The amount determined in this subparagraph is an amount equal to the product of—

"(i) the number of cases of acquired immune deficiency syndrome in the eligible area during each year in the most recent 120-month period for which data are available with respect to all eligible areas, as indicated by the number of such cases reported to and confirmed by the Director of the Centers for Disease Control and Prevention for each year during such period; and

"(ii) with respect to—

"(I) the first year during such period, .06;

"(II) the second year during such period, .06;

"(III) the third year during such period, .08;

"(IV) the fourth year during such period, .10;

"(V) the fifth year during such period, .16;

"(VI) the sixth year during such period, .16;

"(VII) the seventh year during such period, .24;

"(VIII) the eighth year during such period, .40;

"(IX) the ninth year during such period, .57; and

"(X) the tenth year during such period, .88.

"(D) UNEXPENDED FUNDS.—The Secretary may, in determining the amount of a grant for a fiscal year under this paragraph, adjust the grant amount to reflect the amount of unexpended and uncanceled grant funds remaining at the end of the fiscal year preceding the year for which the grant determination is to be made. The amount of any such unexpended funds shall be determined using the financial status report of the grantee.

"(E) PUERTO RICO, VIRGIN ISLANDS, GUAM.—For purposes of subparagraph (D), the cost index for an eligible area within Puerto Rico, the Virgin Islands, or Guam shall be 1.0.".

SEC. 5. AMOUNT OF CARE GRANTS.

Paragraphs (1) and (2) of section 2618(b) (42 U.S.C. 300ff-28(b)(1) and (2)) are amended to read as follows:

"(1) MINIMUM ALLOTMENT.—Subject to the extent of amounts made available under section 2677, the amount of a grant to be made under this part for—

"(A) each of the several States and the District of Columbia for a fiscal year shall be the greater of—

"(i)(I) with respect to a State or District that has less than 90 living cases of acquired

immune deficiency syndrome, as determined under paragraph (2)(D), $100,000; or

"(i)(II) with respect to a State or District that has 90 or more living cases of acquired immune deficiency syndrome, as determined under paragraph (2)(D), $250,000;

"(ii) an amount determined under paragraph (2); and

"(B) each territory of the United States, as defined in paragraph (3), shall be an amount determined under paragraph (2).

"(2) DETERMINATION.—

"(A) FORMULA.—The amount referred to in paragraph (1)(A)(ii) for a State and paragraph (1)(B) for a territory of the United States shall be the product of—

"(i) an amount equal to the amount appropriated under section 2677 for the fiscal year involved for grants under part B; and

"(ii) the percentage constituted by the sum of—

"(I) the product of .50 and the ratio of the State distribution factor for the State or territory (as determined under subsection (B)) to the sum of the respective State distribution factors for all States or territories; and

"(II) the product of .50 and the ratio of the non-EMA distribution factor for the State or territory (as determined under subparagraph (C)) to the sum of the respective distribution factors for all States or territories.

"(B) STATE DISTRIBUTION FACTOR.—For purposes of subparagraph (A)(ii)(I), the term 'State distribution factor' means an amount equal to the estimated number of living cases of acquired immune deficiency syndrome in the eligible area involved, as determined under subparagraph (D).

"(C) NON-EMA DISTRIBUTION FACTOR.—For purposes of subparagraph (A)(ii)(II), the term 'non-ema distribution factor' means an amount equal to the sum of—

"(i) the estimated number of living cases of acquired immune deficiency syndrome in the State or territory involved, as determined under subparagraph (D); less

"(ii) the estimated number of living cases of acquired immune deficiency syndrome in such State or territory that are within an eligible area (as determined under part A).

"(D) ESTIMATE OF LIVING CASES.—The amount determined in this subparagraph is an amount equal to the product of—

"(i) the number of cases of acquired immune deficiency syndrome in the State or territory during each year in the most recent 120-month period for which data are available with respect to all States and territories, as indicated by the number of such cases reported to and confirmed by the Director of the Centers for Disease Control and Prevention for each year during such period; and

"(ii) with respect to each of the first through the tenth year during such period, the amount referred to in 2603(a)(3)(C)(ii).

"(E) PUERTO RICO, VIRGIN ISLANDS, GUAM.—For purposes of subparagraph (D), the cost index for Puerto Rico, the Virgin Islands, and Guam shall be 1.0.".

"(F) UNEXPENDED FUNDS.—The Secretary may, in determining the amount of a grant for a fiscal year under this subsection, adjust the grant amount to reflect the amount of unexpended and uncanceled grant funds remaining at the end of the fiscal year preceding the year for which the grant determination is to be made. The amount of any such unexpended funds shall be determined using the financial status report of the grantee.

"(G) LIMITATION.—

"(i) IN GENERAL.—The Secretary shall ensure that the amount of a grant awarded to a State or territory for a fiscal year under this part is equal to not less than—

"(I) with respect to fiscal year 1996, 98 percent;

"(II) with respect to fiscal year 1997, 97 percent;

"(III) with respect to fiscal year 1998, 95.5 percent;

"(IV) with respect to fiscal year 1999, 94 percent; and

"(V) with respect to fiscal year 2000, 92.5 percent;

of the amount such State or territory received for fiscal year 1995 under this part. In administering this subparagraph, the Secretary shall, with respect to States that will receive grants in amounts that exceed the amounts that such States received under this part in fiscal year 1995, proportionally reduce such amounts to ensure compliance with this subparagraph. In making such reductions, the Secretary shall ensure that no such State receives less than that State received for fiscal year 1995.

"(ii) RATABLE REDUCTION.—If the amount appropriated under section 2677 and available for allocation under this part is less than the amount appropriated and available under this part for fiscal year 1995, the limitation contained in clause (i) shall be reduced by a percentage equal to the percentage of the reduction in such amounts appropriated and available.".

SEC. 6. CONSOLIDATION OF AUTHORIZATIONS OF APPROPRIATIONS.

(a) IN GENERAL.—Part D of title XXVI (42 U.S.C. 300ff-71) is amended by adding at the end thereof the following new section:

"SEC. 2677. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—Subject to subsection (b), there are authorized to be appropriated to make grants under parts A and B, such sums as may be necessary for each of the fiscal years 1996 through 2000. Of the amount appropriated under this section for fiscal year 1996, the Secretary shall make available 64 percent of such amount to carry out part A and 36 percent of such amount to carry out part B.

"(b) DEVELOPMENT OF METHODOLOGY.—

"(1) IN GENERAL.—With respect to each of the fiscal years 1997 through 2000, the Secretary shall develop and implement a methodology for adjusting the percentages referred to in subsection (a) to account for grants to new eligible areas under part A and other relevant factors. Not later than 1 year after the date of enactment of this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report regarding the findings with respect to the methodology developed under this paragraph.

"(2) FAILURE TO IMPLEMENT.—If the Secretary fails to implement a methodology under paragraph (1) by October 1, 1996, there are authorized to be appropriated—

"(A) such sums as may be necessary to carry out part A for each of the fiscal years 1997 through 2000; and

"(B) such sums as may be necessary to carry out part B for each of the fiscal years 1997 through 2000.".

(b) REPEALS.—Sections 2608 and 2620 (42 U.S.C. 300ff-18 and 300ff-30) are repealed.

(c) CONFORMING AMENDMENTS.—Title XXVI is amended—

(1) in section 2603 (42 U.S.C. 300ff-13)—

(A) in subsection (a)(2), by striking "2608" and inserting "2677"; and

(B) in subsection (b)(1), by striking "2608" and inserting "2677";

(2) in section 2605(c)(1) (42 U.S.C. 300ff-15(c)(1)) is amended by striking "2608" and inserting "2677"; and

(3) in section 2618 (42 U.S.C. 300ff-28)—

(A) in subsection (a)(1), is amended by striking "2620" and inserting "2677"; and

(B) in subsection (b)(1), is amended by striking "2620" and inserting "2677".

SEC. 7. CDC GUIDELINES FOR PREGNANT WOMEN.

(a) REQUIREMENT.—Notwithstanding any other provision of law, a State described in subsection (b) shall, not later than 1 year after the date of enactment of this Act, certify to the Secretary of Health and Human Services that such State has in effect regulations to adopt the guidelines issued by the Centers for Disease Control and Prevention concerning recommendations for immunodeficiency virus counseling and voluntary testing for pregnant women.

(b) APPLICATION OF SECTION.—A State described in this subsection is a State that has—

(1) an HIV seroprevalance among child bearing women during the period beginning on January 1, 1991 and ending on December 31, 1992, of .25 or greater as determined by the Centers for Disease Control and Prevention; or

(2) an estimated number of births to HIV positive women in 1993 of 175 or greater as determined by the Centers for Disease Control and Prevention using 1992 natality statistics.

(c) NONCOMPLIANCE.—If a State does not provide the certification required under subsection (a) within the 1 year period described in such subsection, such State shall not be eligible to receive assistance for HIV counseling and testing under the Public Health Service Act (42 U.S.C. 201 et seq.) until such certification is provided.

(d) ADDITIONAL FUNDS REGARDING WOMEN AND INFANTS.—

(1) IN GENERAL.—If a State described in subsection (b) provides the certification required in subsection (a) and is receiving funds under part B of title XXVI of the Public Health Service Act for a fiscal year, the Secretary of Health and Human Services may (from the amounts available pursuant to paragraph (3)) make a grant to the State for the fiscal year for the following purposes:

(A) Making available to pregnant women appropriate counseling on HIV disease.

(B) Making available outreach efforts to pregnant women at high risk of HIV who are not currently receiving prenatal care.

(C) Making available to such women testing for such disease.

(D) Offsetting other State costs associated with the implementation of the requirement of subsection (a).

(2) EVALUATION BY INSTITUTE OF MEDICINE.—

(A) IN GENERAL.—The Secretary of Health and Human Services shall request the Institute of Medicine of the National Academy of Sciences to enter into a contract with the Secretary for the purpose of conducting an evaluation of the extent to which grants under paragraph (1) have been effective in preventing the perinatal transmission of the human immunodeficiency virus.

(B) ALTERNATIVE CONTRACT.—If the Institute referred to in subparagraph (A) declines to conduct the evaluation under such subparagraph, the Secretary of Health and Human Services shall carry out such subparagraph through another public or nonprofit private entity.

(C) DATE CERTAIN FOR REPORT.—The Secretary of Health and Human Services shall ensure that, not later than after 2 years after the date of the enactment of this Act, the evaluation required in this paragraph is completed and a report describing the findings

made as a result of the evaluation is submitted to the Congress.

(3) FUNDING.—For the purpose of carrying out this subsection, there are authorized to be appropriated $10,000,000 for each of the fiscal years 1996 through 2000. Amounts made available under section 2677 for carrying out this part are not available for carrying out this subsection.

SEC. 8. SPOUSAL NOTIFICATION.

(a) PROHIBITION ON THE USE OF FUNDS.—The Secretary shall not make a grant under this Act to any State or political subdivision of any State, nor shall any other funds made available under this Act, be obligated or expended in any State unless such State takes administrative or legislative action to require that a good faith effort shall be made to notify a spouse of an AIDS-infected patient that such AIDS-infected patient is infected with the human immunodeficiency virus.

(b) DEFINITIONS.—As used in this section—

(1) AIDS-INFECTED PATIENT.—The term "AIDS-infected patient" means any person who has been diagnosed by a physician or surgeon practicing medicine in such State to be infected with the human immunodeficiency virus.

(2) STATE.—The term "State" means a State, the District of Columbia, or any territory of the United States.

(3) SPOUSE.—The term "spouse" means a person who is or at any time since December 31, 1976, has been the marriage partner of a person diagnosed as an AIDS-infected patient.

(c) EFFECTIVE DATE.—Subsection (a) shall take effect with respect to a State on January 1 of the calendar year following the first regular session of the legislative body of such State that is convened following the date of enactment of this section.

SEC. 9. STUDY ON ALLOTMENT FORMULA.

(a) STUDY.—The Secretary of Health and Human Services (hereafter referred to in this section as the "Secretary") shall enter into a contract with a public or nonprofit private entity, subject to subsection (b), for the purpose of conducting a study or studies concerning the statutory formulas under which funds made available under part A or B of title XXVI of the Public Health Service Act are allocated among eligible areas (in the case of grants under part A) and States and territories (in the case of grants under part B). Such study or studies shall include—

(1) an assessment of the degree to which each such formula allocates funds according to the respective needs of eligible areas, State, and territories;

(2) an assessment of the validity and relevance of the factors currently included in each such formula;

(3) in the case of the formula under part A, an assessment of the degree to which the formula reflects the relative costs of providing services under such title XXVI within eligible areas;

(4) in the case of the formula under part B, an assessment of the degree to which the formula reflects the relative costs of providing services under such title XXVI within eligible States and territories; and

(5) any other information that would contribute to a thorough assessment of the appropriateness of the current formulas.

(b) NATIONAL ACADEMY OF SCIENCES.—The Secretary shall request the National Academy of Sciences to enter into the contract under subsection (a) to conduct the study described in such subsection. If such Academy declines to conduct the study, the Secretary shall carry out such subsection through another public or nonprofit private entity.

(c) REPORT.—The Secretary shall ensure that not later than 6 months after the date of enactment of this Act, the study required under subsection (a) is completed and a report describing the findings made as a result of such study is submitted to the Committee on Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

(d) CONSULTATION.—The entity preparing the report required under subsection (c), shall consult with the Comptroller General of the United States. The Comptroller General shall review the study after its transmittal to the committees described in subsection (c) and within 3 months make appropriate recommendations concerning such report to such committees.

SEC. 10. PROHIBITIONS AND LIMITATIONS ON THE USE OF FEDERAL FUNDS

(a) PROMOTION OR ENCOURAGEMENT OF CERTAIN ACTIVITIES.—No funds authorized to be appropriated under this Act may be used to promote or encourage, directly or indirectly, homosexuality, or intravenous drug use.

(b) DEFINITION.—As used in subsection (a), the term "to promote or encourage, directly or indirectly, homosexuality" includes, but is not limited to, affirming homosexuality as natural, normal, or healthy, or, in the process of addressing related "at-risk" issues, affirming in any way that engaging in a homosexual act is desirable, acceptable, or permissible, or, describing in any way techniques of homosexual sex.

SEC. 11. OPTIONAL PARTICIPATION OF FEDERAL EMPLOYEES IN AIDS TRAINING PROGRAMS.

(a) IN GENERAL.—Notwithstanding any other provision of law, a Federal employee may not be required to attend or participate in an AIDS or HIV training program if such employee refuses to consent to such attendance or participation. An employer may not retaliate in any manner against such an employee because of the refusal of such employee to consent to such attendance or participation.

(b) DEFINITION.—As used in subsection (a), the term "Federal employee" has the same meaning given the term "employee" in section 2105 of title 5, United States Code, and such term shall include members of the armed forces.

SEC. 12. PROHIBITION ON PROMOTION OF CERTAIN ACTIVITIES.

Part D of title XXVI of the Public Health Service Act (42 U.S.C. 300ff-71) as amended by section 6, is further amended by adding at the end thereof the following new section:

"SEC. 2678. PROHIBITION ON PROMOTION OF CERTAIN ACTIVITIES.

"None of the funds authorized under this title shall be used to fund AIDS programs, or to develop materials, designed to promote or encourage, directly, intravenous drug use or sexual activity, whether homosexual or heterosexual. Funds authorized under this title may be used to provide medical treatment and support services for individuals with HIV.".

SEC. 13. LIMITATION ON APPROPRIATIONS.

Notwithstanding any other provision of law, the total amounts of Federal funds expended in any fiscal year for AIDS and HIV activities may not exceed the total amounts expended in such fiscal year for activities related to cancer.

SEC. 14. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this Act, and the amendments made by this Act, shall become effective on October 1, 1995.

(b) ELIGIBLE AREAS.—

(1) IN GENERAL.—The amendments made by subsections (a)(1)(A), (a)(2), and (b)(4)(A) of section 3 shall become effective on the date of enactment of this Act.

(2) REPORTED CASES.—The amendment made by subsection (a)(1)(B) of section 3 shall become effective on October 1, 1997.

MOTION OFFERED BY MR. BILIRAKIS

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

The Clerk read as follows:

Mr. BILIRAKIS moves to strike all after the enacting clause of the Senate bill, S. 641, and to insert in lieu thereof the provisions of H.R. 1872, as passed by the House.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. BILIRAKIS].

The motion was agreed to.

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

The title of the Senate bill was amended so as to read: "A bill to amend the Public Health Service Act to revise and extend programs established pursuant to the Ryan White Comprehensive AIDS Resources Emergency Act of 1990."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 1872 was laid on the table.

ALASKA NATIVE CLAIMS SETTLEMENT AMENDMENT

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and take from the Speaker's table the bill (H.R. 402) to amend the Alaska Native Claims Settlement Act, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

TITLE I—ALASKA NATIVE CLAIMS SETTLEMENT

SECTION 101. RATIFICATION OF CERTAIN CASWELL AND MONTANA CREEK NATIVE ASSOCIATIONS CONVEYANCES.

The conveyance of approximately 11,520 acres to Montana Creek Native Association, Inc., and the conveyance of approximately 11,520 acres to Caswell Native Association, Inc., by Cook Inlet Region, Inc. in fulfillment of the agreement of February 3, 1976, and subsequent letter agreement of March 26, 1982, among the 3 parties are hereby adopted and ratified as a matter of Federal law. The conveyances shall be deemed to be conveyances pursuant to section 14(h)(2) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(2)). The group corporations for Montana Creek and Caswell are hereby declared to have received their full entitlement and shall not be entitled to receive any additional lands under the Alaska Native Claims Settlement Act. The ratification of these conveyances shall not have any effect on section 14(h) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)) or upon the duties and obligations of the United States to any Alaska Native Corporation. This ratification shall not be for any claim to land or money by the Caswell or Montana Creek group

corporations or any other Alaska Native Corporation against the State of Alaska, the United States, or Cook Inlet Region, Incorporated.

SEC. 102. MINING CLAIMS ON LANDS CONVEYED TO ALASKA REGIONAL CORPORATIONS.

Section 22(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1621(c)) is amended by adding at the end the following:

"(3) This section shall apply to lands conveyed by interim conveyance or patent to a regional corporation pursuant to this Act which are made subject to a mining claim or claims located under the general mining laws, including lands conveyed prior to enactment of this paragraph. Effective upon the date of enactment of this paragraph, the Secretary, acting through the Bureau of Land Management and in a manner consistent with section 14(g), shall transfer to the regional corporation administration of all mining claims determined to be entirely within lands conveyed to that corporation. Any person holding such mining claim or claims shall meet such requirements of the general mining laws and section 314 of the Federal Land Management and Policy Act of 1976 (43 U.S.C. 1744), except that any filings that would have been made with the Bureau of Land Management if the lands were within Federal ownership shall be timely made with the appropriate regional corporation. The validity of any such mining claim or claims may be contested by the regional corporation, in place of the United States. All contest proceedings and appeals by the mining claimants of adverse decision made by the regional corporation shall be brought in Federal District Court for the District of Alaska. Neither the United States nor any Federal agency or official shall be named or joined as a party in such proceedings or appeals. All revenues from such mining claims received after passage of this paragraph shall be remitted to the regional corporation subject to distribution pursuant to section 7(i) of this Act, except that in the event that the mining claim or claims are not totally within the lands conveyed to the regional corporation, the regional corporation shall be entitled only to that proportion of revenues, other than administrative fees, reasonably allocated to the portion of the mining claim so conveyed.".

SEC. 103. SETTLEMENT OF CLAIMS ARISING FROM HAZARDOUS SUBSTANCE CONTAMINATION OF TRANSFERRED LANDS.

The Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) is amended by adding at the end the following:

"CLAIMS ARISING FROM CONTAMINATION OF TRANSFERRED LANDS

"SEC. 40. (a) As used in this section the term 'contaminant' means hazardous substance harmful to public health or the environment, including friable asbestos.

"(b) Within 18 months of enactment of this section, and after consultation with the Secretary of Agriculture, State of Alaska, and appropriate Alaska Native corporations and organizations, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, a report addressing issues presented by the presence of contaminants on lands conveyed or prioritized for conveyance to such corporations pursuant to this Act. Such report shall consist of—

"(1) existing information concerning the nature and types of contaminants present on such lands prior to conveyance to Alaska Native corporations;

"(2) existing information identifying to the extent practicable the existence and availability of potentially responsible parties for the removal or remediation of the effects of such contaminants;

"(3) identification of existing remedies;

"(4) recommendations for any additional legislation that the Secretary concludes is necessary to remedy the problem of contaminants on the lands; and

"(5) in addition to the identification of contaminants, identification of structures known to have asbestos present and recommendations to inform Native landowners on the containment of asbestos.".

SEC. 104. AUTHORIZATION OF APPROPRIATIONS FOR THE PURPOSES OF IMPLEMENTING REQUIRED RECONVEYANCES.

Section 14(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(c)) is amended by adding at the end the following:

"There is authorized to be appropriated such sums as may be necessary for the purpose of providing technical assistance to Village Corporations established pursuant to this Act in order that they may fulfill the reconveyance requirements of section 14(c) of this Act. The Secretary may make funds available as grants to ANCSA or nonprofit corporations that maintain in-house land planning and management capabilities.".

SEC. 105. NATIVE ALLOTMENTS.

Section 1431(o) of the Alaska National Interest Lands Conservation Act (94 Stat. 2542) is amended by adding at the end the following:

"(5) Following the exercise by Arctic Slope Regional Corporation of its option under paragraph (1) to acquire the subsurface estate beneath lands within the National Petroleum Reserve—Alaska selected by Kuukpik Corporation, where such subsurface estate entirely surrounds lands subject to a Native allotment application approved under 905 of this Act, and the oil and gas in such lands have been reserved to the United States, Arctic Slope Regional Corporation, at its further option and subject to the concurrence of Kuukpik Corporation, shall be entitled to receive a conveyance of the reserved oil and gas, including all rights and privileges therein reserved to the United States, in such lands. Upon the receipt of a conveyance of such oil and gas interests, the entitlement of Arctic Slope Regional Corporation to in-lieu subsurface lands under section 12(a)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1611(a)(1)) shall be reduced by the amount of acreage determined by the Secretary to be conveyed to Arctic Slope Regional Corporation pursuant to this paragraph.".

SEC. 106. REPORT CONCERNING OPEN SEASON FOR CERTAIN NATIVE ALASKA VETERANS FOR ALLOTMENTS.

(a) IN GENERAL.—No later than 9 months after the date of enactment of this Act, the Secretary of the Interior, in consultation with the Secretary of Agriculture, the State of Alaska and appropriate Native corporations and organizations, shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report which shall include, but not be limited to, the following:

(1) The number of Vietnam era veterans, as defined in section 101 of title 38, United States Code, who were eligible for but did not apply for an allotment of not to exceed 160 acres under the Act of May 17, 1906 (chapter 2469, 34 Stat. 197), as the Act was in effect before December 18, 1971.

(2) An assessment of the potential impacts of additional allotments on conservation system units as that term is defined in section 102(4) of the Alaska National Interest Lands Conservation Act (94 Stat. 2375).

(3) Recommendations for any additional legislation that the Secretary concludes is necessary.

(b) REQUIREMENT.—The Secretary of Veterans Affairs shall release to the Secretary of the Interior information relevant to the report required under subsection (a).

SEC. 107. TRANSFER OF WRANGELL INSTITUTE.

(a) PROPERTY TRANSFER.—In order to effect a recision of the ANCSA settlement conveyance to Cook Inlet Region, Incorporated of the approximately 134.49 acres and structures located thereon ("property") known as the Wrangell Institute in Wrangell, Alaska, upon certification to the Secretary by Cook Inlet Region, Incorporated, that the Wrangell Institute property has been offered for transfer to the City of Wrangell, property bidding credits in an amount of $475,000, together with adjustments from January 1, 1976 made pursuant to the methodology used to establish the Remaining Obligation Entitlement in the Memorandum of Understanding Between the United States Department of the Interior and Cook Inlet Region, Incorporated dated April 11, 1986, shall be restored to the Cook Inlet Region, Incorporated, property account in the Treasury established under section 12(b) of the Act of January 2, 1976 (Public Law 94–204, 43 U.S.C. 1611 note), as amended, referred to in such section as the "Cook Inlet Region, Incorporated, property account". Acceptance by the City of Wrangell, Alaska of the property shall constitute a waiver by the City of Wrangell of any claims for the costs of remediation related to asbestos, whether in the nature of participation or reimbursement, against the United States or Cook Inlet Region, Incorporated. The acceptance of the property bidding credits by Cook Inlet Region, Incorporated, Alaska of the property shall constitute a waiver by Cook Inlet Region, Incorporated of any claims for the costs of remediation related to asbestos, whether in the nature of participation or reimbursement, against the United States. In no event shall the United States be required to take title to the property. Such restored property bidding credits may be used in the same manner as any other portion of the account.

(b) HOLD HARMLESS.—Upon acceptance of the property bidding credits by Cook Inlet Region, Inc., the United States shall defend and hold harmless Cook Inlet Region, Inc., and its subsidiaries in any and all claims arising from asbestos or any contamination existing at the Wrangell Institute property at the time of transfer of ownership of the property from the United States to Cook Inlet Region, Incorporated.

SEC. 108. SHISHMAREF AIRPORT AMENDMENT.

The Shishmaref Airport, conveyed to the State of Alaska on January 5, 1967, in Patent No. 1240529, is subject to reversion to the United States, pursuant to the terms of that patent for nonuse as an airport. The Administrator of the Federal Aviation Administration is hereby directed to exercise said reverter in Patent No. 1240529 in favor of the United States within twelve months of the date of enactment of this section. Upon revesting of title, notwithstanding any other provision of law, the United States shall immediately thereafter transfer all right, title, and interest of the United States in the subject lands to the Shishmaref Native Corporation. Nothing in this section shall relieve the State, the United States, or any other potentially responsible party of liability, if any, under existing law for the cleanup of hazardous or solid wastes on the property, nor shall the United States or Shishmaref Native Corporation become liable for the cleanup of the property solely by virtue of acquiring title from the State of Alaska or from the United States.

SEC. 109. CONFIRMATION OF WOODY ISLAND AS ELIGIBLE NATIVE VILLAGE.

The Native village of Woody Island, located on Woody Island, Alaska, in the Koniag Region, is hereby confirmed as an eligible Alaska Native Village, pursuant to Section 11(b)(3) of the Alaska Native Claims Settlement Act ["ANCSA"]. It is further confirmed that Leisnoi, Inc., is the Village Corporation, as that term is defined in Section 3(j) of ANCSA, for the village of Woody Island.

SEC. 110. DEFINITION OF REVENUES.

(a) Section 7(i) of the Alaska Native Claims Settlement Act, Public Law 92–203 (43 U.S.C. 1606(i)), is amended—

(1) by inserting "(1)" after "(i)"; and

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

"(2) For purposes of this subsection, the term 'revenues' does not include any benefit received or realized for the use of losses incurred or credits earned by a Regional Corporation.".

(b) This amendment shall be effective as of the date of enactment of the Alaska Native Claims Settlement Act, Public Law 92–203 (43 U.S.C. 1601, et seq.).

TITLE II—HAWAIIAN HOME LANDS

SEC. 201. SHORT TITLE.

This title may cited as the "Hawaiian Home Lands Recovery Act".

SEC. 202. DEFINITIONS.

As used in this title:

(1) AGENCY.—The term "agency" includes—

(A) any instrumentality of the United States;

(B) any element of an agency; and

(C) any wholly owned or mixed-owned corporation of the United States Government.

(2) BENEFICIARY.—The term "beneficiary" has the same meaning as is given the term "native Hawaiian" under section 201(7) of the Hawaiian Homes Commission Act.

(3) CHAIRMAN.—The term "Chairman" means the Chairman of the Hawaiian Homes Commission of the State of Hawaii.

(4) COMMISSION.—The term "Commission" means the Hawaiian Homes Commission established by section 202 of the Hawaiian Homes Commission Act.

(5) HAWAIIAN HOMES COMMISSION ACT.—The term "Hawaiian Homes Commission Act" means the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et. seq., chapter 42).

(6) HAWAII STATE ADMISSION ACT.—The term "Hawaii State Admission Act" means the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union", approved March 18, 1959 (73 Stat. 4, chapter 339; 48 U.S.C. note prec. 491).

(7) LOST USE.—The term "lost use" means the value of the use of the land during the period when beneficiaries or the Hawaiian Homes Commission have been unable to use lands as authorized by the Hawaiian Homes Commission Act because of the use of such lands by the Federal Government after August 21, 1959.

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

SEC. 203. SETTLEMENT OF FEDERAL CLAIMS.

(a) DETERMINATION.—

(1) The Secretary shall determine the value of the following:

(A) Lands under the control of the Federal Government that—

(i) were initially designated as available lands under section 203 of the Hawaiian Homes Commission Act (as in effect on the date of enactment of such Act); and

(ii) were nevertheless transferred to or otherwise acquired by the Federal Government.

(B) The lost use of lands described in subparagraph (A).

(2)(A) Except as provided in subparagraph (B), the determinations of value made under this subsection shall be made not later than 1 year after the date of enactment of this Act. In carrying out this subsection, the Secretary shall use a method of determining value that—

(i) is acceptable to the Chairman; and

(ii) is in the best interest of the beneficiaries.

(B) The Secretary and the Chairman may mutually agree to extend the deadline for making determinations under this subparagraph beyond the date specified in subparagraph (A).

(3) The Secretary and the Chairman may mutually agree, with respect to the determinations of value described in subparagraphs (A) and (B) of paragraph (1), to provide—

(A) for making any portion of the determinations of value pursuant to subparagraphs (A) and (B) of paragraph (1); and

(B) for making the remainder of the determinations with respect to which the Secretary and the Chairman do not exercise the option described in subparagraph (A), pursuant to an appraisal conducted under paragraph (4).

(4)(A) Except as provided in subparagraph (C), if the Secretary and the Chairman do not agree on the determinations of value made by the Secretary under subparagraphs (A) and (B) of paragraph (1), or, pursuant to paragraph (3), mutually agree to determine the value of certain lands pursuant to this subparagraph, such values shall be determined by an appraisal. An appraisal conducted under this subparagraph shall be conducted in accordance with appraisal standards that are mutually agreeable to the Secretary and the Chairman.

(B) If an appraisal is conducted pursuant to this subparagraph, during the appraisal process—

(i) the Chairman shall have the opportunity to present evidence of value to the Secretary;

(ii) the Secretary shall provide the Chairman a preliminary copy of the appraisal;

(iii) the Chairman shall have a reasonable and sufficient opportunity to comment on the preliminary copy of the appraisal; and

(iv) the Secretary shall give consideration to the comments and evidence of value submitted by the Chairman under this subparagraph.

(C) The Chairman shall have the right to dispute the determinations of values made by an appraisal conducted under this subparagraph. If the Chairman disputes the appraisal, the Secretary and the Chairman may mutually agree to employ a process of bargaining, mediation, or other means of dispute resolution to make the determinations of values described in subparagraphs (A) and (B) of paragraph (1).

(b) AUTHORIZATION.—

(1) EXCHANGE.—Subject to paragraphs (2) and (5), the Secretary may convey Federal lands described in paragraph (5) to the Department of Hawaiian Home Lands in exchange for the continued retention by the Federal Government of lands described in subsection (a)(1)(A).

(2) VALUE OF LANDS.—(A) The value of any lands conveyed to the Department of Hawaiian Home Lands by the Federal Government in accordance with an exchange made under paragraph (1) may not be less than the value of the lands retained by the Federal Government pursuant to such exchange.

(B) For the purposes of this subsection, the value of any lands exchanged pursuant to paragraph (1) shall be determined as of the date the exchange is carried out, or any other date determined by the Secretary, with the concurrence of the Chairman.

(3) LOST USE.—Subject to paragraphs (4) and (5), the Secretary may convey Federal lands described in paragraph (5) to the Department of Hawaiian Home Lands as compensation for the lost use of lands determined under subsection (a)(1)(B).

(4) VALUE OF LOST USE.—(A) the value of any lands conveyed to the Department of Hawaiian Home Lands by the Federal Government as compensation under paragraph (3) may not be less than the value of the lost use of lands determined under subsection (a)(1)(B).

(B) For the purposes of this subparagraph, the value of any lands conveyed pursuant to paragraph (3) shall be determined as of the date that the conveyance occurs, or any other date determined by the Secretary, with the concurrence of the Chairman.

(5) FEDERAL LANDS FOR EXCHANGE.—(A) Subject to subparagraphs (B) and (C), Federal lands located in Hawaii that are under the control of an agency (other than lands within the National Park System or the National Wildlife Refuge System) may be conveyed to the Department of Hawaiian Home Lands under paragraphs (1) and (3). To assist the Secretary in carrying out this Act, the head of an agency may transfer to the Department of the Interior, without reimbursement, jurisdiction and control over any lands and any structures that the Secretary determines to be suitable for conveyance to the Department of Hawaiian Home Lands pursuant to an exchange conducted under this section.

(B) No Federal lands that the Federal Government is required to convey to the State of Hawaii under section 5 of the Hawaii State Admission Act may be conveyed under paragraph (1) or (3).

(C) No Federal lands that generate income (or would be expected to generate income) for the Federal Government may be conveyed pursuant to an exchange made under this paragraph to the Department of Hawaiian Home Lands.

(c) AVAILABLE LANDS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Secretary shall require that lands conveyed to the Department of Hawaiian Home Lands under this Act shall have the status of available lands under the Hawaiian Home Commission Act.

(2) SUBSEQUENT EXCHANGE OF LANDS.—Notwithstanding any other provision of law, lands conveyed to the Department of Hawaiian Home Lands under this paragraph may subsequently be exchanged pursuant to section 204(3) of the Hawaiian Home Commission Act.

(3) SALE OF CERTAIN LANDS.—Notwithstanding any other provision of law, the Chairman may, at the time that lands are conveyed to the Department of Hawaiian Home Lands as compensation for lost use under this Act, designate lands to be sold. The Chairman is authorized to sell such land under terms and conditions that are in the best interest of the beneficiaries. The proceeds of such a sale may only be used for the purposes described in section 207(a) of the Hawaiian Homes Commission Act.

(d) CONSULTATION.—In carrying out their respective responsibilities under this section, the Secretary and the Chairman shall—

(1) consult with the beneficiaries and organizations representing the beneficiaries; and

(2) report to such organizations on a regular basis concerning the progress made to meet the requirements of this section.

(e) HOLD HARMLESS.—Notwithstanding any other provision of law, the United States shall defend and hold harmless the Department of Hawaiian Home Lands, the employees of the Department, and the beneficiaries with respect to any claim arising from the ownership of any land or structure that is conveyed to the Department pursuant to an exchange made under this section prior to the conveyance to the Department of such land or structure.

(f) SCREENING.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Defense and the Administrator of General Services shall, at the same time as notice is provided to Federal agencies that excess real property is being screened pursuant to applicable Federal laws (including regulations) for possible transfer to such agencies, notify the Chairman of any such screening of real property that is located within the State of Hawaii.

(2) RESPONSE TO NOTIFICATION.—Notwithstanding any other provision of law, not later than 90 days after receiving a notice under paragraph (1), the Chairman may select for appraisal real property, or at the election of the Chairman, portions of real property, that is the subject of a screening.

(3) SELECTION.—Notwithstanding any other provision of law, with respect to any real property located in the State of Hawaii that, as of the date of enactment of this Act, is being screened pursuant to applicable Federal laws for possible transfer (as described in paragraph (1)) or has been screened for such purpose, but has not been transferred or declared to be surplus real property, the Chairman may select all, or any portion of, such real property to be appraised pursuant to paragraph (4).

(4) APPRAISAL.—Notwithstanding any other provision of law, the Secretary of Defense or the Administrator of General Services shall appraise the real property or portions of real property selected by the Chairman using the Uniform Standards for Federal Land Acquisition developed by the Interagency Land Acquisition Conference, or such other standard as the Chairman agrees to.

(5) REQUEST FOR CONVEYANCE.—Notwithstanding any other provision of law, not later than 30 days after the date of completion of such appraisal, the Chairman may request the conveyance to the Department of Hawaiian Home Lands of—

(A) the appraised property; or

(B) a portion of the appraised property, to the Department of Hawaiian Home Lands.

(6) CONVEYANCE.—Notwithstanding any other provision of law, upon receipt of a request from the Chairman, the Secretary of Defense or the Administrator of the General Services Administration shall convey, without reimbursement, the real property that is the subject of the request to the Department of Hawaiian Home Lands as compensation for lands identified under subsection (a)(1)(A) or lost use identified under subsection (a)(1)(B).

(7) REAL PROPERTY NOT SUBJECT TO RECOUPMENT.—Notwithstanding any other provision of law, any real property conveyed pursuant to paragraph (6) shall not be subject to recoupment based upon the sale or lease of the land by the Chairman.

(8) VALUATION.—Notwithstanding any other provision of law, the Secretary shall reduce the value identified under subparagraph (A) or (B) of subsection (a)(1), as determined pursuant to such subsection, by an amount equal to the appraised value of any excess lands conveyed pursuant to paragraph (6).

(9) LIMITATION.—No Federal lands that generate income (or would be expected to generate income) for the Federal Government may be conveyed pursuant to this subsection to the Department of Hawaiian Home Lands.

SEC. 204. PROCEDURE FOR APPROVAL OF AMENDMENTS TO HAWAIIAN HOMES COMMISSION ACT.

(a) NOTICE TO THE SECRETARY.—Not later than 120 days after a proposed amendment to the Hawaiian Homes Commission Act is approved in the manner provided in section 4 of the Hawaii State Admission Act, the Chairman shall submit to the Secretary—

(1) a copy of the proposed amendment;

(2) the nature of the change proposed to be made by the amendment; and

(3) an opinion regarding whether the proposed amendment requires the approval of Congress under section 4 of the Hawaii State Admission Act.

(b) DETERMINATION BY SECRETARY.—Not later than 60 days after receiving the materials required to be submitted by the Chairman pursuant to subsection (a), the Secretary shall determine whether the proposed amendment requires the approval of Congress under section 4 of the Hawaii State Admission Act, and shall notify the Chairman and Congress of the determination of the Secretary.

(c) CONGRESSIONAL APPROVAL REQUIRED.—If, pursuant to subsection (b), the Secretary determines that the proposed amendment requires the approval of Congress, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives—

(1) a draft joint resolution approving the amendment;

(2) a description of the change made by the proposed amendment and an explanation of how the amendment advances the interests of the beneficiaries;

(3) a comparison of the existing law (as of the date of submission of the proposed amendment) that is the subject of the amendment with the proposed amendment;

(4) a recommendation concerning the advisability of approving the proposed amendment; and

(5) any documentation concerning the amendments received from the Chairman.

SEC. 205. LAND EXCHANGES.

(a) NOTICE TO THE SECRETARY.—If the Chairman recommends for approval an exchange of Hawaiian Home Lands, the Chairman shall submit a report to the Secretary on the proposed exchange. The report shall contain—

(1) a description of the acreage and fair market value of the lands involved in the exchange;

(2) surveys and appraisals prepared by the Department of Hawaiian Home Lands, if any; and

(3) an identification of the benefits to the parties of the proposed exchange.

(b) APPROVAL OR DISAPPROVAL.—

(1) IN GENERAL.—Not later than 120 days after receiving the information required to be submitted by the Chairman pursuant to subsection (a), the Secretary shall approve or disapprove the proposed exchange.

(2) NOTIFICATION.—The Secretary shall notify the Chairman, the Committee on Energy and Natural Resources of the Senate, and the Committee on Resources of the House of Representatives of the reasons for the approval or disapproval of the proposed exchange.

(c) EXCHANGES INITIATED BY SECRETARY.—

(1) IN GENERAL.—The Secretary may recommend to the Chairman an exchange of Hawaiian Home Lands for Federal lands described in section 203(b)(5), other than lands described in subparagraphs (B) and (C) of such section. If the Secretary initiates a recommendation for such an exchange, the Secretary shall submit a report to the Chairman on the proposed exchange that meets the requirements of a report described in subsection (a).

(2) APPROVAL BY CHAIRMAN.—Not later than 120 days after receiving a recommendation for an exchange from the Secretary under paragraph (1), the Chairman shall provide written notification to the Secretary of the approval or disapproval of a proposed exchange. If the Chairman approves the proposed exchange, upon receipt of the written notification, the Secretary shall notify the Committee on Energy and Natural Resources of the Senate, and the Committee on Resources of the House of Representatives of the approval of the Chairman of the proposed exchange.

(3) EXCHANGE.—Upon providing notification pursuant to paragraph (2) of a proposed exchange that has been approved by the Chairman pursuant to this section, the Secretary may carry out the exchange.

(d) SELECTION AND EXCHANGE.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may—

(A) select real property that is the subject of screening activities conducted by the Secretary of Defense or the Administrator of General Services pursuant to applicable Federal laws (including regulations) for possible transfer to Federal agencies; and

(B) make recommendations to the Chairman concerning making an exchange under subsection (c) that includes such real property.

(2) TRANSFER.—Notwithstanding any other provision of law, if the Chairman approves an exchange proposed by the Secretary under paragraph (1)—

(A) the Secretary of Defense or the Administrator of General Services shall transfer the real property described in paragraph (1)(A) that is the subject of the exchange to the Secretary without reimbursement; and

(B) the Secretary shall carry out the exchange.

(3) LIMITATION.—No Federal lands that generate income (or would be expected to generate income) for the Federal Government may be conveyed pursuant to this subsection to the Department of Hawaiian Home Lands.

(e) SURVEYS AND APPRAISALS.—

(1) REQUIREMENT.—The Secretary shall conduct a survey of all Hawaiian Home Lands based on the report entitled "Survey Needs for the Hawaiian Home Lands", issued by the Bureau of Land Management of the Department of the Interior, and dated July 1991.

(2) OTHER SURVEYS.—The Secretary is authorized to conduct such other surveys and appraisals as may be necessary to make an informed decision regarding approval or disapproval of a proposed exchange.

SEC. 206. ADMINISTRATION OF ACTS BY UNITED STATES.

(a) DESIGNATION.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary shall designate an individual from within the Department of the Interior to administer the responsibilities of the United States under this title and the Hawaiian Homes Commission Act.

(2) DEFAULT.—If the Secretary fails to make an appointment by the date specified in paragraph (1), or if the position is vacant at any time thereafter, the Assistant Secretary for Policy, Budget, and Administration of the Department of the Interior shall exercise the responsibilities for the Department in accordance with subsection (b).

(b) RESPONSIBILITIES.—The individual designated pursuant to subsection (a) shall, in administering the laws referred to in such subsection—

(1) advance the interests of the beneficiaries; and

(2) assist the beneficiaries and the Department of Hawaiian Home Lands in obtaining assistance from programs of the Department of the Interior and other Federal agencies that will promote homesteading opportunities, economic self-sufficiency, and social well-being of the beneficiaries.

SEC. 207. ADJUSTMENT.

The Act of July 1, 1932 (47 Stat. 564, chapter 369; 25 U.S.C. 386a) is amended by striking the period at the end and adding the following: ": Provided further, That the Secretary shall adjust or eliminate charges, defer collection of construction costs, and make no assessment on behalf of such charges for beneficiaries that hold leases on Hawaiian home lands, to the same extent as is permitted for individual Indians or tribes of Indians under this section.".

SEC. 208. REPORT.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Chairman shall report to the Secretary concerning any claims that—

(1) involve the transfer of lands designated as available lands under section 203 of the Hawaiian Homes Commission Act (as in effect on the date of enactment of such Act); and

(2) are not otherwise covered under this title.

(b) REVIEW.—Not later than 180 days after receiving the report submitted under subsection (a), the Secretary shall make a determination with respect to each claim referred to in subsection (a), whether, on the basis of legal and

equitable considerations, compensation should be granted to the Department of Hawaiian Home Lands.

(c) COMPENSATION.—If the Secretary makes a determination under subsection (b) that compensation should be granted to the Department of Hawaiian Home Lands, the Secretary shall determine the value of the lands and lost use in accordance with the process established under section 203(a), and increase the determination of value made under subparagraphs (A) and (B) of section 203(a)(1) by the value determined under this subsection.

SEC. 209. AUTHORIZATION.

There are authorized to be appropriated such sums as may be necessary for compensation to the Department of Hawaiian Home Lands for the value of the lost use of lands determined under section 203. Compensation received by the Department of Hawaiian Home Lands from funds made available pursuant to this section may only be used for the purposes described in section 207(a) of the Hawaiian Homes Commission Act. To the extent that amounts are made available by appropriations pursuant to this section for compensation paid to the Department of Hawaiian Home Lands for lost use, the Secretary shall reduce the determination of value established under section 203(a)(1)(B) by such amount.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska [Mr. YOUNG] will be recognized for 20 minutes, and the gentleman from Hawaii [Mr. ABERCROMBIE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Speaker, I rise in strong support of H.R. 402, as amended in the Senate. This bill is the result of a 2½-year effort of the Alaska Federation of Natives, the State of Alaska, the administration, and my ranking minority member, Mr. MILLER, and I thank them for their dedication and hard work. Sections 101 and 107 of title I of this bill have already passed the House in previous Congresses but were not acted on by the Senate.

H.R. 402 makes several technical changes to the Alaska Native Claims Settlement Act of 1971 [ANCSA] and the Alaska National Interests Land Conservation Act to address some of the unresolved land issues which have arisen since the passage of these Acts. This bill also adds a new title to address the issue of Hawaiian Home Lands.

Title I includes specific land conveyances to Native corporations, the clarification of mining authority and administration of mining claims on lands conveyed to Native corporations, an authorization for technical assistance to Native villages to help with land reconveyances required under ANCSA, a report on Vietnam-era veterans who were eligible but did not receive land under the Native Allotment Act of May 17, 1906, the confirmation of Woody Island, AK, as an eligible Alaska Native village under ANCSA and further clarification regarding the application of section 7(i) of the ANCSA revenue sharing provision to Alaska Native Regional corporations.

Title II authorizes the Secretary of the Interior to begin the negotiation process for 1,400 acres of Federal lands to be conveyed to the Department of Hawaiian Home Lands in exchange for Hawaiian Home Lands retained by the Federal Government and for compensation for lost use of these lands. This is an authorization only to establish a process for the exchange of lands as authorized in the Hawaiian Home Lands Recovery Act.

Mr. Speaker, all these provisions are long awaited, by both my Alaska Native constituency and the Hawaiian Native constituency to resolve some of the land disputes in the respective Native homelands and States.

I want to thank Chairman KASICH and his staff for their thorough review of this bill in a short period of time and their cooperation in scheduling this bill on today's program.

Mr. Speaker, I would suggest respectfully that one of the most frustrating things I have in this profession of mine is when I have people come to me and suggest "we should have been notified." This bill has been on the burner for a long, long time, and the Senate provision for the Hawaiian homelands has been passed by the Senate many, many months ago. Now people are raising some questions, I want to suggest redundantly. I think those questions are moot, and should not be answered at this time because they are not germane to the subject we are discussing today.

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

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

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

Mr. Speaker, I would like to say to my good friend from Alaska [Mr. YOUNG] that I very much appreciate the remarks that he has made. Unless I misunderstood him, I think that some of the objections being raised are moot, rather than mute. Unfortunately, very few of the activities and actions on this floor take place in a mute situation. We may wish for more of that before we are through.

Unfortunately the gentleman from Alaska [Mr. YOUNG] has probably missed the general tenor of my remarks in the last minute or so, because he is otherwise preoccupied. I hope he will, however, be able to take note of the fact that I rise in support of the legislation which passed the House without controversy on March 14 of this year. That bill was the product, as the gentleman from Alaska [Mr. YOUNG] has noted, of a lengthy process and negotiation between the Department of the Interior, the State of Alaska, and the Alaska Federation of Natives and other interested parties, one of whom obviously, of course, is the State of Hawaii.

It was substantially the same as legislation passed in the last Congress, and it dealt with a number of matters of importance to native Alaskans and to native Hawaiians.

However, Mr. Speaker, the bill before us today has been amended by the other body and can no longer be described as legislation that resembled that which I previously noted. To be clear, the Department of the Interior has certain concerns about some of the provisions added by the other body.

In this case, however, I defer to the judgment of the gentleman from Alaska [Mr. YOUNG] as to what is in the best interests of the Alaskan natives. I would hope, Mr. Speaker, that our colleagues would do that for the gentleman from Alaska [Mr. YOUNG] and myself. I urge my colleagues to support the bill.

Mr. Speaker, I want to say in addition how much I appreciate the concerns and the attention paid by the gentleman from Alaska [Mr. YOUNG] and the Committee on Resources staff to this bill. The gentleman is quite correct that this has taken actually years to get through. Some sections of it have been months in the making. Hearings have been held.

I think that it is fair to say that this has been acted on in a bipartisan way, based on the merits rather than on some of the fears and anxieties that might otherwise have attended this bill.

Mr. Speaker, I do hope that our colleagues will recognize that this bill has been put together on the basis of good will and good faith, and that the matters to be dealt with in the bill have long since passed the point of reasonable time to have them resolved.

Mr. Speaker, I rise in strong support of title II, the Hawaiian Home Lands Recovery Act, contained in H.R. 402, the Alaska Native Claims Settlement Act. The Hawaiian Home Lands Recovery Act demonstrates a good faith effort by the Federal Government regarding the settlement of claims by the Department of Hawaiian Home Lands. In simpler terms, this is a land exchange bill from the Federal Government to the Department of Hawaiian Home Lands to make the covenant whole in regards to the set aside of lands established under the Hawaiian Homes Commission Act.

Over 70 years have elapsed since Congress passed the Hawaiian Homes Commission Act of 1920 [HHCA]. Under the HHCA approximately 203,500 acres of public land was set aside for the "rehabilitation" of Native Hawaiians through a Government-sponsored homesteading project. Two major factors prompted Congress to pass the HHCA. First, the Native Hawaiians were a dying race. Population data showed that the number of full-blooded Hawaiians in the territory had decreased from an 1826 estimate of 142,650 to 22,600 in 1919. Second, Congress saw that previous systems of land distribution were ineffective when judged practically by the benefits accruing to Native Hawaiians.

The HHCA was originally intended for rural homesteading, i.e., for Native Hawaiians to

leave urban areas and return to the lands to become subsistence or commercial farmers and ranchers. Yet, the demand of Native Hawaiians for residential house lots has far exceeded the demand for agricultural or pastoral lots.

Since the State of Hawaii essentially assumed the duties of management and disposition of the Hawaiian home lands under the Statehood Admission Act, why would an action be considered a Federal breach?

Federal—because (1) These wrongful actions took place prior to statehood, in a time period when Hawaii was under Federal jurisdiction, and in which title to the land was held by the U.S. Government; or, (2) are continuing wrongful actions for which the Federal Government is responsible and only the Federal Government can remedy.

Breach—because the wrongful actions are breaches of responsibility under statute, by judicial or legislative findings, through trust law, or moral obligations. Alienation of land, and use of the land for purposes that are not authorized under the HHCA constitute breaches of the trust. There are numerous examples of these breaches in the territorial period. In fact, the Federal Government still occupies approximately 1,400 acres of identified Hawaiian home lands.

The Hawaiian Home Lands Recovery Act seeks to redress this issue by authorizing the transfer of Federal lands to the Department of Hawaiian Home Lands in exchange for Hawaiian home lands retained by the Federal Government. Although the term "exchange" is used in this legislation, there is no expectation that DHHL will relinquish land to the Federal Government. DHHL need only relinquish any remaining claim it may have to former home lands now controlled by the Federal Government. The bill would also provide compensation for lost use of Hawaiian home lands controlled by the Federal Government.

In advance of land being conveyed to the Department of Hawaiian Home Lands under sections 203(b) and 203(f) of the bill, the Secretary of the Interior is required to determine the value of lands currently controlled by the Federal Government that were designated as available lands under the Hawaiian Homes Commission Act. It is important to note that section 203(a)(1)(A)(i) states that this determination is to be made based upon the HHCA, as enacted. Thus, the valuation shall include lands designated as home lands under the 1920 Act that are not currently part of the home land inventory, whether the withdrawal occurred as a result of executive action, or through an act of Congress. The Secretary is also required to determine the value of the lost use of lands currently controlled by the Federal Government so that this, too, can be compensated.

The valuation required by the legislation is not intended to be a unilateral action by the Secretary. On the contrary, section 203(a)(2)(A) requires the use of a valuation method that is acceptable to the Chairman of the Department of Hawaiian Home Lands and, most importantly, is in the best interests of the beneficiaries. These two conditions exist regardless of whether the Secretary uses an appraisal or non-appraisal method of valuation. Section 203(a)(2)(A) requires the Secretary to be an advocate for the best interests of Hawaiian home beneficiaries in reaching a determination of value. Thus the Secretary has a fiduciary responsibility for seeing to it that the beneficiaries receive the maximum possible compensation.

Under section 203(a), the Secretary need not determine the value of land and lost use by appraisal. The committee included a provision allowing valuation by a method other than appraisal in order to promote a speedy resolution of this longstanding conflict. The committee considers valuation by mutual agreement to be far preferable to the burdensome process of appraisal. During our hearings on this legislation, the Senate Energy and Natural Resources Committee was advised that the State of Hawaii had appraised most of the Federal properties in question. The GAO, in their report to the committee, analyzed the State appraisals and found the appraisal methodology used by the State was appropriate and that proper accounting principles were employed. The State appraisals therefore supplant the need for a separate appraisal by the Department of the Interior.

In the unfortunate event that the Interior Department decides to proceed with an appraisal, a number of specific safeguards have been instituted to ensure that the Department properly discharges its fiduciary responsibility to protect the interests of the Hawaiian home beneficiaries. These include a guarantee that the chairman of the Department of Hawaiian Home Lands shall have the opportunity to present evidence of the value of the home lands that were lost as well as the value of the lost use of these lands, the right to review and comment on a preliminary copy of the appraisal, and most importantly, the requirement that the Secretary give full consideration of the evidence of value presented by DHHL. Given the responsibility under section 203(a)(2)(A) that the Secretary represent the best interests of the beneficiaries, the requirement in section 203(a)(4)(B) is not ephemeral. When construed together, these provisions require the Secretary to give great weight to the recommendations of the DHHL on matters of value, especially if the interests of home land beneficiaries would be advanced by doing so.

In addition to all these protections, the Chairman of the Department of Hawaiian Home Lands has the right to dispute the determinations of value for land and lost use. Thus it is unmistakably clear that the Secretary and the chairman of DHHL must mutually consent to the values to be determined under section 203 of the bill.

Section 203(b) authorizes the conveyance of land to the Department of Hawaiian Home Lands as compensation for lost lands, and the lost use of home lands retained by the Federal Government. This section further authorizes the head of any Federal agency to transfer land and structures to the Secretary of the Interior for subsequent conveyance to DHHL. I want to contrast the two-step conveyance process described in section 203(b)(5) with the authority for the General Services Administration or the Department of Defense to convey property directly to DHHL under Section 203(f)(6) of the bill. A section 203(f)(6) conveyance would be a direct transfer of title, without intervention by the Department of the Interior, whereas the Interior Department would act as a transfer agent for conveyances executed under section 203(b)(5). Let me point out, however, that although jurisdiction and control of land would be transferred to the Interior Department under a section 203(b)(5) conveyance, the Interior Department's responsibility in completing the transfer is nothing more than a ministerial function. In this case the agency serves as a conduit for consummating the transfer of title to the DHHL.

Section 203(f) of the bill establishes a second means of conveying lands to the Department of Hawaiian Home Lands by allowing DHHL to obtain lands that are excess to the needs of individual Federal agencies. Subsection (f) places the Department of Hawaiian Home Lands in the same, or better, status as a Federal agency for the purpose of being notified of excess property and for obtaining the property from the excessing agency. Under no circumstances should the land that has been selected by the Chairman for appraisal under section 203(f)(2), and possible conveyance under section 203(f)(5), be transferred or otherwise disposed of by any Federal agency until the opportunity of the DHHL to obtain the land has expired.

Finally, let me comment on section 207 of the bill. This section establishes a cost sharing for Bureau of Reclamation projects on Hawaiian home lands that is the same as the cost sharing authorized for projects on Indian lands.

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

Mr. YOUNG of Alaska. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. Mr. Speaker, I rise to express concern to H.R. 402, the Alaska Native Claims Settlement Act Amendments. I do so reluctantly and for reasons that have nothing to do with the underlying measure which has already passed the House.

Title I of H.R. 402, concerning the settlement of Alaskan Native claims, is legislation which deserves the support of the House. My qualms about this legislation reside wholly in title II which was added by the Senate.

Title II of the bill, the Hawaiian Home Lands Recovery Act, raises a number of issues that have not been adequately addressed here in the House. The legislation proposes to establish a system to resolve Hawaiian native claims against the Federal Government in disputes over lands which were allegedly diverted during territorial times from a Federal homesteading program for native Hawaiians to military use by the United States. As the chairman of the Subcommittee on Military Installations and Facilities, I have a number of serious questions about the legislation sent to the House by the Senate.

My two principal concerns involve the conflict between this legislation and the disposal process put into place for excess military property under the base closure and realignment process

and the possible effects of title II on the operational requirements for the Armed Forces in Hawaii. I'm concerned that the reuse and disposal of excess property at Naval Air Station Barbers Point will be seriously disrupted by this bill. Title II also holds open the prospect that the Department of Defense, particularly the Navy, could be evicted from certain lands essential for the continued performance of the Department's national defense mission merely to satisfy land claims of possibly dubious merit.

Mr. Speaker, it is my understanding that the Department of Defense and the Department of the Navy have expressed grave concern about the enactment of title II of H.R. 402. The Department may have legitimate concerns or the Department may be overreacting. We don't know because there have been no hearings on title II of which I am aware. In my view, we should have a better understanding of the implications of running with the Senate amendment before proceeding.

I would prefer sending this bill back to the Senate without title II. That would allow the underlying measure concerning Alaskan Native claims to proceed, but would also allow us some time to take a look at the Senate amendment.

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

Mr. HEFLEY. I yield to the gentleman from Hawaii.

Mr. ABERCROMBIE. Mr. Speaker, I recognize the concerns of the gentleman from Colorado [Mr. HEFLEY] and telephoned him earlier today when I became aware of the mirrors that had been raised this late in the game. I did not see the particular memorandum to which he referred in much of his remarks until just about an hour or less than an hour before these proceedings.

I can assure the gentleman as well as the gentleman from Alaska [Mr. YOUNG], that, had I been aware of some of these presumed objections earlier, I certainly would have brought to everyone's attention.

The fact is, if the gentleman will allow me just a few moments to go over the history very quickly here, this particular section in title II has been before the Congress for 15 months now. Apparently the Department of Defense discovered it in August of this year. That may be more of a reflection on the capabilities of the Department of Defense to get its work done than it is on the deliberative processes in either body in our national legislature.

I regret to say, Mr. Speaker, that the memorandum prepared for Mr. Mark Wagner, the Assistant Secretary for Defense Economic Security, whatever that is, on the subject of the Department of Hawaiian Home Lands, dated August 7, 1995, was written by a deputy, which amounts to, I am afraid, a series of editorial comments having no factual basis in the legislation. It is a little bit difficult to respond to what amounts to ad hominem commentary, but I will do my best to do that.

Mr. Speaker, there is also another memo dated August 29 of this year from the Department of Defense to the Office of Management and Budget which goes to several points. It states, and I want to indicate this to the gentleman from Alaska [Mr. YOUNG] and to the gentleman from Colorado [Mr. HEFLEY], that the Department is not discussing the merits of the claims in the memo, which I find extraordinary. If it is not discussing the merits of the claims, why is it discussing it at all?

I will repeat that. The Department is not discussing the merits of the claims. The claims go to two or three points that the gentleman from Colorado [Mr. HEFLEY] correctly raised as a result of receiving these memos.

The applicability of property at military installations closed or realigned pursuant to the base closure law, potential displacement from property essential for the performance of mission, and creation of special appraisal standards.

I can assure the gentleman, and I am sure the gentleman from Alaska [Mr. YOUNG] will in turn assure the gentleman, that the legislation as written in 402 and in section 2 does not in any way obviate any of those purposes of the base closure law or any performance of mission, nor anything having to do with special appraisal standards. The comments are entirely editorial in nature and amount to ad hominem commentary.

I can, if the gentleman from Alaska [Mr. YOUNG] desires it or the gentleman from Colorado [Mr. HEFLEY] desires it, submit in detail for the record or say it now on the floor point by point with a refutation, if you will, of these concerns. I can assure the gentlemen it is neither the intent of the legislation nor is the content of the language so far as I am able to determine, that any of these concerns are anything other than editorial abstractions.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to add to the comments of the gentleman from Hawaii.

I understand the concern of the gentleman from Colorado. In my opening statement I mentioned that I was very concerned. This is not a new issue. I was, first, not notified by the Navy nor the national security branch that, so when I did find out that this possibly occurred, I contacted not only the two senior Senators from Hawaii, I also contacted by senior Senator from Alaska.

I know I am not supposed to mention the other body. They said there was no problem. They had had the review and decided that these concerns were unwarranted. So I am still a little bit concerned that the Navy, after 15 months, now would editorialize and throw up this sort of smokescreen, if I may call it. Really what it means is they just do not want to get rid of anything they have, even though it is for a legitimate reason and a legitimate right, and to have justice served, this provision should be adopted.

It bothers me because, if this is a brandnew issue, it has been sprung on the House, it would be a different story. It was not sprung on the House. This has been around for a long, long time. We hear Friday now that these things may occur which, as was said before, there is no documentation, in fact backing up their premise.

So I am urging my Members to reject the argument from the Navy because I think they are flat wrong.

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

Mr. YOUNG of Alaska. I yield to the gentleman from Hawaii.

Mr. ABERCROMBIE. Mr. Speaker, I hope the gentleman agrees with me that perhaps there is not even an argument being made so much as questions being raised. To that degree, if I may be granted just a moment or two more both for the benefit of our colleagues, the committee, and for the gentleman from Colorado [Mr. HEFLEY], with whom I have worked very, very closely and for whom I have great respect. If the gentleman will just give me a moment, I will state for the record so that it is explicit, Mr. Speaker.

With respect to H.R. 402 and the base closure, commonly known as the BRAC, all the decisions to close and realign bases in Hawaii or elsewhere will continue to stand and will not be affected by this legislation.

With respect to the Barbers Point situation, Barbers Point Naval Air Station, which is the most recent base closure report proposed, proposed by the BRAC Commission, a modification to the previous base closure decision, H.R. 402 will not interfere with that decision to implement the modified closure decision at Barbers Point.

On the base reuse and local reuse issue, which was raised, on the question of title II of H.R. 402 and affecting the reuse of Hawaii military bases or any other bases under the BRAC by the local reuse committees, let me make the following points: the bill contains a very tight restriction on the ability of the Department of Hawaiian Home Lands to obtain base closure properties in order to secure a favorable CBO scoring of the bill. The legislation excludes—and this is for everything in the legislation, not just title II, as the gentleman from Alaska [Mr. YOUNG] knows—the legislation excludes any Federal lands that would generate income or would be expected to generate income for the Federal Government.

This restriction appears in the bill in three separate instances and represents a major hurdle for the acquisition of base closure property by anybody in those circumstances, including Hawaiian homeland.

Second, I pointed out that the CBO and the Department of Defense expect that any reuse of the Barbers Point land would generate income for the Federal Government. I should also note that Barbers Point is the only site in Hawaii that is eligible for reuse under the base closure process. Given the fact that no lands that could generate revenue for the Federal Government would be eligible for acquisition under this bill, a transfer of Barbers Point land to the Department of Hawaiian Home Lands does not appear to be a question.

Finally, I understand the Department of Defense has raised a concern that H.R. 402 might disadvantage the interests of base reuse committees in Hawaii. Let me reassure my colleagues, there is no legislative language to that effect, nor no intent to that effect or in this regard. This concern is without substance.

As I pointed out earlier, we have a rather unique situation at the Barbers Point Naval Air Station in which the most recent base closure report proposal had a modification to the previous base closure decision.

I will tell the Members what that modification is. It is to ensure that the Navy keeps the beaches, the recreational beaches. I have an idea, Mr. Speaker and Mr. HEFLEY, that this whole thing has been generated because there they are afraid that possibly some objections might be raised that the beaches in and the cottages attendant to the beaches might somehow fall into the hands of the Hawaiian people.

I will state for the record here that I voted for the Base Closure Commission report, the modified report, in which it says the two beaches—and I can name the beaches for you, I have them here, Nimitz Beach and White Plains Beach, beach recreational areas. That is the modification, to retain them, that they will be in there.

All I am asking for is access to them. I am perfectly content to have the Navy retain the beaches in Hawaii as vital to the necessary strategic military importance of the United States in the Pacific. But to have an entire bill that has been worked out in good faith on a bipartisan basis for the better part of 2½ years, to be objected to at this point or subject to some kind of scrutiny other than on the basis of the merits, seems to be outrageous.

The Navy can have the beaches. Can we please have the bill?

That was a rhetorical pause. Maybe we could exchange beaches, Mr. Speaker, for some beaches in Alaska, perhaps above the Arctic Circle. Do you think they would be interested in that exchange?

Mr. YOUNG of Alaska. Mr. Speaker, I am confident the Navy would not be interested in beaches in Alaska.

Mr. Speaker, I again stress for my colleagues to vote for this legislation. It is long overdue.

I am very concerned, as the gentleman from Hawaii has mentioned, that at this late date that these questions might arise. It is an example, I think, of some incompetency down in the department, and I say that with some reservation in the sense I cannot blame everybody, maybe just one enthusiastic individual. I know Secretary Dalton has been talked to. I had hoped that there would be a total turndown of this and I expect that before we do vote on this legislation, if we vote on this legislation.

Mr. FALEOMAVAEGA. Mr. Speaker, in 1921 Congress enacted the Hawaiian Homes Commission Act to preserve and protect a way of life for native people on the Islands of Hawaii. The act put aside approximately 200,000 acres of land for the exclusive use and benefit of native Hawaiians. The purpose was to use these lands as a homesteading program to return native Hawaiians to their lands.

Unfortunately, the program was destined to fail from the outset. Between 1921 and 1959 when Hawaii became a State, the program was administered by the Federal Government through a succession of territorial Governors. During Federal control, large portions of the lands were withdrawn. All the best and most productive lands were taken, leaving mostly marginal lands which couldn't support housing or agriculture. The native Hawaiian community received no benefit from the lands taken.

In 1984 much of the land was returned but the Federal Government both continued to retain the best lands and provided no compensation for lost use.

Title II of H.R. 402 sets up a process whereby the Federal Government can exchange Federal lands within the State of Hawaii as a means of settling claims against the United States. The Secretary of the Interior would also be authorized to convey lands to the Department of Hawaiian Home Lands as compensation for lost use of those lands.

To be honest, I wish this bill went further and demanded back the valuable lands stolen from the native Hawaiians against the directive of the Congress. However, I defer to the wisdom of the only native Hawaiian to serve in the U.S. Senate, my good friend the Senator of Hawaii who authored this legislation. I also want to commend my colleagues Mr. ABERCROMBIE and Mrs. MINK for their efforts in moving this legislation.

I urge my colleagues to support this bill.

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

Mr. YOUNG of Alaska. Mr. Speaker, I urge passage of this very important legislation for the good of all.

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

The SPEAKER pro tempore (Mr. FOLEY). The question is on the motion offered by the gentleman from Alaska [Mr. YOUNG] that the House suspend the rules and concur in the Senate amendment to H.R. 402.

The question was taken.

Mr. RICHARDSON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

□ 1600

PROVIDING FOR CONSIDERATION OF H.R. 39, FISHER CONSERVATION AND MANAGEMENT AMENDMENTS OF 1995

Mr. YOUNG of Alaska. Mr. Speaker, I offer a unanimous-consent request.

The SPEAKER pro tempore (Mr. FOLEY). The Clerk will report the unanimous consent request.

The Clerk read as follows:

Mr. YOUNG of Alaska asks unanimous consent that at any time hereafter the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 39) to amend the Magnuson Fishery Conservation and Management Act to improve fisheries management, and that consideration of the bill proceed according to the following order. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed 1 hour equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. After general debate the bill shall be considered for amendment under the 5-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule the amendment in the nature of a substitute recommended by the Committee on Resources now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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

Mr. MILLER of California. Mr. Speaker, reserving the right to object, if I might, I would enter into a colloquy with the gentleman from Alaska [Mr. YOUNG]. I would like to have the gentleman clarify a point on H.R. 39 of the Magnuson Act reauthorization.

Is it the intention of the Chairman of the Committee that we will only consider the bill under general debate

today, and rise to consider the bill for amendment at some later date?

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

Mr. MILLER of California. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Speaker, the gentleman is correct. Some Members are interested in offering amendments to H.R. 39 who would be unable to participate this afternoon. Therefore, it is my intent to ask that the Committee rise after conclusion of general debate and, if I may continue, with my understanding with my good friend, the gentleman from California, that eventually this bill will pass this House to get over to the Senate after we consider all amendments that are to be offered. We must proceed, because this has been sunsetted now for 1½ years, so we would like to get it done.

Mr. MILLER of California. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

SHENANDOAH VALLEY NATIONAL BATTLE FIELD PARTNERSHIP ACT OF 1995

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1091) to improve the National Park System in the Commonwealth of Virginia, as amended.

The Clerk read as follows:

H.R. 1091

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

TITLE I—RICHMOND NATIONAL BATTLEFIELD PARK

SEC. 101. MODIFICATION OF BOUNDARY.

The first section of the Act of March 2, 1936 (Chapter 113; 49 Stat. 1155), is amended to read as follows:

"SECTION 1. (a) In order to preserve the site of the 1862 Peninsula Campaign and the 1864–65 battle of Richmond, in the vicinity of Richmond, Virginia, as a national battlefield park for the benefit and inspiration of the people of the United States, there is hereby established, subject to existing rights, the Richmond National Battlefield Park (hereinafter in this Act referred to as the 'Park').

"(b) The Park shall consist of—

"(1) lands, waters, and interests therein within the area generally depicted on the map entitled 'Richmond National Battlefield Park, Land Status Map', numbered 367/92,000, and dated September 1993; and

"(2) upon donation of title acceptable to the Secretary of the Interior (and acceptance by the Secretary), the following tracts: a tract of 750 acres at Malvern Hill, a tract of 15 acres at Beaver Dam Creek, a tract of 100 acres at Cold Harbor, and a tract of 42 acres at Bethesda Church.

"(c) As soon as practicable, the Secretary of the Interior shall complete a boundary map (including tracts referred to in subsection (b)(2)) for the Park. The map required by this subsection and the map referred to in subsection (b)(1) shall be on file and available for public inspection in the office of the National Park Service, Department of the Interior.

"(d) The Congress recognizes the national significance of the Battle of New Market Heights and declares it to be in the public interest to ensure the preservation of the New Market Heights Battlefield so that an important aspect of American history can be interpreted to the public. The Congress directs the Secretary to work cooperatively with the Commonwealth of Virginia, the county of Henrico, Virginia, and property owners within or impacted by the battlefield area to develop alternatives to ensure implementation of these goals. The Secretary shall submit a report outlining such alternatives to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate no later than June 1, 1996.".

SEC. 102. REPEAL OF PROVISION REGARDING PROPERTY ACQUISITION.

The Act of March 2, 1936 (Chapter 113; 49 Stat. 1155), is amended by striking section 2.

SEC. 103. ADMINISTRATION.

Section 3 of the Act of March 2, 1936 (Chapter 113; 49 Stat. 1156), is redesignated as section 2 and is amended by striking the period and inserting ", and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461–467).".

TITLE II—SHENANDOAH NATIONAL PARK

SEC. 201. MODIFICATION OF BOUNDARY.

(a) IN GENERAL.—The boundary of Shenandoah National Park is hereby modified to include only those lands and interests therein that, on the day before the date of the enactment of this Act, were in Federal ownership and were administered by the Secretary of the Interior (hereinafter in this title referred to as the "Secretary") as part of the park. So much of the Act of May 22, 1926 (Chapter 363; 44 Stat. 616) as is inconsistent herewith is hereby repealed.

(b) MINOR BOUNDARY ADJUSTMENTS AND LAND ACQUISITION.—

(1) MINOR BOUNDARY ADJUSTMENTS.—The Secretary is authorized to make minor adjustments to the boundary of Shenandoah National Park, as modified by this title, to make essential improvements to facilitate access to trailheads to the park that exist on the day before the date of the enactment of this title, in cases in which there are no practicable alternatives to such adjustments.

(2) LIMITATIONS ON LAND ACQUISITION.—

(A) IN GENERAL.—Except as otherwise provided in this subsection, the Secretary may acquire lands and interests therein under this subsection only by donation.

(B) ADDITIONAL RESTRICTIONS.—When acting under this subsection—

(i) the Secretary may add to the Shenandoah National Park only lands and interests therein that are contiguous with Federal lands administered by the Secretary as part of the park;

(ii) prior to accepting title to any lands or interests therein, the Secretary shall hold a public meeting in the county in which such lands and interests are located;

(iii) the Secretary shall not alter the primary means of access of any private landowner to the lands owned by such landowner; and

(iv) the Secretary shall not cause any property owned by a private individual, or any group of adjacent properties owned by private individuals, to be surrounded on all sides by land administered by the Secretary as part of the park.

(c) MITIGATION OF IMPACTS AT ACCESS POINTS.—The Secretary shall take all reasonable actions to mitigate the impacts associated with visitor use at trailheads around the perimeter of Shenandoah National Park. The Secretary shall enlist the cooperation of the State and local jurisdictions, as appropriate, in carrying out this subsection.

SEC. 202. REQUIREMENT OF TRANSFER OF COUNTY ROAD CORRIDORS.

(a) STATEMENT OF PURPOSE.—It is the purpose of this section to permit the Commonwealth of Virginia to maintain and provide for safe public use of certain roads that the Commonwealth donated to the Federal Government at the time of the establishment of Shenandoah National Park.

(b) REQUIREMENT OF TRANSFER.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Interior shall transfer to the Commonwealth of Virginia, without consideration or reimbursement, all right, title, and interest of the United States in and to all county road corridors that were located within the Shenandoah National Park on the day before the date of the enactment of this Act and are removed from such Park by the boundary modification made by section 201.

(c) REVERSION.—Each transfer pursuant to this section shall be made subject to the condition that if, at any time, any county road corridor so transferred is no longer used as a public roadway, all right, title, and interest in the county road corridor shall revert to the United States.

(d) DEFINITIONS.—For purposes of this section:

(1) COUNTY ROAD CORRIDOR.—The term "county road corridor" means a corridor that is comprised of any Shenandoah county road together with an amount of land, which is contiguous with the road and which is selected by the Secretary of the Interior in consultation with the Governor of the Commonwealth of Virginia, such that the total width of the corridor is 50 feet.

(2) SHENANDOAH COUNTY ROAD.—The term "Shenandoah county road" means any portion of a road that is open to public vehicle usage and that, on the date of the enactment of this Act, constitutes part of—

(A) Madison County Route 600;
(B) Rockingham County Route 624;
(C) Rockingham County Route 625;
(D) Rockingham County Route 626;
(E) Warren County Route 604;
(F) Page County Route 759;
(G) Page County Route 611;
(H) Page County Route 682;
(I) Page County Route 662;
(J) Augusta County Route 611;
(K) Augusta County Route 619;
(L) Albemarle County Route 614;
(M) Augusta County Route 661;
(N) Rockingham County Route 663;
(O) Rockingham County Route 659;
(P) Page County Route 669;
(Q) Rockingham County Route 661;
(R) Criser Road (to Town of Front Royal); or
(S) the government-owned parcel connecting Criser Road to the Warren County School Board parcel.

TITLE III—COLONIAL NATIONAL HISTORICAL PARK

SEC. 301. MODIFICATION OF BOUNDARY.

Notwithstanding the provisions of the Act of June 28, 1938 (52 Stat. 1208; 16 U.S.C. 81b, 81d), limiting the average width of the Colonial Parkway, the Secretary of the Interior (hereinafter in this title referred to as the "Secretary") is authorized to include within

the Colonial National Historical Park, and to acquire by purchase, donation or exchange, lands and interests in lands (with or without improvements) within the areas depicted on the map dated August 1993, numbered 333/80031A, and entitled "Page Landing Addition to Colonial National Historical Park". Such map shall be on file and available for inspection in the offices of the National Park Service at Colonial National Historical Park and in Washington, District of Columbia.

SEC. 302. TRANSFER OF SEWAGE DISPOSAL SYSTEM AND RIGHTS-OF-WAY.

(a) IN GENERAL.—The Secretary is authorized to transfer, without reimbursement (except as provided in subsection (c)), to York County, Virginia, any portion of the existing sewage disposal system, including related improvements and structures, that is owned by the United States and located within the Colonial National Historical Park, together with such rights-of-way as the Secretary determines to be necessary to maintain and operate such system.

(b) REPAIR AND REHABILITATION OF SYSTEM.—The Secretary is authorized to enter into a cooperative agreement with York County, Virginia, under which the Secretary will pay a portion, not to exceed $110,000, of the costs of repair and rehabilitation of the sewage disposal system referred to in subsection (a).

(c) EFFECT OF AGREEMENT ON CHARGES, IMPACT, AND ALTERATIONS.—In consideration for the rights-of-way granted under subsection (a), in recognition of the contribution authorized under subsection (b), and as a condition of the transfer authorized by subsection (a), the cooperative agreement under subsection (b) shall provide for a reduction in, or the elimination of, the amounts charged to the National Park Service for its sewage disposal with respect to the Colonial National Historical Park, shall provide for minimizing the impact of the park's sewage disposal system on the park and its resources, and shall provide that such system may not be enlarged or substantially altered without the concurrence of the director of the National Park Service.

SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $110,000 to carry out section 302 and $830,000, or the current appraised value of the lands and interests in lands referred to in section 301, whichever is lower, to carry out section 301.

TITLE IV—SHENANDOAH VALLEY BATTLEFIELDS

SEC. 401. SHORT TITLE.

This title may be cited as the "Shenandoah Valley Battlefields Partnership Act of 1995".

SEC. 402. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) there are situated in the Shenandoah Valley in the Commonwealth of Virginia the sites of several key Civil War battles;

(2) certain sites, battlefields, structures, and districts in the Shenandoah Valley are collectively of national significance in the history of the Civil War;

(3) in 1990, the Congress enacted legislation directing the Secretary of the Interior to prepare a comprehensive study of significant sites and structures associated with Civil War battles in the Shenandoah Valley;

(4) the study, which was completed in 1992, found that many of the sites within the Shenandoah Valley possess national significance and retain a high degree of historical integrity;

(5) the preservation of Civil War sites within a regional framework requires cooperation among local property owners and Federal, State, and local government entities; and

(6) partnerships between Federal, State, and local governments, the regional entities of such governments, and the private sector offer the most effective opportunities for the enhancement and management of the Civil War battlefields and related sites in the Shenandoah Valley.

SEC. 403. STATEMENT OF PURPOSE.

The purposes of this title are to—

(1) preserve, conserve, and interpret the legacy of the Civil War in the Shenandoah Valley;

(2) recognize and interpret important events and geographic locations representing key Civil War battles in the Shenandoah Valley, including those battlefields associated with the Thomas J. (Stonewall) Jackson campaign of 1862 and the decisive campaigns of 1864;

(3) recognize and interpret the effect of the Civil War on the civilian population of the Shenandoah Valley during the war and postwar reconstruction period; and

(4) create partnerships among Federal, State, and local governments, the regional entities of such governments, and the private sector to preserve, conserve, enhance, and interpret the nationally significant battlefields and related sites associated with the Civil War in the Shenandoah Valley.

SEC. 404. DEFINITIONS.

For purposes of this title:

(1) BATTLEFIELD.—The term "battlefield" means 1 of 15 battlefields in the Shenandoah Valley, as identified in the report.

(2) COMMISSION.—The term "Commission" means the Shenandoah Valley Battlefields Commission established by section 409.

(3) HISTORIC CORE.—The term "historic core" means the area that is so defined in the report, encompasses important components of a battle, and provides a strategic context and geographic setting for understanding the battle.

(4) HISTORIC PARK.—The term "historic park" means the Shenandoah Battlefields National Historic Park established under section 405(b).

(5) PLAN.—The term "plan" means the Shenandoah Valley Battlefields plan approved by the Secretary under section 406.

(6) REPORT.—The term "report" means the report prepared by the Secretary pursuant to the Civil War Sites Study Act of 1990 (Public Law 101-628; 16 U.S.C. 1a-5 note).

(7) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(8) SHENANDOAH VALLEY.—The term "Shenandoah Valley" means the Shenandoah Valley in the Commonwealth of Virginia.

SEC. 405. SHENANDOAH VALLEY BATTLEFIELDS NATIONAL HISTORIC PARK.

(a) AUTHORIZATION.—To carry out the purposes of this title, there is hereby authorized to be established the Shenandoah Valley Battlefields National Historic Park in the Commonwealth of Virginia. The Secretary shall establish in the Shenandoah Valley an administrative office and a location to provide information and interpretation with respect to the battlefields.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Shenandoah Valley Battlefields National Historic Park is hereby established upon publication by the Secretary in the Federal Register that—

(A) the Secretary has determined that the historic core of one or more of the battlefields is protected adequately to ensure the long-term preservation of the historic core in accordance with the plan; and

(B) the Secretary accepts administrative jurisdiction of such historic core.

(2) CONTENTS OF HISTORIC PARK.—The historic park shall consist of each historic core with respect to which the Secretary publishes a notice under paragraph (1).

(c) ADMINISTRATION.—The Secretary shall administer the historic park in accordance with this title and with provisions of law generally applicable to the National Park System, including the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2, 3, 4) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-467). The Secretary shall protect, manage, and administer the historic park for the purposes of preserving and interpreting its natural, cultural, and historic resources and of providing for public understanding and appreciation of the battlefields, in such a manner as to perpetuate these qualities and values for future generations.

(d) LAND ACQUISITION.—If a historic core is included in the historic park—

(1) the Secretary may accept title from any private entity to any lands or interests therein within the historic core; and

(2) the Secretary may acquire from any willing seller lands and interests therein within the boundary of the historic core if the Secretary determines that such acquisition is essential to avoid significant changes to land use which the Secretary determines would have a significant adverse effect on the historic character of the historic core.

(e) LIVING HISTORY DEMONSTRATIONS AND BATTLEFIELD ENACTMENTS.—The Secretary shall allow, at any location in the historic park, any living history demonstration or battlefield reenactment that is the same as or substantially similar to a demonstration or reenactment that occurred at such location at any time during the 12-month period ending on the date of the enactment of this Act. The Secretary may allow, at any location in the historic park, any living history demonstration or battlefield reenactment that is not described in the preceding sentence but that the Secretary determines to be appropriate.

SEC. 406. SHENANDOAH VALLEY BATTLEFIELDS PLAN.

(a) IN GENERAL.—The historic park shall be managed by the Secretary pursuant to this title and the Shenandoah Valley Battlefields plan developed by the Commission and approved by the Secretary, as provided in this section.

(b) SPECIFIC PROVISIONS.—The plan shall include—

(1) provisions for the management, protection, and interpretation of the natural, cultural, and historical resources of the battlefields, consistent with the purposes of this title;

(2) identification of the historic cores that are appropriate for administration by the Secretary;

(3) a determination of the level of protection that is adequate to ensure the long-term preservation of each of the historic cores that is identified under paragraph (2) and measures recommended to accomplish such protection, which may include (but need not be limited to) conservation easements, local zoning, transfer of development rights, or ownership by an entity dedicated to preservation of the historic resources of the battlefields;

(4) recommendations to the Commonwealth of Virginia (and political subdivisions

thereof) regarding the management, protection, and interpretation of the natural, cultural, and historical resources of the battlefields;

(5) the information described in section 12(b) of Public Law 91-383 (16 U.S.C. 1a-7(b)) (pertaining to the preparation of general management plans);

(6) identification of appropriate partnerships between the Secretary, Federal, State, and local governments and regional entities, and the private sector, in furtherance of the purposes of this title;

(7) proposed locations for visitor contact and major interpretive facilities;

(8) provisions for implementing a continuing program of interpretation and visitor education concerning the resources and values of the battlefields and historic core areas;

(9) provisions for a uniform valley-wide historical marker and wayside exhibit program, including a provision for marking, with the consent of the owner, historic structures and properties that are contained within and contribute to the understanding of the battlefields; and

(10) recommendations for means of ensuring continued local involvement and participation in the management, protection, and development of the battlefields.

(c) PREPARATION OF DRAFT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date on which the Commission conducts its first meeting, the Commission shall submit to the Secretary a draft plan that meets the requirements of subsection (b).

(2) ADDITIONAL REQUIREMENTS.—Prior to submitting the draft plan to the Secretary, the Commission shall ensure that—

(A) the Commonwealth of Virginia, and any political subdivision thereof that would be affected by the plan, receives a copy of the draft plan;

(B) adequate notice of the availability of the draft plan is provided through publication in appropriate local newspapers in the area of the battlefields; and

(C) at least one public hearing in the vicinity of the battlefields in the upper Shenandoah Valley and one public hearing in the vicinity of the battlefields in the lower Shenandoah Valley is conducted by the Commission with respect to the draft plan.

(d) REVIEW OF PLAN BY THE SECRETARY.—The Secretary shall review the draft plan submitted under subsection (c) and, not later than 90 days after the date on which the draft plan is submitted, shall either—

(1) approve the draft plan as the plan; or

(2) reject the draft plan and recommend to the Commission modifications that would make the draft plan acceptable.

SEC. 407. COOPERATIVE AGREEMENTS.

(a) IN GENERAL.—In furtherance of the purposes of this title, the Secretary may establish partnerships and enter into cooperative agreements concerning lands, and interests therein, within the battlefields with other Federal, State, or local agencies and private persons or organizations.

(b) HISTORIC MONUMENTS.—The Secretary may enter into an agreement with the owner of property that is located in the battlefields and on which an historic monument or tablet commemorating a relevant battle has been erected prior to the date of the enactment of this Act. The Secretary may make funds available for the maintenance, protection, and interpretation of the monument or tablet, as the case may be, pursuant to the agreement.

(c) AGREEMENTS AND PARTNERSHIPS NOT DEPENDENT ON INCLUSION IN HISTORIC PARK.—The Secretary may establish a partnership or enter into an agreement under this section with respect to a battlefield regardless of whether or not the historic core area of the battlefield is included in the historic park.

SEC. 408. TECHNICAL ASSISTANCE PROGRAM.

(a) TECHNICAL ASSISTANCE TO PROPERTY OWNERS.—The Secretary may provide technical assistance to owners of property located within the battlefields to provide for the preservation and interpretation of the natural, cultural, and historical resources within the battlefields.

(b) TECHNICAL ASSISTANCE TO GOVERNMENTAL ENTITIES.—The Secretary, after consultation with the Commission, may award grants and provide technical assistance to governmental entities to assist with the planning, development, and implementation of comprehensive plans, land use guidelines, regulations, ordinances, or other appropriate documents, that are consistent with and designed to protect the historic character of the battlefields.

(c) ASSISTANCE NOT DEPENDENT ON INCLUSION IN PARK.—The Secretary may provide assistance under this section with respect to a battlefield or historic core area regardless of whether or not the battlefield or historic core area is included in the Park.

SEC. 409. SHENANDOAH VALLEY BATTLEFIELDS COMMISSION.

(a) ESTABLISHMENT.—There is hereby established the Shenandoah Valley Battlefields Commission.

(b) MEMBERSHIP.—The Commission shall be composed of 19 members, to be appointed by the Secretary as follows:

(1) 5 members representing local governments of communities in the vicinity of the battlefields, appointed after the Secretary considers recommendations made by appropriate local governing bodies.

(2) 10 members representing property owners within the battlefields (1 member within each unit of the battlefields).

(3) 1 member with demonstrated expertise in historic preservation.

(4) 1 member who is a recognized historian with expertise in Civil War history.

(5) 1 member from a list of recommendations made by the Governor of Virginia.

(6) 1 member representing the interests of the National Park Service.

(c) APPOINTMENTS.—Members shall be appointed for the life of the Commission.

(d) ELECTION OF OFFICERS.—The Commission shall elect one of its members as Chairperson and one as Vice Chairperson. The terms of office of the Chairperson and Vice Chairperson shall be 2 years. The Vice Chairperson shall serve as Chairperson in the absence of the Chairperson.

(e) VACANCY.—Any vacancy on the Commission shall be filled in the same manner in which the original appointment was made, except that the Secretary shall fill any vacancy within 30 days after the vacancy occurs.

(f) QUORUM.—A majority of the Commission shall constitute a quorum.

(g) MEETINGS.—The Commission shall meet at the call of the Chairperson or a majority of the members of the Commission, but not less than quarterly. Notice of Commission meetings and agendas for the meetings shall be published in local newspapers that have a distribution throughout the Shenandoah Valley. Commission meetings shall be held at various locations throughout the Shenandoah Valley and in a manner that ensures adequate public participation.

(h) STAFF OF THE COMMISSION.—The Commission shall have the power to appoint and fix the compensation of such staff as may be necessary to carry out its duties.

(i) ADMINISTRATIVE SUPPORT SERVICES.—The Administrator of the General Services Administration shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(j) FEDERAL AGENCIES.—Upon request of the Commission, the head of any Federal agency may detail to the Commission, on a reimbursable basis, personnel of the agency to assist the Commission in carrying out its duties.

(k) SUBPOENAS.—The Commission may not issue subpoenas or exercise any subpoena authority.

(l) EXPENSES.—Members of the Commission shall serve without compensation, but the Secretary may reimburse members for expenses reasonably incurred in carrying out the responsibilities of the Commission under this title.

(m) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(n) GIFTS.—The Commission may, for purposes of carrying out the duties of the Commission, seek, accept, and dispose of gifts, bequests, or donations of money, personal property, or services, received from any source.

(o) TERMINATION.—The Commission shall terminate upon the expiration of the 45-day period beginning on the date on which the Secretary approves the plan under section 406(d).

SEC. 410. DUTIES OF THE COMMISSION.

The Commission shall—

(1) develop the plan and draft plan referred to in section 406, in consultation with the Secretary;

(2) advise the Secretary with respect to the battlefields;

(3) assist the Commonwealth of Virginia, and any political subdivision thereof, in the management, protection, and interpretation of the natural, cultural, and historical resources within the battlefields, except that the Commission shall in no way infringe upon the authorities and policies of the Commonwealth of Virginia or any political subdivision thereof; and

(4) take appropriate action to encourage protection of the natural, cultural, and historic resources within the battlefields by landowners, local governments, organizations, and businesses.

SEC. 411. TERMINATION OF INCLUSION IN HISTORIC PARK.

(a) IN GENERAL.—A historic core that becomes part of the historic park shall continue to be included in the historic park unless—

(1) the Secretary determines that the protection of the historic core no longer meets the requirements of section 405(b)(1)(A); and

(2) after making a determination referred to in paragraph (1), the Secretary submits to the Congress notification that the historic core should cease to be included in the historic park.

(b) PUBLIC HEARING.—Before the Secretary makes a determination referred to in subsection (a)(1) regarding a historic core, the Secretary or a designee shall hold a public hearing within the vicinity of the historic core.

(c) TIME OF TERMINATION OF INCLUSION.—

(1) IN GENERAL.—A historic core shall cease to be included in the historic park upon the expiration of 90 legislative days after the Secretary submits to the Congress the notification referred to in subsection (a)(2) regarding the historic core.

(2) LEGISLATIVE DAY.—For purposes of this subsection, the term "legislative day" means any calendar day on which both Houses of the Congress are in session.

SEC. 412. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated not more than $5,000,000 for development of the historic park, not more than $2,000,000 for land acquisition pursuant to this title, not more than $500,000 to carry out the purposes of sections 407 and 408, and not more than $250,000 for any fiscal year for the operation of the Commission.

TITLE V—CUMBERLAND GAP NATIONAL HISTORICAL PARK

SEC. 501. ADDITION OF LANDS.

(a) AUTHORITY.—Notwithstanding the Act of June 11, 1940 (16 U.S.C. 261 et seq.), the Secretary of the Interior is authorized to acquire by donation, purchase with donated or appropriated funds, or exchange not to exceed 10 acres of land or interests in land, which shall consist of those necessary lands for the establishment of trailheads to be located at White Rocks and Chadwell Gap.

(b) ADMINISTRATION.—Lands and interests in lands acquired pursuant to subsection (a) shall be added to and administered as part of Cumberland Gap National Historical Park.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah [Mr. HANSEN] will be recognized for 20 minutes and the gentleman from New Mexico [Mr. RICHARDSON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

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

Mr. Speaker, I rise in strong support of H.R. 1091, legislation to improve the National Park System in the Commonwealth of Virginia.

Mr. Speaker, this is a comprehensive bipartisan bill which makes improvements to various park areas in the Commonwealth of Virginia. First, the bill resolves boundary questions at two parks, Shenandoah National Park and Richmond National Battlefield, where the park boundary now includes hundreds of thousands of acres of non-Federal, non-park-quality lands. These unmanageable boundaries have been a source of significant concern to private property owners and local governments alike. This bill shrink-wraps boundaries at those parks to generally conform to lands currently owned by the Federal Government or lands anticipated to be added to the parks in the near future.

Under the title pertaining to Richmond National Battlefield, the bill provides for a substantial expansion of the existing 770-acre park by authorizing the NPS to accept a donation totalling 907 acres with important Civil War features. The bill also directs the Secretary to develop a proposal to ensure protection of the New Market Heights Battlefield, a significant site where 14 African-Americans earned the Congressional Medal of Honor.

By establishing reasonable boundaries for both Shenandoah National Park and Richmond Battlefield, these areas will be placed on equal footing with the other 360-plus areas administered by the NPS which have reasonable fixed boundaries. After enactment of this legislation, future boundary adjustments at these parks will be made by Congress, rather than the park superintendent.

The bill also transfers 19 road corridors at Shenandoah National Park, totaling 16 acres out of the 196,500-acre park, from the NPS back to the Commonwealth for their administration and management. Along with nearly all the land currently within the park, these roads were donated by the Commonwealth to the Federal Government at the time of park establishment in the 1930's. However, recently, the NPS has advised the Commonwealth that NPS has no authority to permit the Commonwealth to continue to maintain these roads. The Commonwealth is now seeking to have these roads returned to their ownership so that they can manage them and continue such uses as transporting children to schools.

Title III of the bill expands the boundary of the existing Colonial National Parkway by 15 acres at its narrowest point and provides for the county to take over an existing utility line to private residents within the park. This legislation is nearly identical to a bill which passed the House last session.

Title IV of the bill authorizes a new park area in the Shenandoah Valley to recognize a number of important Civil War battles which occurred there. However, the bill provides that the park will not be established unless the State and local governments, and the private sector, make a significant contribution to the preservation of these significant Civil War sites. Only if the Secretary finds that these resources are adequately protected by these other entities is he permitted to establish the park. Further, if these partners retreat from their commitments to preserve these sites, the bill provides for the deauthorization of the park.

The overall cost of this title has been reduced from about $25 million—as introduced—to $7 million, with the balance of the cost to be picked up by the other partners in the overall effort to preserve these sites. This is the type of partnership effort which will be required in any new park areas.

A new title V, as requested by Mr. BOUCHER, authorizes the acquisition of essential land at Cumberland Gap National Historical Park to ensure continued trail access to the park.

It is important to point out what this bill does in balance. We are deleting over 585,000 acres from the authorized boundaries of two parks and establishing a new park where the Federal Government will never own or administer more than a few thousand acres.

It is a good bill with bipartisan support from the six Members from Virginia who represent all of the areas within this bill. The measure is also supported by State and local governments, private landowners and such groups as the National Trust for Historic Preservation and the Association for the Preservation of Civil War Sites.

I commend this bill to my colleagues and urge them to support it.

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

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

Mr. Speaker, two very distinguished Members and friends of mine are sponsoring this bill, the gentlemen from Virginia [Mr. BLILEY and Mr. WOLF]. This is important as we deliberate any bill. I have to express some concerns with the bill, the content, and basically the question I am asking is, what is the rush with the Richmond and Shenandoah park proposals? What we have is boundary studies underway. This legislation basically prejudges the results of those studies.

There is not any threat to any landowner. These parks were assembled by donation, not Federal condemnation. I have no problem with the colonial park legislation. That was worked out in the last Congress and passed by the House in its current form.

The same cannot be said for the other proposal before us today. This was considered, the Shenandoah, this was considered in the past by the House on a bipartisan basis last year as a national heritage area and not as a national park, but I know the gentleman from Virginia [Mr. WOLF] and many of his colleagues have had a number of events recently at the park, and I respect that.

Mr. Speaker, I have listened to a lot of the concerns expressed by some of my colleagues about the park system. After this bill, we are going to take up H.R. 260, which basically is a parks closure bill, yet we are adding some national park units by the Congress, with some reservations from the national park system, so we are going a little bit in different directions here.

Mr. Speaker, I will support this bill. I will vote for it.

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

Mr. RICHARDSON. I yield to the gentleman from Virginia.

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I just want to make the point with regard to the Shenandoah National Park and Richmond Battlefield that we are in no way saying additional lands should not be added. Those studies should and can go forward. All we are saying is the same criteria which provides for taking lands out of the park should apply to putting land into the park; that is, congressional action. After this is completed, if there are proposals to add land, they can

bring that before the Congress and have it considered. Now local governments and local private owners in the area have no say on land going into the park.

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

Mr. HANSEN. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Virginia [Mr. BLILEY], the author of this bill.

Mr. BLILEY. Mr. Speaker, I want to thank the gentleman for bringing this bill, and I thank the gentleman from Alaska [Mr. YOUNG], chairman of the full committee, and my good friend, the gentleman from New Mexico, BILL RICHARDSON. I know he had some concerns, he has expressed them to me in the past, but I appreciate the gentleman's willingness, in spite of his concerns, to support this legislation.

I also want to thank my colleague from Virginia's Third District, the gentleman from Newport News [Mr. SCOTT], for his support.

Mr. Speaker, the gentleman from Utah [Mr. HANSEN] has thoroughly explained the bill. I want to just add a few things. The reason for this bill that I introduced, H.R. 1091, was a response to constituents' worries about the boundaries of Richmond National Battlefield Park and the Shenandoah National Park. Each of these parks is peculiar in that it has a vast authorized boundary with a much smaller amount of land actually owned and managed by the Park Service.

Unlike normal parks, these two parks can expand whenever they want, without congressional approval or a fair representation of local communities' concerns. The Richmond National Battlefield Park comprises 10 sites around Richmond totaling about 760 acres, to which this bill would add 900 more at Malvern Hill, but its enormous 1936-authorized boundary envelopes 250 square miles of the metropolitan area. What the constituents are concerned about is that somehow a designation will be put on their land against their wishes that will downzone the value of their land. That is a very important concern to anyone who owns land.

Having served in local government and having participated in a couple of downzonings, it is a very, very bad policy to downzone a man's land. Anytime that Members want to expand either of these parks, all the Park Service has to do is to come forward with a request that then can be considered, but what will happen then is that it would give the neighbors a chance to comment, and it will give the local governments a chance to comment, as well as the State government. Then Congress will determine whether we have the resources to absorb whatever this gift might be.

Right now, Richmond National Battlefield Park has a $2 million shortfall in its operating funds for 1996, and the Shenandoah National Battlefield Park has a shortfall of $5.5 million. So to me it makes eminent sense that before we go expanding either of these parks, let us make sure we have enough resources to take care of the expansion, pure and simple.

I am also pleased that the legislation of the gentleman from Virginia [Mr. WOLF], that he was successful in passing last session in the other body is included, and this legislation conserves for future generations 10 Civil War battlefields in the Shenandoah Valley. But most importantly about this act is this was developed in close consultation with the communities up and down the valley.

Mr. Speaker, I thank my good friend, the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Speaker, I yield 5 minutes to my good friend, the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Speaker, I rise in strong support of H.R. 1091, a bill which would improve the National Park System in the Commonwealth of Virginia. I am particularly interested and supportive of title IV of the bill which incorporates legislation I introduced which would create the Shenandoah Valley Battlefields National Historic Park.

Mr. Speaker, this morning I had the pleasure and honor of participating in a dedication ceremony for the preservation of the 3d Battle of Winchester. The 3d Battle of Winchester, or Opequon, was the largest and most desperately contested battle of the Civil War in the Shenandoah Valley of Virginia, resulting in more than 9,000 casualties. This battle, where over 15,000 Confederate troops led by Lt. Gen. Jubal Early and about 39,000 Union troops led by Maj. Gen Philip Sheridan clashed in the otherwise quiet countryside, marked the rise of Sheridan and the decline of Confederate power.

Perhaps it is coincidence, providence, fortuity, serendipity or luck that H.R. 1091 is being considered on the floor of the House of Representatives the same day the 3d Battle of Winchester is saved by development. The hallowed Civil War site of Opequon was saved by a partnership between the Federal Government, State and local government, businesses persons, and private preservationists. This has been the approach taken in the valley for years and is the approach embodied in title IV of this legislation.

Mr. Speaker, in response to a congressional directive (Public Law 101-628), the National Park Service [NPS] undertook the task of studying the Civil War sites in the Shenandoah Valley. The NPS identified significant Civil War sites and determined their condition, established their relative importance, assessed short- and long-term threats to their integrity, and provided general alternatives for their preservation.

The Park Service discovered that 15 of the 326 documented armed conflicts in the valley between 1861 and 1865 were of particularly high significance. Because many portions of the valley retain a high degree of historic, rural and scenic integrity, the NPS concluded that they should be preserved. The two major Valley campaigns—the Thomas J. "Stonewall" Jackson Valley campaign of 1862 and the decisive Philip Sheridan campaign of 1864—are the major Civil War battlefields not yet preserved. This Congress has a historic opportunity to capitalize on the overwhelming momentum of support for this legislation.

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Unfortunately, the NPS did not recommend a specific preservation strategy. Therefore, some local valley residents accepted a challenge by Park Service staff to devise a plan to preserve these historic lands. Their efforts were remarkable. Their dedication and perseverance unflappable. This was truly a grassroots effort.

Local residents began to meet and discuss how these hallowed lands could be preserved for future generations to learn and enjoy. They are eager to share the stories of the valley—not just battle maneuvers and formations, but the stories of people dislocated by a brutal war. They want to share the story of how the city of Winchester, VA, changed hands between North and South at least 73 times, and how that turmoil affected local residents. Even today, one can sense the effect the war had on the Valley.

After countless meetings and telephone conversations, in which the National Park Service was consulted, a consensus began to form around a partnership concept where Federal, State, and local governments, private landowners and preservation groups could work together to preserve these lands. After a draft bill was ready, we held discussion meetings in the Shenandoah Valley on the proposed legislation. These meetings provided an opportunity for thorough review and comment by Valley residents and officials on this legislation. These meetings, attended by local government officials, landowners, business people, and preservationists, served as a vehicle to refine, modify, and improve the legislation with the input and advice of citizens from throughout the Shenandoah Valley.

What I found during those public meetings was unprecedented unanimous support for this legislation. I served at the Department of the Interior in the 1970's under Secretary Morton, and I can't recall ever gaining such widespread support for a park bill. The legislation before this subcommittee has been endorsed by every local

government where core battlefield properties are located. Moreover, we have a broad, bipartisan coalition of interests united to preserve these treasures of history. The list that follows my statement, compiled over a year and a half ago, comprises those persons and entities who endorsed this partnership approach to preservation. There have been many others since this list was put together.

This subcommittee should know that the work of valley residents did not end with the drafting and introduction of this legislation. The Cedar Creek Battlefield Foundation is a private nonprofit corporation organized to save the historic Cedar Creek Civil War battlefield site. The Frederick County Board of Supervisors and Winchester City Council have appointed a Battlefield Task Force whose responsibility it is to prepare a strategic plan for the protection and use of the battlefield sites. The task force's interim action plan designates the most critical and significant sites and recommends immediate actions to be taken. Frederick County and the city of Winchester have also successfully convinced a trustee of a battlefield property at Kernstown to postpone a planned auction. Moreover, they have purchased a $500,000 2-year option to buy land. Within the last couple of weeks, the Association for the Preservation of Civil War Sites [APCWS] exercised an option to purchase 222 acres, known as Caleb Heights, of the threatened third battle of Winchester using funds derived from the sale of Civil War commemorative coins. APCWS is committed to raising the remaining $2 billion needed to pay off the remaining cost of the property. Not only have the local governments and private groups dedicated time and personnel to planning the preservation of the battlefields, they have committed scarce resources to protect these lands. This is an overwhelming demonstration of their commitment to the successful implementation of a preservation plan.

Local governments alone can't preserve these valuable resources; they need a partnership with the Federal Government to preserve these lands. Even the most well intentioned friends of battlefield preservation will find it difficult to keep the threats of residential construction, commercial development, highway construction, and industrial development at bay. Interstates 66 and 81 bring increasing pressure on this rural landscape and threaten to consume more battlefield land. As the NPS study indicates, some critical properties have already been lost.

Since the Civil War, most of the Shenandoah Valley has remained in the same type of agricultural use, but, as the Park Service has reported, increasing development threatens key battlefield sites. Title IV of H.R. 1091 would protect many of these through designation as a unit of the National Park System, while encouraging partnerships with local governments and private landowners to protect the natural cultural and historical resources on adjacent lands within the historic core areas of the key battlefield sites. Partnership is the key ingredient in this bill. It was borne of cooperation and will succeed by bringing all interested parties into the planning, development, and implementation of this novel preservation scheme.

This bill capitalizes on the cooperation and hard work which have created a sturdy foundation upon which to build this park. Much of the groundwork has been laid by residents of the valley and specialists knowledgeable about land use planning, environmental impact studies, and so forth. I encourage this subcommittee to utilize the experience, dedication, and knowledge base that exists in the valley in preparing a plan for park management, visitor facilities, educational programs, and historical markers and exhibits throughout the Shenandoah Valley. The NPS should work hand-in-glove with the local community.

The second important component of the legislation is that it provides incentives for local governments to preserve historic land by including battlefield protection in regional planning. As the Park Service study observed, local governments are under increasing pressure to allow residential construction, commercial development, highway construction, and industrial development. Grants and technical assistance provide the necessary incentive that local governments need to ward off development pressures.

The third key ingredient which I would like to stress in the grants to private battlefield landowners. Because of the tight fiscal constraints of federal discretionary spending, we can't expect the National Park Service to purchase thousands and thousands of acres of land. This is much too expensive. We can, however, provide incentives to local landowners to assist in the preservation of historic lands. In exchange for these economic incentives, private landowners could provide the Park Service needed scenic or preservation easements or could contractually agree to maintain open-space lands with historic viewsheds. This will ensure that a comprehensive overall interpretation of the resource is attained.

Mr. Speaker, the time is upon us for Federal action to preserve the historic Civil War battlefields of the Shenandoah Valley, in partnership with State and local governments, local landowners, and preservation groups. This innovative concept will be the least costly and disruptive strategy to protect the lands forever.

Mr. Speaker, one point of interest that people should know, that there is a Colonel McCormick in my congressional district, 94 years old, lives in Front Royal, just retired from practicing law. His father and his grandfather and his uncle were in Pickett's Charge at Gettysburg. The interest in the Shenandoah Valley for this is very important.

In closing, Mr. Speaker, the time is upon us for Federal action to preserve the historic Civil War battlefields of the valley in partnership with State and local governments and local landowners and preservation groups.

I want to acknowledge before I close and thank the gentleman from Utah [Mr. HANSEN] and his staff. Without the help of the gentleman from Utah [Mr. HANSEN], this legislation would not be passing. He nurtured it through, worked with us and he did everything he possibly could.

I want to say on the record, the gentleman and I were freshmen together in that class of 1980 when we came, I think there are only 16 of us left, but I want to publicly say I will be eternally grateful for his help and his entire staff. He helped us work this thing through.

I also want to thank the gentleman from Virginia [Mr. GOODLATTE] for his efforts. It was a good team effort. Our districts are joined together. We were lockstepped together at the beginning of this. I thank him.

I also want to thank the gentleman from Virginia [Mr. BLILEY], the gentleman from Virginia [Mr. SCOTT], and the other members of the Virginia delegation, and on the Senate side, Senators ROBB and WARNER. We were together almost like Stonewall Jackson. There stood the Virginia like a stone wall, we were together and united on this.

And finally, Mr. Speaker, I would like to add a very special thank you to Will Moschella, one of my legislative assistants, who was instrumental in helping to bring this bill forward.

Tomorrow it is my hope and expectation, and I might say I am going to say a little prayer, that this legislation will pass without any controversy and will then be passed by the other body.

Mr. Speaker, I include the following articles and extraneous material for the RECORD, which describe the efforts to create a Civil War National Battlefield Park in the Shenandoah Valley of Virginia:

SHENANOAH VALLEY PROPOSAL
ENDORSEMENTS BY COUNTY

FREDERICK

The Glass-Glen Burnie Foundation, Landowner/Individual.

Town of Middletown, Government.

Town of Stephens City, Government.

Winchester-Frederick Chamber of Commerce, Business.

Winchester-Frederick County Econ. Deve. Comm., Business.

SHENANDOAH

Association for the Preservation of Civil War Sites, Landowner/Individual

C.M. "Mike" Hunt, Landowner/Individual.
Sarah P. Faulconer, Landowner/Individual.
James H. Faulconer, Landowner/Individual.
Garland C. Hudgins, Landowner/Individual.
Breckenridge Chapter, Daughters of the Confederacy, Historic Group.
Town of New Market, Government.
Clinton M. Truesdale, Individual.
The Strasburg Guards, Sons of Confederate Veterans, Historic Group.
Town of Woodstock, Government.
David E. Smith, Landowner/Individual.
William Craun, Landowner/Individual.
William F. Bausserman, Landowner/Individual.
William J. Bausserman, Landowner/Individual.
Harold Walter, Landowner/Individual.
Keith Rocco, Landowner/Individual.
J.W. Troxell, Landowner/Individual.
Ralph Stickley, Landowner/Individual.
Tom's Brook Farm,/Rodney A. Bankson, CDR, USN-Ret., Landowner/Individual.
10th Virginia Volunteer Infantry, Historic Group.
Cross Keys Antiques/John B. Woodyard, Landowner/Individual.
Friends of the North Fork of the Shenandoah River, Civic Group.
Hupp's Hill Battlefield Park and Study Center, Historic Group/Business.
New Market Area Chamber of Commerce, Business.
New Market Battlefield Historic Park, Historic Group.
Patricia K. Marie, Landowner/Individual.
Reformation Lutheran Church, Civic Group.
Robert D. Plu, Landowner/Individual.
Shenanoah Caverns, Business.
Shenandoah Valley Civil War Roundtable, Historic Group.
Shenandoah Valley Quality Inn/Lois Moomaw, Gen. Man., Business.
Strasburg Rotary Club, Civic Group.
Town of Mount Jackson, Government.
Town of Tom's Brook, Government.
VMI Museum Programs, Historic Group.
Women's Memorial Society, Civic Group.
Woodstock Museum, Historic Group.

ROCKINGHAM

Arthur J. Hamilton, Landowner/Individual.
Association for the Preservation of Civil War Sites, Landowner/Individual.
Barbara Paulson, Landowner/Individual.
Cherry Grove Farm/George K. Harnsberger, Landowner/Individual.
F & M Bank-Massanutten, Business.
Graham C. Lilly/Professor of Law UVA, Landowner/Individual.
Harrisonburg-Rockingham Historical Society, Historic Group.
Harry L. Chandler, Landowner/Individual.
Lawrence D. Bowers/Wilson & Bowers, Landowner/Individual.
Martha B. Caldwell/Professor of Art History JMU, Landowner/Individual.
Mr. & Mrs. Brownie A. Cummins, Landowner/Individual.
Mr. & Mrs. Thomas F. Tutwiller, Landowner/Individual.
Peter Svenson, Landowner/Individual.
The Inn at Keezletown Road Bed & Breakfast, Business.
The Society of Port Republic Preservationists, Historic Group.
The Town of Dayton, Virginia, Government.
James J. Geary, Former Dir. New market Battle, Landowner/Individual.
Ronald E. Carrier, President, James Madison Univ., Educational.
Barbara Moore, Landowner/Individual.
Daniel M. Downey, Ph.D., Landowner/Individual.
Tom's Brook Farm/Rodney A. Bankson, CDR, USN-Ret., Landowner/Individual.
W. Allen & Phoebe Sherwood, Landowner/Individual.
W.C. Bedall, Jr., Landowner/Individual.
Wilmer Diehl Family, Landowner/Individual.

HIGHLAND

Association for the Preservation of Civil War Sites, Landowner/Individual.
The Board of Supervisors for Highland County, Government.
The Recorder, Business/Press.
Virginia's Western Highlands Travel Council, Business.

WINCHESTER

City of Winchester, Government.
Elizabeth G. Helm/Former Mayor, Government.
Downtown Development Board, Government.
The Common Council of the City of Winchester, Government.

AUGUSTA

Winston Wine, Landowner/Individual.

PAGE

Luray Caverns Corporation, Business.

PORT REPUBLIC

Mark & Susan Hardy, Landowner/Individual.

REGIONAL

The Civil War Trust, Historic Group.

ALEXANDRIA

Brian C. Pohanka, Landowner.

VALLEY WIDE

Shenandoah Valley Travel Association, Business.

[From the Washington Post, June 13, 1993]

UNSUNG SOLDIERS

THE CASE FOR SAVING SHENANDOAH'S CIVIL WAR BATTLEGROUNDS

(By James M. McPherson)

Many Americans recognize the significance of such Civil War battles and campaigns as Antietam, Gettysburg, Chickamauga, Chattanooga and Petersburg. All of these battlefields are now national parks that attract millions of visitors each year.

More than 125 years after the guns went silent, tourists can walk the ground near Sharpsburg, Md., where more Americans died in one day—Sept. 17, 1862—than any other day in our history. They can scan the fields at Gettysburg, where 13,000 Confederate soldiers launched an assault of futile courage on July 3, 1863. And they can see where Grant's legions put their siege lines at Vicksburg, forcing that city's defenders to eat mules and rats before surrendering.

No one can truly comprehend the tragic but triumphant trauma of the American Civil War without visiting such battlefields. But there are two large gaps in our commemoration of the engagements of the Civil War—Stonewall Jackson's Shenandoah Valley campaign in 1862 and Phil Sheridan's Shenandoah Valley campaign in 1864. No national park—or state or local park—marks any of the eight battles and numerous important skirmishes involved in these campaigns, even though they were as crucial in shaping the course and outcome of the war as were Antietam, Vicksburg and Chattanooga—yes, even as important as Gettysburg itself. The two Shenandoah Valley campaigns produced two of the four major turning points of the war (the other two were Antietam and Gettysburg-Vicksburg).

Jackson's string of victories in the valley from May 8, 1862, to June 9, 1862, reversed a tide of Northern triumphs during the preceding three months that had threatened to sink the Confederacy.

The Union had captured Roanoke Island and New Bern in North Carolina, forts Henry and Donelson, Nashville and New Orleans and the lower Mississippi valley. Union victories in the bloody battles of Shiloh and Pea Ridge and the advance of the largest Union army to within six miles of Richmond in the spring of 1862 had caused panic and depression in the South.

In mid-May 1862, the Confederate government was prepared to evacuate Richmond. Then came Jackson's extraordinary victories in the Shenandoah Valley—at McDowell on May 8, Front Royal on May 23, Winchester on May 25 and Cross Keys and Port Republic on June 8 and 9.

These victories proved to be a strategic shot in the arm for the Confederacy. They changed the momentum of the war and launched a year of Southern victories in the Virginia theater that culminated in the Confederacy's high tide at Gettysburg.

The tide receded, but by the late summer of 1864 Confederate prospects again seemed promising. The two largest Northern military efforts of the war, to capture Richmond and Atlanta, had bogged down in apparent stalemate after 100,000 Union casualties. The shock of death and failure staggered the Union, threatened Lincoln's reelection and spawned a peace movement in the North.

In July a small Confederate army commanded by Jubal Early cleared Union forces out of the Shenandoah Valley and marched all the way to the outskirts of Washington before pulling back. During this crisis, Gen. Ulysses S. Grant sent one of his favorite subordinates, Philip Sheridan, to the valley to take command of a composite "Army of the Shenandoah" and crush Early. In three battles—among the most one-sided Union victories of the war—Sheridan did precisely that: at Third Winchester (or Opequon Creek) on Sept. 19, Fisher's Hill on Sept. 22 and Cedar Creek on Oct. 19. These battles ensured Lincoln's reelection on a platform of unconditional victory and marked the final turn of the tide toward Appomattox.

The absence of a national park for any of these Shenandoah Valley battlefields has always been a mystery to me, But there is now a chance to remedy this omission—maybe the last chance.

The expansion of development along I-66 to its intersection with I-81 a few miles from five of the Shenandoah Valley battlefield sites threatens these sites with extinction. That fate could be avoided by the creation of a Shenandoah Valley national battlefields park.

Many residents of this area recognize that preservation of these sites would produce more than the obvious historical and cultural benefits. It would also yield the economic benefits of tourism at a much lower cost than residential development, with its inevitable byproducts of congestion, noise and pollution.

Most of the battlefield sites in the valley still possess a high degree of historical integrity, that is, the topography—the fields and forests, the hills and valleys and viewsheds—has changed little since the Civil War. At surprisingly low cost to taxpayers, much of the battlefield acreage could be saved for posterity, with sites linked by already existing state and local roads. Several parcels of battlefield lands already are owned by private preservations groups that are ready to

turn them over to the National Park Service.

Congress should authorize a Shenandoah Valley National Battlefield Park as envisioned in legislation introduced by Rep. Frank Wolf (R-Va.) in the House and Sens. John Warner (R) and Chuck Robb (D) of Virginia and Sen. James Jeffords (R) of Vermont.

Creation of such a park would make it possible for millions of Americans to visit these battlefields, where thousands gave their last full measure of devotion just as surely as did those who died at Gettysburg.

Mr. RICHARDSON. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia [Mr. SCOTT] who strenuously was urging that we pass this bill and who has worked very hard on it equally, especially the component of black Civil War heroes.

Mr. SCOTT. Mr. Speaker, I rise in support of H.R. 1091 and would like to speak to the impact of the bill on the Richmond area. This legislation is important because it relieves a burden from landowners of having to worry about the possibility of condemnation of their land by the Richmond National Battlefield Park. For too long, the park has had the ability to use this process to acquire land without the permission of landowners. I applaud my colleague from the Richmond area, Mr. BLILEY, for realizing our constituents' concerns and for removing the threat of condemnation in this legislation. The fact is, Mr. Speaker, that this power has never been used nor is there any anticipation that it would be used in the foreseeable future. This bill, therefore, removes the cloud of uncertainty and concern of area residents near the battlefield.

While this bill reduces the large area of potential land acquisition, I agree with my other colleagues from Virginia that there is nothing in this legislation that will prevent specific land acquisition in the future through legislative authorizations for either purchase or acceptance of donated lands.

Additionally, Mr. Speaker, this bill addresses an important battle site. Nearly 131 years ago, on September 29, 1864, near Richmond, VA, in an area referred to as New Market Heights, U.S. Colored Troops would assault a Confederate position, suffer extreme losses and have 14 of their ranks receive Medals of Honor for bravery in action.

Mr. Speaker, in the entire balance of the Civil War, only 2 more Army medals were awarded to African-Americans and no other battle in the entire Civil War generated 14 Medal of Honor designees.

Until this past year, however, the story of these 14 African-American soldiers was scarcely remembered or retold. A Richmond Times-Dispatch article dated May 21 of this year calls this battlefield one of the Nation's most forgotten historical sites.

But with the assistance of my colleague from Richmond we are now headed in the right direction by honoring these 14 men, bringing just acknowledgment and credit to a previously forgotten event. I am grateful for the help of the gentleman from Virginia [Mr. BLILEY] and support in crafting legislation that ensures that the battle of New Market Heights will be recognized for its historic significance.

Mr. Speaker, this bill responds to the concerns of landowners in Henrico County, it focuses the resources of the National Park Service on truly historically significant sites, and gives proper recognition to the valiant African-American soldiers in New Market Heights.

I therefore join my colleagues from Virginia, both in the Richmond area and the Shenandoah area, in support of this bill. I thank the gentleman from Utah and the gentleman from New Mexico for their cooperation.

Mr. HANSEN. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia [Mr. GOODLATTE].

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman from Utah for yielding me the time. I especially thank him and his outstanding staff for their efforts in moving this legislation through their committee, and the gentleman from Alaska [Mr. YOUNG] for moving it through the full committee.

Mr. Speaker, we have been working on this legislation now in various forms for several years, certainly since I came to the Congress in 1993, and I am just delighted that it has bipartisan support from other members of the delegation from Virginia and from the gentleman from New Mexico.

This legislation is vitally important to my congressional district because 3 of the 5 aspects of the bill affect my district. The Shenandoah National Battlefield legislation was authored by the gentleman from Virginia [Mr. WOLF], who has done an outstanding job in creating a new piece of legislation and a new type of national park that I think will serve as a model for other national parks in the future; and the gentleman from Virginia [Mr. BLILEY] authored other aspects of this legislation dealing with the Shenandoah National Park.

First the Shenandoah National Battlefield parks, new legislation, as the gentleman from Virginia [Mr. WOLF] indicated, to protect 12 battlefield sites up and down the Shenandoah Valley, the last major part of our country where we had important Civil War battles fought, that are at this point receiving no protection and are not recognized as a national park. These 12 are the most important of several hundred different sites around the area.

Three of them, the Cross Keys, Port Republic, and McDowell Battlefield sites are in my district, in Rockingham County and Highland County, respectively. This legislation, unlike the creation of battlefields in the past where the Government has bought up in many instances thousands and thousands of acres of land, often at enormous cost, this creates this park in a very different way. This land will largely remain in the hands of private owners who will continue to farm it, as it is primarily an agricultural area today, as it was during the Civil War 130 years ago.

We have the opportunity here to create a protection for battlefields, but also at the same time have an opportunity for local governments to have the maximum amount of input about these lands and to protect the rights of private property owners. There will be no condemnation of lands allowed in this park, and we will have this as an opportunity to both utilize the land for agriculture and to promote tourism and the preservation of these important sites, all at the same time.

In addition, the legislation offered by the gentleman from Virginia [Mr. BLILEY] dealing with the Shenandoah National Park is vitally important as well. Those of you who are familiar with the creation of this park in the 1920's and 1930's know that there was a great deal of hardship and animosity on the part of many people who lived in that park at that time and were forcibly removed from the park. There is documentation of individuals whose homes were burned while they had been forcibly removed from the home, their furniture removed, put out on the ground outside, and they stayed there and watched while their home was burned to the ground.

There is a long history of difficult relations between the national park, which is a precious resource that every one of us values, but at the same time respect for the rights of those people who live around the park and are concerned about the manner in which it was created and about the manner in which it could be expanded, because of the authorized boundary of some 521,000 acres which is more than 2½ times the size of the park today.

That would mean that, for example, the city of Waynesboro in my congressional district, a city of more than 20,000 people, half of that city is in the authorized area of the national park. It simply does not make any sense.

We are not in any way shrinking the size of the park. We are not taking any land out of the park except for the specific 16 acres designated by the gentleman from Virginia [Mr. BLILEY], which will be used to improve roads going through the park, to widen the roads, straighten the roads for safety purposes because they are used by the public, used by school buses traveling through the area. That will be removed, but other than that, there is no change in the boundary of the park.

This simply says that in the future if people want to add to the Shenandoah

National Park, they are going to have to go through the process of getting congressional support for legislation that will add the land. No longer can they do so simply as an administrative decision.

This is something that I think is vitally important for the protection of the counties that surround the park, that are worried about losing the tax base for land that might be donated to the park, and it is also vitally important for the adjoining landowners who fear they may see a diminution of the value of their property. I strongly urge passage of this legislation.

As an original cosponsor and one who has worked hard and waited long to see this day come to pass, I am pleased to rise in support of H.R. 1091, the Virginia National Parks Act. I want to congratulate Congressman BLILEY for spearheading the introduction of this much-needed effort and Chairmen YOUNG and HANSEN for their excellent leadership in bringing this bill to the floor.

Three components of this legislation directly impact my congressional district, the sixth district of Virginia: setting the boundaries of the Shenandoah National Park; the transfer of secondary roads within the Shenandoah National Park to the State; and the Shenandoah Valley National Battlefields Partnership Act.

These land-related concerns all have one common thread—they all achieve their ends through local control by communities and property owners.

I am extremely pleased that the Shenandoah Valley National Battlefields Partnership Act which our colleague FRANK WOLF has championed since the 103d Congress is contained in this legislation. As an original cosponsor of the battlefields bill I was very disappointed when it was caught in the end of the session rush of the 103d Congress and not taken up by the House. Committee testimony last Congress pointed out the national significance of the battlefields and related areas in the Shenandoah Valley and the danger they face if left unprotected.

Congressman WOLF and constituents in both of our congressional districts have worked very hard to craft this balanced legislation. Extensive local involvement was instrumental in developing a solid bill securing the Valley's rich heritage without treading on the authority of local governments or the rights of private landowners. This act represents a model partnership between Federal and local governments to preserve 12 critical Civil War battle sites throughout the Shenandoah Valley. These include three sites in the sixth congressional District: Cross Keys and Port Republic in Rockingham County and McDowell in Highland County.

Residents of the Shenandoah Valley are fiercely proud of their heritage and the role that their valley played in the American Civil War. Not only did the battles fought in the valley play a pivotal role in the Civil War and have national importance, but the ravages from these battles on the lives of local citizens and their property were great and remain an important part of our local history. Many of the descendants of the native valley families who farmed the land where these battles were fought some 130 years ago still reside on those same family farms today.

This tremendous pride in the valley's rich heritage is the key to why public participation in the drafting of this legislation was overwhelming. More than two dozen public hearings were held throughout the valley and support has been widespread.

Prior to the introduction of the bill, I participated in a public meeting held in my congressional district by the Rockingham County Board of Supervisors to find out if support for the proposal to create the Shenandoah Valley National Battlefields Park was as widespread as we anticipated. This meeting provided a forum where all voices in the area could be heard.

The community's support was very strong. Property owners, preservation groups, and local government officials and businesses voiced their support for the bill and the Rockingham County Board of Supervisors subsequently endorsed it. This type of support has been universal. Every Chamber of Commerce and Economic Development Council in the five counties affected have endorsed this bill.

That is because our bill not only protects the irreplaceable resources of the battle sites, it also protects property rights through its entirely voluntary approach and provides opportunity for continued economic development for the region. This is achieved in a cost-efficient manner.

This legislation does not involve acquisition of thousands of acres of land by the Federal Government. There will be no Federal "taking" of local property. That approach would be antithetical to the residents of the valley who as I mentioned earlier are fiercely proud of their heritage, yet deeply suspicious of big Government.

Rather, this legislation is built on providing incentives designed to encourage local governments and landowners to voluntarily manage their communities and property in ways best to further the preservation of these sites and park objectives. It respects private property rights and recognizes federal budgetary limitations resulting from the Federal budget deficit. It creates a model, partnership between the local communities and the Federal Government to protect our valley's rich historic resources for future generations.

With regard to provisions modifying the boundary of the Shenandoah National Park—ever since my first campaign for Congress in 1991, I have heard from citizens and local governments concerned about the possible expansion of the Shenandoah National Park and the impact such an expansion would have on their property values and those communities which lie on the parameters of the park. Since 1991 this issue has been one of my top priorities.

Shenandoah National Park now encompasses 196,000 acres of land, however it has a much larger authorized boundary of 521,000 acres created by Congress in 1926. Under this authorization, the SNP has the potential to expand in three ways without any action by Congress: by accepting donated property, by purchasing property with donated funds and through land transfers with private property owners. In fact, the only time that the park must come to Congress in order to expand is if they seek to purchase property with appropriated funds.

This situation causes local communities and property owners to constantly fear such an expansion and the potential for crippling effects upon property rights and local tax bases. In Rockingham County for example, there is the community of Beldor Hollow which has lived for several generations with the threat that citizens of the community could actually be surrounded by park land, "land-locked" if you will. In fact two members of the Rockingham County Board of Supervisors spoke to the National Parks Subcommittee about those concerns back in March when the subcommittee held hearings on this bill.

By freezing the boundaries of the park to the land that the SNP currently owns we will alleviate this threat of out-of-control expansion that has plagued these communities since the 1930's. This bill does not eliminate the potential for the park to expand in the future—it just requires that Congress approve such an expansion which provides the park's neighbors the opportunity to have a voice in the matter.

We've also taken care of another Shenandoah issue with this legislation by transferring secondary roads within the park to the state so that they can continue to be maintained. Virginia has maintained and operated these secondary roads under a series of temporary use permits since the park's creation. These permits have expired and since the National Park Service has not renewed them the State can no longer maintain these roads, many of which are in need of repairs. Our bill returns these roads to the State so that they can be maintained.

I urge my colleagues to pass this legislation which is vitally important to the entire State of Virginia.

Mr. RICHARDSON. Mr. Speaker, I have no further requests for time.

Mr. Speaker, let me conclude by stating that I will support this bill. I have some reservations. Again, I think we should give our Park Service professionals the opportunity in their boundary studies to work their will, but I am compelled to support it because of the respect I have for many Members on both sides of the aisle that would like to see this bill become law. Tomorrow when we cast the vote, I will be voting "aye."

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

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

The SPEAKER pro tempore (Mr. FOLEY). The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the bill, H.R. 1091, as amended.

The question was taken.

Mr. RICHARDSON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

□ 1630

NATIONAL PARK SYSTEM REFORM ACT OF 1995

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 260), to provide for the development of a plan and a management review of the National Park System and to reform the process by which areas are considered for addition to the National Park System, and for other purposes, as amended.

The Clerk read as follows:

H.R. 260

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Park System Reform Act of 1995".

SEC. 2. DEFINITIONS.

As used in this Act:

(1) The term "Secretary" means the Secretary of the Interior.

(2) The term "Plan" means the National Park System Plan developed under section 101.

(3) The term "Commission" means the National Park System Review Commission established pursuant to section 103.

(4) The term "Congressional resources committees" means the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

TITLE I—NATIONAL PARK SYSTEM PLAN

SEC. 101. PREPARATION OF NATIONAL PARK SYSTEM PLAN.

(a) PREPARATION OF PLAN.—The Secretary of the Interior, acting through the Director of the National Park Service, shall prepare a National Park System Plan to guide the direction of the National Park System into the next century. The Plan shall include each of the following:

(1) Identification of goals and objectives for use in defining the mission and role of the National Park Service and the National Park System in preserving our Nation's heritage, relative to other efforts at the Federal, State, local, and private levels. This statement shall include a refinement for the definition of "nationally significant" for purposes of inclusion in the National Park System.

(2) Criteria to be used in determining which themes and types of resources are appropriate for representation in the National Park System, as well as criteria for judging individual sites, areas, and themes that are appropriate for inclusion as units of the National Park System.

(3) Identification of what constitutes adequate representation of a particular resource type or theme in the National Park System.

(4) Identification of which aspects of the Nation's heritage are adequately represented in the existing National Park System.

(5) Identification of appropriate aspects of the Nation's heritage not currently or adequately represented in the National Park System.

(6) Priorities of the themes and types of resources which should be added to the National Park System in order to provide more complete representation of our Nation's heritage.

(7) A thorough analysis of the role of the National Park System and the National Park Service with respect to (but not limited to) conservation of natural areas and ecosystems; preservation of industrial America; preservation of intangible cultural heritage such as arts, music, and folklife; presidential sites; open space protection; and provision of outdoor recreation opportunities.

(8) A comprehensive financial management plan for the National Park System which identifies all funding available to the agency, how funds will be allocated to support various programs, and the level of service to be provided.

(b) PUBLIC PARTICIPATION AND CONSULTATION.—During the preparation of the Plan under subsection (a), the Secretary shall ensure broad public participation in a manner which, at a minimum, consists of the following two elements:

(1) Solicitation of the views of the American public with regard to the future of the National Park System. Opportunities for public participation shall be made available throughout the planning process and shall include specific regional public meetings.

(2) Consultation with other Federal land management agencies, State and local officials, resource management, recreation and scholarly organizations, and other interested parties as the Secretary deems advisable.

(c) TRANSMITTAL OF REPORT.—Prior to the end of the second complete fiscal year commencing after the date of enactment of this Act, the Secretary shall transmit the Plan developed under this section to the Congressional resources committees.

(d) CONGRESSIONAL APPROVAL.—Unless Congress enacts a joint resolution rejecting all or modifying part of the Plan within 180 calendar days after the date of its transmittal to Congress, the Plan shall be deemed approved.

(e) IDENTIFICATION OF UNITS OF THE NATIONAL PARK SYSTEM.—The Secretary shall submit to the Congressional resources committees an official list of areas or units of the National Park System within 180 days after the date of the enactment of this Act. The Secretary shall establish a set of criteria for the purpose of developing such list and shall transmit those criteria to the Congressional resources committees.

(f) AUTHORITY TO ESTABLISH UNITS OF THE NATIONAL PARK SYSTEM.—After the enactment of this Act, units or areas of the National Park System may only be established pursuant to an Act of Congress or by Presidential action in accordance with the Act entitled "An Act for the preservation of American antiquities" (16 U.S.C. 431 et seq.).

SEC. 102. MANAGEMENT REVIEW OF NATIONAL PARK SYSTEM.

(a) SELECTION CRITERIA.—(1) The Secretary shall, not later than 45 days after transmittal of the Plan under section 101(c), publish in the Federal Register and transmit to the Congressional resources committees the criteria proposed to be used by the Department of the Interior in reviewing existing units of the National Park System under this section. The Secretary shall provide an opportunity for public comment on the proposed criteria for a period of at least 30 days.

(2)(A) The Secretary shall, within 60 days of the transmittal of proposed criteria under paragraph (1), publish in the Federal Register and transmit to the Congressional resources committees the final criteria to be used in carrying out this section. Except as provided in subparagraph (B), such criteria shall be the final criteria to be used unless disapproved by a joint resolution of Congress enacted not more than 30 legislative days after receipt of the final criteria. For the purpose of the preceding sentence, the term "legislative day" means a day on which both Houses of Congress are in session.

(B) The Secretary may amend such criteria, but such amendments may not become effective until they have been published in the Federal Register, opened to public comment for at least 30 days, and transmitted to the Congressional resources committees in final form.

(b) REVIEW.—(1)(A) Using the Plan deemed to be approved pursuant to section 101(d) and the criteria developed pursuant to subsection (a), the Secretary shall review the existing National Park System to determine whether any existing units or significant portions of such units do not conform to the Plan. For any such areas, the Secretary shall determine whether there are more appropriate alternatives for managing all or a portion of such units, including through partnerships or direct management by States, local governments, other agencies and the private sector.

(B) The Secretary shall develop a report which contains a list of any unit of the National Park System where National Park Service management should be terminated and a list of any portion of units where National Park Service management should be modified as a result of nonconformance with the Plan. No area or portion of an area which Congress has designated as a national park may be included in the report.

(2) Should any such unit or portion of such unit not be recommended for continued National Park Service management, the Secretary shall make recommendations regarding management by an entity or entities other than the National Park Service.

(3) For any such unit or portion of such unit determined to have national significance, prior to including such unit or portion of such unit on a list under paragraph (1), the Secretary shall identify feasible alternatives to National Park Service management which will protect the resources of and assure continued public access to the unit.

(c) CONSULTATION.—In developing the report referred to in subsection (b), the Secretary shall consult with other Federal land management agencies, State and local officials, resource management, recreation and scholarly organizations, and other interested parties as the Secretary deems advisable.

(d) TRANSMITTAL.—Not later than 18 months after the Plan has been deemed approved, the Secretary shall transmit the report developed under this section simultaneously to the Congressional resources committees and the Commission. The report shall contain the recommendations of the Secretary for termination of National Park Service management for any unit of the National Park System that is determined not to conform with the Plan, a list of portions of units where National Park Service management should be modified, and the recommendations for alternative management by an entity or entities other than the National Park Service for such unit.

SEC. 103. NATIONAL PARK SYSTEM REVIEW COMMISSION.

(a) ESTABLISHMENT OF COMMISSION; DUTIES.—(1) Following completion of the Plan as specified in section 101, a National Park System Review Commission shall be established.

(2) The Commission shall either review the report developed under section 102 or, if the Secretary fails to develop and transmit such report, develop the report itself. In conducting its review (or developing the report, if necessary), the Commission shall be subject to the provisions of sections 102 (b) and (c) in the same manner as such provisions apply to the Secretary. If the Secretary develops and transmits the report, the review of the Commission shall be limited to the manner in which the criteria have been applied to the existing National Park System. In addition the Commission shall seek broad public input and ensure the opportunity for input from persons who would be directly affected by recommendations regarding National Park System units identified in its report.

(3) Within 2 years after the date of its establishment, the Commission shall prepare and transmit to the Congressional resources committees a report of its work under paragraph (2) in which the Commission recommends a list of National Park System units where National Park

Service management should be terminated and a list of portions of units where National Park Service management should be modified.

(b) MEMBERSHIP AND APPOINTMENT.—The Commission shall consist of 11 members, each of whom shall have substantial familiarity with, and understanding of, the National Park System and related fields. In addition, the Commission members shall have expertise in natural sciences, history, archaeology, and outdoor recreation. Five members of the Commission, one of whom shall be the Director of the National Park Service, shall be appointed by the Secretary. Two members shall be appointed by the Speaker of the United States House of Representatives in consultation with the chairman of the Committee on Resources, and one member shall be appointed by the Minority Leader of the House or Representatives in consultation with the ranking minority member of the Committee on Resources. Two members shall be appointed by the President pro tempore of the United States Senate, in consultation with the chairman of the Committee on Energy and Natural Resources and one member shall be appointed by the Minority Leader of the Senate in consultation with the ranking minority member of the Committee on Energy and Natural Resources. Each member shall be appointed within three months after the completion of the Plan as specified in section 101.

(c) CHAIR.—The Commission shall elect a chair from among its members.

(d) VACANCIES.—Vacancies occurring on the Commission shall not affect the authority of the remaining members of the Commission to carry out the functions of the Commission. Any vacancy in the Commission shall be promptly filled in the same manner in which the original appointment was made.

(e) QUORUM.—A simple majority of Commission members shall constitute a quorum.

(f) MEETINGS.—The Commission shall meet at least quarterly or upon the call of the chair or a majority of the members of the Commission.

(g) COMPENSATION.—Members of the Commission shall serve without compensation as such. Members of the Commission, when engaged in official Commission business, shall be entitled to travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in government service under section 5703 of title 5, United States Code.

(h) TERMINATION.—The Commission established pursuant to this section shall terminate 90 days after the transmittal of the report to Congress as provided in subsection (a).

(i) LIMITATION ON NATIONAL PARK SERVICE STAFF.—The Commission may hire staff to carry out its assigned responsibilities. Not more than one-half of the professional staff of the Commission shall be made up of current employees of the National Park Service.

(j) STAFF OF OTHER AGENCIES.—Upon the request of the Commission, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission.

(k) EXPERTS AND CONSULTANTS.—Subject to such rules as may be adopted by the Commission, the Commission may procure temporary and intermittent services to the same extent as authorized by section 3109(b) of title 5, United States Code, but at rates determined by the Commission to be advisable.

(l) POWERS OF THE COMMISSION.—(1) The Commission shall for the purpose of carrying out this title hold such public hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission deems advisable.

(2) The Commission may make such bylaws, rules, and regulations, consistent with this title, as it considers necessary to carry out its functions under this title.

(3) When so authorized by the Commission, any member or agent of the Commission may take any action which the Commission is authorized to take by this section.

(4) The Commission may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

(5) The Secretary shall provide to the Commission any information available to the Secretary and requested by the Commission regarding the Plan and any other information requested by the Commission which is relevant to the duties of the Commission and available to the Secretary.

SEC. 104. SUBSEQUENT ACT OF CONGRESS REQUIRED TO MODIFY OR TERMINATE A PARK.

Nothing in this Act shall be construed as modifying or terminating any unit of the National Park System without a subsequent Act of Congress. This limitation shall not limit any existing authority of the Secretary.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated $2,000,000 to carry out the purposes of this title.

SEC. 106. COMMENDATION AND PROTECTION OF NATIONAL PARK RANGERS.

(a) FINDING.—The Congress recognizes the dedication, expertise and courage of the men and women who serve as rangers and other employees of the National Park Service and finds their service to the protection of our park resources and the safety of the hundreds of millions of Americans who visit our national parks each year to be indispensable.

(b) PROTECTION OF NATIONAL PARK SERVICE EMPLOYEES.—As soon as possible as part of the report developed under section 101, the Secretary shall report on the procedures that have been instituted to report to the United States Attorney or other appropriate law enforcement official any intimidation, threats, or acts of violence against employees of the National Park Service related to their duties.

TITLE II—NEW AREA ESTABLISHMENT

SEC. 201. STUDY OF NEW PARK SYSTEM AREAS.

Section 8 of the Act of August 18, 1970, entitled "An Act to improve the Administration of the National Park System by the Secretary of the Interior, and to clarify the authorities applicable to the system, and for other purposes" (16 U.S.C. 1a-1 and following) is amended as follows:

(1) By inserting "GENERAL AUTHORITY.—" after "(a)".

(2) By striking the second through the sixth sentences of subsection (a).

(3) By redesignating the last two sentences of subsection (a) as subsection (f) and inserting in the first of such sentences before the words "For the purposes of carrying" the following: "(f) AUTHORIZATION OF APPROPRIATIONS.—".

(4) By striking subsection (b).

(5) By inserting the following after subsection (a):

"(b) STUDIES OF AREAS FOR POTENTIAL ADDITION.—(1) At the beginning of each calendar year, along with the annual budget submission, the Secretary shall submit to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate a list of areas recommended for study for potential inclusion in the National Park System.

"(2) In developing the list to be submitted under this subsection, the Secretary shall give consideration to those areas that have the greatest potential to meet the established criteria of national significance, suitability, and feasibility. The Secretary shall give special consideration to themes, sites, and resources not already adequately represented in the National Park System as identified in the National Park System Plan to be developed under section 101 of the National Park System Reform Act of 1995.

"(3) No study of the potential of an area for inclusion in the National Park System may be initiated after the date of enactment of this subsection, except as provided by specific authorization of an Act of Congress.

"(4) Nothing in this Act shall limit the authority of the National Park Service to conduct preliminary resource assessments, gather data on potential study areas, provide technical and planning assistance, prepare or process nominations for administrative designations, update previous studies, or complete reconnaissance surveys of individual areas requiring a total expenditure of less than $25,000.

"(5) Nothing in this section shall be construed to apply to or to affect or alter the study of any river segment for potential addition to the national wild and scenic rivers system or to apply to or to affect or alter the study of any trail for potential addition to the national trails system.

"(c) REPORT.—(1) The Secretary shall complete the study for each area for potential inclusion in the National Park System within 3 complete fiscal years following the date of enactment of specific legislation providing for the study of such area. Each study under this section shall be prepared with appropriate opportunity for public involvement, including at least one public meeting in the vicinity of the area under study, and after reasonable efforts to notify potentially affected landowners and State and local governments.

"(2) In conducting the study, the Secretary shall consider whether the area under study—

"(A) possesses nationally significant natural or cultural resources, or outstanding recreational opportunities, and that the area represents one of the most important examples of a particular resource type in the country; and

"(B) is a suitable and feasible addition to the system.

"(3) Each study—

"(A) shall consider the following factors with regard to the area being studied—

(i) the rarity and integrity of the resources;

(ii) the threats to those resources;

(iii) whether similar resources are already protected in the National Park System or in other public or private ownership;

(iv) the public use potential;

(v) the interpretive and educational potential;

(vi) costs associated with acquisition, development and operation;

(vii) the socioeconomic impacts of any designation;

(viii) the level of local and general public support, and

(ix) whether the area is of appropriate configuration to ensure long-term resource protection and visitor use;

"(B) shall consider whether direct National Park Service management or alternative protection by other public agencies or the private sector is appropriate for the area;

"(C) shall identify what alternative or combination of alternatives would in the professional judgment of the Director of the National Park Service be most effective and efficient in protecting significant resources and providing for public enjoyment; and

"(D) may include any other information which the Secretary deems to be relevant.

"(4) Each study shall be completed in compliance with the National Environmental Policy Act of 1969.

"(5) The letter transmitting each completed study to Congress shall contain a recommendation regarding the Secretary's preferred management option for the area.

"(d) NEW AREA STUDY OFFICE.—The Secretary shall establish a single office to be assigned to prepare all new area studies and to implement other functions of this section.

"(e) LIST OF AREAS.—At the beginning of each calendar year, along with the annual budget submission, the Secretary shall submit to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate a list of areas which have been previously studied which contain primarily historical resources, and a list of areas which have been previously studied which contain primarily natural resources, in numerical order of priority for addition to the National Park System. In developing the lists, the Secretary should consider threats to resource values, cost escalation factors, and other factors listed in subsection (c) of this section. The Secretary should only include on the lists areas for which the supporting data is current and accurate.".

The SPEAKER pro tempore (Mr. FOLEY). Pursuant to the rule, the gentleman from Utah [Mr. HANSEN] will be recognized for 20 minutes and the gentleman from New Mexico [Mr. RICHARDSON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Speaker, I rise in strong support of H.R. 260, the bipartisan National Park System Reform Act of 1995 introduced by Mr. HEFLEY. This bill is very similar to a bipartisan measure which passed the House last session by a vote of 421–0. As was testified to in our hearing on the bill, it is one of the most important measures on the National Park Service to come before the committee since the 1916 Act establishing the National Park Service. I am pleased to note that the bipartisan nature which characterized this bill last session continues this session, despite the extensive effort of those who seek to misrepresent this legislation.

This bill reflects the concern of a number of Members on both sides of the aisle and in both Houses that over the years since its establishment, the Park Service mission seems to have expanded far beyond what was originally envisioned, and far beyond what can be afforded. In the words of GAO at our joint hearing with the Senate last spring, the "NPS is at a crossroads."

We can either continue down the path of designating questionable areas we cannot afford, or we can choose another course. This bill by Mr. HEFLEY helps us to choose another course.

First, and most importantly, the bill requires the NPS to develop a plan for where it should go. Should we include urban beaches in the National Park System? What about outdoor performing arts amphitheaters? What about historic re-creations? All these questions need to be asked and answered. Through this bill, those answers will be forthcoming.

Second, we must have a process to ensure that only the best areas get added to the park system in the future. We cannot go forward adding every new proposal in sight, just because a Member or interest group has a particular desire. We must have better screening criteria and a prioritization of areas to be added to the park system.

Finally, we must look at where we have been, and what is included in the existing park system. Anyone who has looked at the park system for very long has a list of questionable sites in his/her pocket. Two weeks after the administration testified against this bill, Secretary Babbitt stated his intention to transfer three NPS areas to the States of Virginia and Maryland. Congress has no way to know what other areas are on Secretary Babbitt's park closure list, but we cannot go around arbitrarily listing parks to be closed. Rather, there should be an objective, public process to review our existing park system. That is precisely what this bill provides.

I point out that this bill does not close a single park, either directly or indirectly. It will lead to a possible list of park areas where future Federal involvement should be re-examined in the minds of objective observers. From there, Congress would be free to act, just as we have deauthorized parks 24 times in the last 100 years. However, actions taken would be on the basis of solid information.

While it is true that parks could be reviewed on a piecemeal basis, such an approach would be subject to the same political pressures which have resulted in the addition of the questionable areas to the park system in the first place.

The most enlightening and disturbing aspect of the debate over this bill has been how the interest groups have lined up. The bill is supported on a bipartisan basis by members from the Resources Committee who routinely receive a "0" from the League of Conservation Voters and by Members who score in the 90's. It is supported by both Republican and Democratically-appointed Directors of the NPS. It is supported by employees of the agency, as represented by the largest employee organization, the Association of National Park Rangers. Finally, it is supported by the National Trust for Historic Preservation.

It is opposed only by the extreme environmental groups and those who carry their banner. It is ironic to me that those who claim to be such friends of the parks have put their personal political and financial gain ahead of the well-being of the parks.

I have no grand illusions that we will solve the financial woes of the National Park Service through this bill, but we will help protect the integrity of the park system. After all, the agency as a whole will be judged by its most questionable area, which is the only standard against which any new potential addition to the park system must be judged.

I commend this bill to my colleagues and I know that those who support our park system, will support this important legislation.

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

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

Mr. Speaker, make no mistake about it, this is a parks-closure bill. And this is why I am going to read a series of national environmental groups that are opposing this bill: The Defenders of Wildlife; the American Hiking Society; the Sierra Club Legal Defense Fund; the Friends of the Earth; the Izaak Walton League of America; the Wilderness Society; the National Parks and Conservation Association.

Let me also state, Secretary Babbitt's name has been invoked, the Clinton administration strongly opposes H.R. 260, unless amended to delete provisions that deal with a closure commission.

Mr. Speaker, this is a bad bill, but what is worse, it is here under suspension. Why is there a railroading of this bill? Why in subcommittee, as the ranking member of the Subcommittee on National Parks, Forests and Lands, was I not allowed to proceed with an amendment, an alternative, that said basically there are other ways to finance the national parks? Let us look at a trust, let us look at concessions or let us look at fees. Let us look at better ways to manage the parks.

But what we are doing here is a parks closure commission. My good friend, the gentleman from Utah [Mr. HANSEN], the chairman of the subcommittee, has been quoted that he would like to see 150 parks closed in his own newspaper.

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

Mr. RICHARDSON. I yield to the gentleman from Utah.

Mr. HANSEN. Mr. Speaker, that was a quote that came out of the Elko paper, and the Elko paper wrote a retraction of that saying that they never heard that before and they were sorry they brought that up. So, that retraction was in there and any Member would be a fool to make a statement like that, and I hope I do not fall in that category.

Mr. RICHARDSON. Mr. Speaker, reclaiming my time, I accept what the gentleman just said.

Mr. HANSEN. Mr. Speaker, I would be happy to submit it for the RECORD.

Mr. RICHARDSON. Mr. Speaker, again, reclaiming my time, I am quoting many publications and I am simply stating that what we are doing in this bill is we are setting up a process that is similar to a military base closing commission.

Mr. Speaker, what we are doing is, along with the cuts on the national parks, and the cuts are substantial in the national parks budget, 36 percent cut by the year 2002, would be achieved by closing 200 smallest and least-visited national parks, or by cutting the budget of all parks by amounts which render them less safe, the Congress will

have indirectly and quietly achieved what some are attempting to do with a parks closing commission. Mr. Speaker, this is by the Department of the Interior.

Mr. Speaker, no one is calling us or saying that we have too many parks. On the contrary, the American people love and support our national parks. That is why many of us are deeply troubled by this bill. This is a parks closure bill, basically, with some viewing it as means to close parks they believe are nonessential.

Contrary to what some might believe, it is not easy to get an area designated as a unit of the National Park System and should not be easy to remove them from the system as well. Those who think the authorization is a panacea for whatever ails the National Park System are wrong.

We could deauthorize all the 30-plus units designated since 1980, yet we would save less than 2 percent of the national parks budget, annual operation and maintenance budget.

Mr. Speaker, I am concerned that this legislation relies too heavily on a park closure commission which would have the authority to recommend the closure of any unit in the National Park System, with the exception of the 54 national parks. The Statue of Liberty, Independence Hall, the Washington Monument are all national monuments and would be subject to consideration for closure or privatization under the provisions of the bill.

Mr. Speaker, what makes these sites any less worthy than Yellowstone or Grand Canyon National Park? National park units are not at all like military bases. We do not need a closure commission that could only justify its existence by recommending park closures.

If there is any question as to the marching orders of the commission, one only needs to look at the Republican budget resolution that was adopted: A 10-percent cut in NPS operating funds, a 5-year land acquisition moratorium, and a 50-percent cut in NPS construction. Is there any doubt what this commission is supposed to produce?

Mr. Speaker, there are not quick fixes to find out how we improve the management of the parks. All I am saying is let us send this bill back to the Committee on Rules where there would be an opportunity to debate an alternative that I have. I only want one amendment, 10 minutes, 3 minutes, that says there is a better way than a closure commission; that this is far too drastic.

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

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado [Mr. HEFLEY], the author of the legislation.

Mr. HEFLEY. Mr. Speaker, I am pleased that we are able to bring this bipartisan measure, the National Park System Reform Act, to the floor of the House today.

Mr. Speaker, in the past few months I have heard this bill called many things and blamed for many others. Most of these, as well as what we have just heard on the floor, simply are not accurate.

This is not a park-closing bill. This is not a base-closing commission. In fact, the gentleman from New Mexico [Mr. RICHARDSON], I think, is arguing against the bill which is simply not before us on the floor of the House today. Maybe it was a concept somewhere back in the history of this legislation, but it simply is not something that is before us, after many months of working with the gentleman from California [Mr. MILLER] and the gentleman from Minnesota [Mr. VENTO] in trying to massage this bill and make it be something that we could all be very proud of.

Mr. Speaker, it is simply not the bill that the gentleman from New Mexico describes. H.R. 260 is a balanced policy initiative that will set the stage for future, reasoned debate on park reform.

The bill directs the Park Service to take 1 year to develop both a mission statement and a set of criteria for inclusion within the Park System.

Following Congress' approval, the Park Service would then take that criteria, remember that, following Congress' approval, the Park Service would take that criteria, hold it up against the existing Park System, see what is there, what is not there, and possibly on some rare cases what does not belong there.

Mr. Speaker, if those rare cases occur, the Park Service would study alternative forms of management which would range from transfer to other government agencies or levels of government or to other interested parties.

Only if those prospective managers could guarantee preservation of the resource which made the site significant in the first place, could any transfer take place.

So, we are not closing parks with this bill. In fact, we are not making it easy to close parks with this bill. After 3 years of study, the Park Service will turn its findings over to an independent review commission. During the next 18 months, the review commission would look over the Park Service's recommendations and receive additional public comment on them, before passing those recommendations along to Congress.

Mr. Speaker, if the Park Service does the kind of job we expect it to, then the commission will serve as little more than a rubber stamp to its findings. But, if it becomes clear after 1 year that the Park Service has no intention of carrying out the review outlined in this act, then the review commission may undertake to review on its own.

In this way, the commission may serve as a hammer over the Park Service, or its peer reviewer. The choice is up to the Park Service.

Mr. Speaker, whatever the findings of this review, it is up to Congress to act upon them in whole or in part or not at all. This is no base-closing bill. There is nothing in it that says, "Take it or leave it all," about the review in H.R. 260.

Title II of the bill tightens the criteria for admission of new units into the Park System.

□ 1645

It directs the Interior Secretary to develop a priority system for new units, then submit these priorities to Congress with the annual budget request until action is taken.

Further, the bill centralizes planning for new units at Park Service headquarters. If this is to be a system of nationally significant places, then there should be a coordinated effort to identify such places.

Let me tell you what H.R. 260 does not do. H.R. 260 does not mandate the closure of any parks. Indeed, the Nation's 54 national parks were exempted. There were those who were saying we were going to close Yellowstone, close Grand Canyon. Of course, not. Those are going to stand up to any scrutiny, as I think most units of the Park System will. We just took those out. That will not even be a question. H.R. 260 does not create an independent commission selling off parks to the highest bidder. The commission can act alone only if Interior ignores the will of Congress. Even then it would be assisted in its review by the Park Service and even then any action on its findings would be left to Congress, which created the parks in the first place.

It would not mean the end of urban or Alaskan parks, as has been charged. It is not an outgrowth of the wise-use movement in the West. It has nothing to do with the cutbacks in budget or appropriations, real or imagined.

The gentleman from Minnesota [Mr. VENTO] and I have worked on this bill now for almost 2 years. Last year we passed its 1994 counterpart by a record vote of 421 to zero. This, I think, is a better bill. We have sat down with more people since then. We have 42 or so environmental groups we sat down with and tried to take their concerns into account as we tried to develop this bill. I think it is a better bill now.

Yet, H.R. 260 appears to have become a lightning rod for every fear about Park Service matters voiced against this Congress. I hope the membership will push aside the perceptions that have been advanced by a number of special interest groups and, instead, support the reality embodied in H.R. 260. It is a good bill. It is one which will keep our national parks the envy of the world.

I urge support for this bill.

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

Mr. Speaker, let me disabuse the gentleman and everyone that is listening of one fact. This is not the same bill that passed last year which contained all of our votes. There is a huge difference.

This is a bill that has as the primary source the park closure commission. The past bill had a backup. First, the Park Service made their determinations. Then you had the park closure commission. That is the difference. There is a huge difference.

Mr. Speaker, I yield 5½ minutes to the gentleman from New Jersey [Mr. PALLONE], a member of the committee.

Mr. PALLONE. Mr. Speaker, I rise in opposition to H.R. 260. I also rise in opposition to the manner in which this controversial measure is being brought before the House.

H.R. 260 would set up a mechanism for restructuring portions of the National Park System and includes provisions that would allow an Interior Secretary or an unelected commission to recommend the closure of units of the Park System.

I oppose H.R. 260 for a number of reasons, but primarily because I disagree with a fundamental premise of the bill. H.R. 260 rests upon the presumption that the Park System is overextended and that the only way to help the system is to restructure and strategically downsize it.

Restructuring and downsizing are terms we often hear these days in Congress, but we are not talking about military bases here.

What we are debating is the fate of one of our Nation's greatest treasures. This is cultural, historical, and natural resource preservation we are talking about.

As Mr. RICHARDSON said in his dissenting views on H.R. 260, no one outside the beltway is calling or writing to say we have too many parks. In fact, the contrary is true in my State. I have constituents and elected officials writing me all the time to try to get new areas designated as parks or refuges or to get existing parks expanded. And despite the rhetoric we hear in this body, it is not easy to get that done; it takes years of work.

Of course, even if we except the premise that we need to trim the Park System, the deck has already been stacked in favor of some units and against others. The legislation exempts from consideration for termination 54—mainly Western—national parks. And what was the scientific policy basis for leaving these parks out? I do not know. If this is a fair process this bill is establishing, and these parks are so superior, would those parks not be protected anyway?

Why aren't important parks like the Statue of Liberty, Independence Hall, and the Washington Monument protected from scrutiny? Why aren't Gateway and Sandy Hook—which is in my district—protected? Perhaps it is because these are urban units which, in addition to being significant cultural, historical, and natural areas, provide education and recreation to lower income people who cannot afford to travel to Colorado or California to take advantage of the Park System their tax dollars support. Or maybe it is merely because some in this body have a very narrow and elitist view of the Park System.

Now, I know that supporters of this bill will say it is not a closure bill; that it is not a BRAC for the parks. But I would just like to draw my colleagues' attention to a bill that those same people supported last Congress, H.R. 1508. Section 105 of that bill, sponsored by Mr. HEFLEY, was entitled "Termination of National Park Service management at nonessential National Park System areas." Now today's bill may be a so-called compromise bill, but it is clear what the intent is behind it. I am now a member of the Resources Committee—and I have watched some of my colleagues on that committee oppose parkland acquisition even though it was proposed by a Republican member. I have even seen "Dear Colleague" letters and a newspaper op-ed entitled "Do We Need All These Parks?" where a park in my district is singled out. But those same people seem to be saying "trust us, we really don't want to get rid of the park system." I am sorry, but I just cannot take that on faith.

I could go on about my objections to this legislation, but I want to talk a bit about the way in which this bill is being considered. On June 12, BILL RICHARDSON, the ranking Democrat on the National Parks Subcommittee—which has jurisdiction over this legislation—sent a "Dear Colleague" letter to each and every Member of the House. In that letter he said that he opposed H.R. 260. But more importantly he said the following: "When the House considers H.R. 260, I will offer amendments * * *." I told the ranking subcommittee member that I supported him and that I, too, might want to offer amendments. Other Members did the same.

Then, on Friday of last week, I found out that the National Park System Reform Act was coming before the House under suspension of the rules—a format that would prohibit all of us from offering the amendments we said we wanted considered. I did not believe it. I actually asked my staff to call the Democratic Cloakroom to make sure this was actually H.R. 260 we were bringing up. You see, I was under the impression that the Suspension Calendar is only for noncontroversial items, not legislation that is opposed by the National Parks and Conservation Association. It is not for legislation that is so controversial that the Secretary of the Interior came all the way to my district to tell me and my constituents that he opposed it. And it is certainly not meant for legislation that is opposed by the ranking member of the subcommittee of jurisdiction.

Yet here we are. We have not suspended the rules, what we have suspended is the right of my constituents and others to dissent.

Maybe you do not agree with my point of view on the bill's substance. Or maybe you do. However, I hope that you support the rights of myself, my friend from New Mexico, and others who want to offer amendments to this bill.

I urge my colleagues to vote for the Park System and for the Democratic system by voting "no" on this legislation.

Mr. RICHARDSON. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota [Mr. VENTO].

Mr. HANSEN. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I rise in strong support to H.R. 260, and I want to commend the gentleman from Utah [Mr. HANSEN], the chairman of the subcommittee, and the principal sponsor, the gentleman from Colorado [Mr. HEFLEY], for their work on this.

Actually, this product is a product of the 103d Congress in many respects.

As was indicated, we hammered this proposal out last year. It passed on Suspension Calendar. It was considered on suspension. It was basically a measure that is noncontroversial. It is not identical to the bill, but most of the major elements are the same, and the proposal and the agreement that was made then really holds true in terms of my work on this measure.

This is a necessary piece of legislation. This really provides a formal process for the establishment of a criteria, criteria which do not exist today with regard to the national parks. We need the Park Service to establish that type of criteria.

Furthermore, it establishes, in order to be certain that the Park Service itself will go through the process of this establishment of criteria, and once submitted, Congress then has to ratify it. Beyond that, it suggests the Park Service then take the criteria that it develops and review almost all the parks.

Obviously, there are 50 of the outstanding parks not included. In essence, I do not think anyone questions the review of that would probably not be a good use of resources. That is the basis to me of the workload here, somewhat more realistic here in terms of how we march forward.

Once that has been accomplished, they go through review of the 300 or so parks. They report back to the Congress and report of the commission.

We establish commissions in the Congress often, often, I think, without

careful thought. But in this case, the commission has been very carefully constructed. It is a commission that has a certain amount of independence, but they have no independent authority to act on removing designation from any park. In fact, the power to designate parks resides in the Congress today, and once this legislation were to be passed in the form it is before us today, that authority to designate or remove designation would continue to reside in the Congress.

I find, obviously, some of the hyperbole and paranoia that has crept into this debate very curious. There has been a tendency for the advocates and opponents of this bill to overstate the case. There should be no mistake about mistaking this bill. This bill is the same bill supported by the administration in the 103d Congress. It was supported by the Park Service, which helped craft and write this legislation in the 103d Congress. It was supported by the conservation groups. It was supported by Democrats and Republicans.

That is why it passed on the floor on suspension by 421 votes in favor, with none against it.

It, in essence, is the same bill. What has changed this year obviously, there is a change in the Congress. I am here because I do not have a horse in the race. It is not one of my parks that is affected. I am here because I think this is good policy. I think the Members of this body ought to vote for it. I am here because I just think this is good policy. This is where we ought to go.

What are we afraid of in this bill? We do not want the Park Service to study the park units? Can we not trust the Park Service? If we can trust it to run these units, should we not be trusting them to do the study?

We are asking the professionals first and foremost to do it and report back to us. We are asking the commission to be there to make certain and somehow have an independent voice to also report to us. You have got to trust the Congress.

I think Members of this body and the Senate can be trusted to designate and take responsible actions with regard to this. That is really where it is at. If we do not want to today, that action could take place without any commission, without any study, without any consideration. Is that what the opponents of this bill would like to see, no review, no consideration in process? I do not think so.

I think this bill provides good process, good review. It is a rational, reasoned way to reinvent and deal with the problems facing the National Park Service in this year and which I have worked on for 20 years that I have been in this body.

Mr. Speaker, I rise in support of H.R. 260, the National Park System Reform Act of 1995. This legislation, which I have cosponsored, is similar to a proposal considered and approved by the House of Representatives during the 103d Congress under the Suspension Calendar.

Mr. Speaker, for a decade, I had the privilege and the pleasure to chair the House subcommittee with jurisdiction over national park policy. I am very concerned about the state of our national parks and well understand the need to move forward, this Congress, important park reform, review, and reinvention policy. Park review and reform legislation is reasoned, rational, and in the public interest. This measure is an effective policy not random, arbitrary action; it is a good public policy.

The National Park Service [NPS] is charged with the management of the Nation's most important natural, cultural, and historical resources. These areas are known throughout the world for their natural qualities, scenic beauty, and historical significance. Each year, the areas which make up the National Park System are visited by over 260 million people, and this number continues to grow.

It is our obligation to ensure that only outstanding resources are included in our National Park System and that parks currently in the system are managed effectively. This concern, shared by my colleagues on both sides of the aisle, the administration, and the American people, enabled the House to unanimously pass, on the Suspension Calendar and without dissent, the National Park Service Reform Act in the past Congress.

This legislation was a product of compromise involving the current administration, the National Park Service, environmental groups, and Members of Congress, both Democrats and Republicans.

It was with this spirit and support that I joined my colleagues Mr. HEFLEY and Mr. HANSEN, in re-introducing a National Park Service reform bill in the 104th Congress. That is the legislation pending before us.

Unfortunately, we now have a perception problem that has injected controversy anew. What was once a unanimously supported reform bill has now been dubbed by some as a "Park Closure" bill. In my judgment, both the advocates and opponents have been guilty of fanning the flames and generating misunderstanding and controversy where none need exist. Perception for some has been conjured up as reality. When all else fails, the admonition should be to read the legislation.

A close review and literal reading of the proposed law shows that the apprehension that was raised is not justified. H.R. 260 remains very consistent with the legislation considered in the last Congress. The NPS sets criteria, Congress approves the criteria, the NPS studies a reduced number of parks, conveys this to the Congress and an appointed commission within 3 years. The commission reviews and reports to Congress. Congress and only Congress has the responsibility to remove parks from the National Park System. The responsibility comes back to Congress under this proposal and under current law.

There are many issues before this Congress where significant differences in philosophy have made for some heated debates and will continue to do so. I suggest that we hold back on our desire to draw the lines in the sand over this park review and reform issue and that we save our passion for those debates in which there is true disagreement on issues of which there seems to be no shortage.

Certainly, National Park Service reform is especially needed in an era of fiscal constraint and large demands on the existing Park System. We still have the opportunity to enact a forward looking bill. I do not agree with those who think that our National Park System is complete and that nothing else should be added, or worse still, that we should begin closing parks just to save money. However, I hope that all of us can agree that effective management of our National Park System will benefit us all. While today the National Park Service is judged by the crown jewels, there is an increasing tendency to highlight only the rhinestones in the system—some of which are as costly or even more costly than the crown jewels of our national parks.

The issue of effective park management is not a simple one and narrow-minded solutions are inappropriate when considering the reform of our precious natural, cultural, and historic resources.

The National Park System needs the ability to expand in order to reflect the progression of history and to respond to a rapidly growing population. At the same time, efficient management and strategic planning will achieve savings as will the consideration of alternative management plans for parks that do not meet the criteria guidelines outlined in the bill. This bill can accomplish such goals.

As for the commission enacted in this measure, the NPS has had numerous standing and shorter term commissions and while we should proceed carefully and curtail the profusion of commissions this initiative is hardly some unusual precedent and in reality will serve as leverage on the NPS and Congress to take this task more seriously.

Finally, this is not and should not be a base realignment and closure commission as was established within the Department of Defense. The responsibilities are defined; the authority limited and the sunset of the commission is certain. Its policy path is clear—to report its recommendations to the Congress for our consideration.

This measure is a good bill and responds to the reasoned criticisms and questions raised beyond the version the House acted upon last year. As for the hyperbole and paranoia that have dogged H.R. 260, I would hope that Members will deal with the tangible today not the surreal.

Mr. RICHARDSON. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. HINCHEY].

Mr. HINCHEY. Mr. Speaker, in spite of the great respect and admiration I have for the sponsors of this bill, I find that, nevertheless, I feel strong opposition to it.

I think that there are aspects of the bill which do make a constructive contribution. First of all, a comprehensive review by the Secretary of the Department of Interior, I think, is constructive, and would be helpful.

But the underlying philosophy of this bill is what I find so troubling about it. It seems to suggest that we have too many parks and that we ought to deauthorize units of the National Park

System and, furthermore, I believe the sentiments in this bill, as they are expressed in the language here, would tend to focus attention on those parks and national resources which tend to be in the urban areas, which tend to be in those parts of the country where they get the most use and the most attention, which tend to be used by those people who are least likely to travel to some of the national parks in the western part of our country.

□ 1700

Why are we doing this? Are we spending too much money on our National Park System? I do not think so. The National Park System, which is one of the most treasured possessions of this country, takes up less than one-tenth of 1 percent of the national budget. It is a very small portion of what we spend nationally.

Is it true that the National Park Service does not get enough funding? Yes, unquestionably, it is. But that is a failure of ourselves, it is a failure of this Congress. The Congress ought to realize the value of the National Park Service and apportion to it a greater portion of the Federal budget. The National Park Service has been starved for funds, and this particular budget that is before us this year goes on to do that in an even greater degree than has been done in the past.

Construction is cut by 50 percent. Operating funds are cut by 10 percent. That is wrong. It is the wrong direction in which we should be going, and it mitigates toward the kind of philosophy which is expressed in this bill which indicates that we have too many parks and we ought to be closing them down.

We need more recreational opportunity in this country, if anything. We need greater recognition of our national heritage, if anything. We need a better understanding on the part of our citizenry, particularly our younger people, with regard to our national and ecological heritage, which is enshrined in the system of our national parks.

So, Mr. Speaker, I think that this bill, in spite of the fact that it does some things that are good, takes us inevitably in the wrong direction. The idea that we have too many parks is wrong; the idea that we should be closing some of them down, in my opinion, is misguided. What we ought to be doing is spending more, not less, on our National Park System, raising it up, making it be what it ought be in the minds of the American people, the greatest expression in many ways of our national and historical heritage.

Mr. RICHARDSON. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. MILLER].

Mr. HANSEN. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. MILLER].

The SPEAKER pro tempore (Mr. FOLEY). The gentleman from California [Mr. MILLER] is recognized for 3 minutes.

Mr. MILLER of California. Mr. Speaker, I would hope that the Members would focus on this legislation. This is not a park closing bill, and this is not the bill that passed last year. What this is, is a very, very good piece of legislation to allow us to deal with some of the problem that exist within the national parks of this country. Let us not pretend that the process by which all of the units and all of the obligations and all of the duties were given to the National Park Service was a pure process that nobody can question or raise issue with, because the fact is, we know that this Park Service and its resources have been assaulted from time to time by this Congress in the middle of the night in a conference committee without hearings, without jurisdiction, but based upon the individual power of a Senator here or a Congressman here, or what have you. We ought to now reexamine the operations of this most valuable, valuable agency of the Federal Government.

This is not to pass judgment whether there should be more or less parks. This is about making sure that we are using the resources to the best extent that we can, that we can assure the people of this country that we are doing all that we can to maintain and improve the parks that we have, and to maintain the standards for the creation of those parks, and that we are making the best utilization we can out of the resources of the National Park Service. Nobody in this body can stand before the American public and say that is the situation today, and if we cannot say that, then we ought to put into motion a process by which we can review that.

Because of the contributions of the gentleman from Colorado [Mr. HEFLEY], the gentleman from Utah [Mr. HANSEN], the gentleman from Minnesota [Mr. VENTO], and even the gentleman from New Mexico [Mr. RICHARDSON], this legislation in fact does that. It lets us look at the system.

This is the rational way to go about reforming or reorganizing or reinventing, whichever term you are comfortable with, because it lets the frontline agencies, the Secretary of the Interior and the Park Service, make some determinations, and we all know that privately they come to us. Whether they are rangers in the West or they are in the seashores in the East or in the Gulf, they come to us privately and tell us, this is not working terribly well, Mr. Speaker.

There is another way to do this. We ought to know that. They ought to be able to bring that forward and then have the citizens commission screen that process, screen that process so that there is input from affected parties, from localities, because all of us know that all of these parks have different importance to different communities and States and local jurisdictions. Some of them are huge engines of economic activity. Some of them are huge engines of activity, but you do not have the economics to take care of it. Some of them, quite simply, nobody knows why they are there, except that somebody got it done in the legislative process.

Mr. Speaker, this is a process that is reasoned out, that has protections in it, that is very thoughtful, and does not mandate that any action take place, but it puts us in a position that at one point we can stand before our constituents and say that this is the best run agency, the best use of resources of the National Park Service.

Mr. Speaker, I urge support of the bill.

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

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

Mr. COLEMAN. Mr. Speaker, I may have missed some of the debate earlier that went on on this legislation, and I was watching this in my office, and I came over because I happen to agree with a lot of what has been said by the proponents of this legislation.

I guess the only question I had is, with respect to all of the review that would go on on all of the parks, I guess all of the monuments, all of the various facilities that are run and operated by the Park Service, why are not all of them on the list? Is there a reason that we left some of them off?

Mr. HANSEN. Mr. Speaker, reclaiming my time, originally we looked at all of them and then we figured that possibly it would be smart to alleviate the fears of a lot of people, because we tried to convince them that this was not the park closing bill, that they would have the opportunity to take 54 spectacular parks, and I agree with the gentleman from New Jersey, it is kind of in the eye of the beholder, but I do not think that people have found what we are looking at.

The gentleman from Colorado [Mr. HEFLEY] said, "What bills are in front of us?" It is like Chairman Seiberling when he was with us used to say, "When all else fails, read the legislation."

The only place that refers to the fears that have been brought up by our friends is on page 13, starting on line 12 that says: "Nothing in this act shall be construed as modifying or terminating any unit of the National Park System without a subsequent act of Congress."

Mr. COLEMAN. Mr. Speaker, if the gentleman will continue to yield, I would just ask the gentleman, I mean I agree, I read that. I saw that. But again, I am surprised as to why we did not put Yosemite on that list. I mean, I guess that is what you suggested.

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the

gentleman from Colorado [Mr. HEFLEY], a sponsor of the bill, who possibly has a better answer on that.

Mr. HEFLEY. Mr. Speaker, the gentleman answered the question very well. They were all on the list when we first started out. But there were many groups out there that were trying to pick this as some kind of a closure bill and were saying, well, they are going to close Yellowstone or Yosemite or Grand Canyon, and in order to alleviate those fears, those are national parks. They are the highest level of recognition that you can have in our parks system. They have undergone the scrutiny of the ages. They are not going to be closed, there is no question about that. So we thought in order to alleviate that fear and concern, we just took them off.

Mr. COLEMAN. Mr. Speaker, if the gentleman will continue to yield, I guess what the gentleman from Colorado just said hits right home in the Southwestern part of the United States. I mean I think that what you are doing is creating the same kind of fear. A lot of this is in my district, but a lot in the Southwest think exactly the same of the national monument in the same context as we do of Yosemite that somebody else may think looks prettier. Like you said, it is in the eye of the beholder.

Mr. Speaker, we should have listed all of them, if this is a true process, one that is going to be fair and open, and I think it is a mistake for us to pass legislation that is not fair.

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. VENTO].

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

Mr. Speaker, I think the distinction here is one you ought to pay attention to. These are national parks. We are talking about those that are designated national parks in law, by the Congress; we designated them national parks. So the issue is in terms of 368 units. In other words, there are different designations and you have to pay attention when they are talking about using resources wisely. If in fact something is meritorious and should be designated a national park, then you should do it. It is not a unit of the National Park System, these are actually designated. So there is a difference in designation, a difference in where you want to concentrate your resources. That is why pulling them out makes sense in terms of dollars and in terms of what is going out.

Mr. RICHARDSON. Mr. Speaker, will the gentleman yield for a question?

Mr. HANSEN. I yield to the gentleman from New Mexico.

Mr. RICHARDSON. Mr. Speaker, if the gentleman would please answer me, why not allow an alternative to finance the parks that involves concessions fees, and please address the point that this is not the same bill as we passed last year. This is a much stronger parks bill.

Mr. HANSEN. Mr. Speaker, reclaiming my time, let me quickly respond. The gentleman realizes and knows that the park committee has in front of it a park fee bill right now. We love our parks. We want to take care of our parks. We have to get more money in our parks, and we have a bill that we think would take care of it. It is not included in this bill, but we have one that I would hope we would have the support of the House and the Senate when we are able to bring it forth.

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

Mr. RICHARDSON. Mr. Speaker, I yield myself the remainder of my time.

The SPEAKER pro tempore. The gentleman from New Mexico is recognized for 1 minute.

Mr. RICHARDSON. Mr. Speaker, this is a parks closure bill and we should vote "no" so that it can go back to rules and there can be proper debate. The League of Conservation Voters has just issued a statement opposing this bill signed by the major environmental organizations. I want my colleagues in the CONGRESSIONAL RECORD tomorrow to read the national park units, the smaller ones, that might be at risk in their congressional districts if this bill passes.

Mr. Speaker, this is a bad bill, it creates a Parks Closure Commission, it weakens our authority, it says to the National Park System, the park rangers, your views are not important, and it puts a lot of national monuments like Mount Rushmore, Lincoln, Jefferson, at risk. This is a railroad process. Let us go back to committee, allow for alternatives.

This is why the Clinton administration is against this bill. Every major environmental organization is against this bill, and hopefully, the House of Representatives tomorrow will vote a resounding "no" that we should do this bill right.

Mr. Speaker, I include the following material for the RECORD.

[From the Salt Lake Tribune, May 6, 1995]

DON'T CLOSE THE PARKS

Generally, people want to enter a national park; they want to leave a military base. Indeed, there is little that the two have in common, other than that they are both federally owned. Yet there is inexplicable sentiment in Congress for providing a common element to both—a closure commission.

A bill known as HR 260, which has already passed Utah Rep. Jim Hansen's subcommittee and is due up before the full House Resources Committee this month. Proposes the formation of a Park System Review Commission. It would do for national park units what the Base Realignment and Closure Commission has done for military bases: It would close them.

Closure is appropriate for some unneeded military bases, but not so for national park units, which presumably have an unchanging value. After all, national parks were created for purposes of preservation and posterity, not for the every-shifting requirements of national defense. Existing park units simply should not be exposed to the whims of an independent commission.

The issue has surfaced because the National Park Service has been having problems adequately funding all 368 units in its system. One complaint is that the system is overloaded with units that don't belong, units that were designated at the behest of some congressman trying to bring home the pork for his district.

This problem can be addressed without the creation of a park closure commission. For starters, Congress can support the portion of HR 260 that calls for the Interior secretary to devise tighter criteria for additions to the NPS, thereby safeguarding the system from selfish lawmakers.

Then, if Congress still feels that undeserving units have crept into the system, it can simply deauthorize them itself, as it did last year with the John F. Kennedy Center for the Performing Arts. It does not need some new level of bureaucracy to do this.

The rationale behind a park closure commission is that it would save money for the NPS. Well, as the BRAC members can testify, it would cost a lot of upfront money to close these units. And once closed, who would operate them—the states, or some other division of the federal government? How do the taxpayers save on that?

If the goal is to improve NPS finances, then start with passage of park concessions reform or entrance fee reform. Start funneling such fees back into the parks, instead of the national treasury. It makes little sense to set up a mechanism to close parks when proposed methods to increase park revenues have not been implemented first.

National parks are not at all like military bases. They were created to establish a natural or historical legacy for future generations. They don't need a closure commission; they need more creative ways to stay open.

[From the St. Louis Post-Dispatch, July 17, 1995]

AMERICA FOR SALE

Americans can be justifiably proud of their national park system. This treasure preserves areas of awesome natural beauty, monuments of historical significance, indigenous wildlife and an appreciation of this country's remarkably diverse landscape. But that record apparently isn't good enough to save the national parks from the GOP budget ax.

The Republican budget resolution would make excessive cutbacks in the National Park Service. This year's budget of $1.42 billion, already drastically insufficient to maintain the system properly, would be sliced to $1.12 billion in 1996, a 21 percent reduction. By the magic date of 2002, the year of the balanced budget, the Park Service would be down 36 percent from today. At the same time, visits to national parks are expected to grow from an estimated 270 million this year to 300 million in the next five years. It doesn't take much of imagination to figure out that something has to give.

The victim could be the parks themselves. A bill in Congress, H.R. 260, would dismantle the national park system. It would set up a commission, along the lines of the commission on base closures, to determine which parks should be closed—and presumably sold off to the highest bidder. Supposedly, the

process would exclude the so-called crown jewels of the system, such as the Grand Canyon, Yellowstone or Yosemite. But less popular parks, or parks that cater mostly to locals could be dumped.

For too long, the National Park Service has been grossly underfunded. The result has been deferred maintenance, repair and construction, especially in parks like Yellowstone or the Grand Canyon, which are deluged with visitors. After years of starving the parks, the answer isn't to kill them outright. It's to give the National Park Service the money to do its job right.

In a time of belt tightening, how can that be done? Entrance fees can be raised, although care must be taken not to deprive Americans of modest means of their ability to enjoy the parks. Another solution is to increase the paltry sum paid by private concessions to the National Park Service for the privilege of operating hotels, restaurants and other services—and to introduce competitive bidding in the process of awarding concessions. According to The New York Times, concessions in national parks made $653 million in 1993, but the parks got back only $18.7 million, or 2.8 percent.

The national parks are too precious to lose. They can and should be saved, without destroying the whole system.

[From the Wichita Eagle, Aug. 25, 1995]

NATIONAL PARKS DESERVE HELP TO PROTECT NATION'S HERITAGE

The lines of cars, trailers and campers pile up at Yellowstone National Park, at Yosemite, all across the land. Americans love their national parks.

You'd think the passion for parks would spur more and better maintenance and improvements at these national treasures. But the reverse seems to be true. Sadly, the more Americans use the national parks, the more run-down they become.

The National Park Service has an annual budget of $972 million, of which users fund about $100 million. The budget falls short of the need; the result is a backlog of maintenance and construction projects that has now reached to more than $4 billion.

In recent years, Congress has been in no mood to come up with a big infusion of cash. Now, in fact, some members are talking about closing some parks to make the system more "cost-efficient."

Certainly, a hard look at the National Park System is a good idea. Yes, the system's spending priorities haven't always been on target. The new $80 million Steamtown National Historic Park in Pennsylvania is one example; critics rightly say it has little to do with railroad history, or any other kind. And the park system has some questionable elements: the Santa Monica Mountains National Recreation Area is a city park and Wolf Trap in Virginia is really a venue for concerts.

But this country needs more national park space, not less, and it needs to do a much better job of maintaining and improving what it has. That, of course, creates a sizzling conflict between two American values: a love for parks and a passion for cutting federal spending.

There's a bottom line here that is not totally about the bottom line. Yes, the national parks should be run efficiently. Yes, users should pay more. But the parks are priceless public places—for preservation, education and recreation for all Americans. If it costs more money to protect and expand them, it's a worthy investment in America's spectacular natural and historical heritage.

[From the Las Vegas Sun, Aug. 27, 1995]

GOP READIES LAND GRAB OF OUR PARKS

When the Republican House prepares to decimate the nation's parks next month get ready for the bull-dozers. Our national heritage will never be the same.

Several conservative congressmen, who like to throw out government babies with the bath water, have taken aim at the National Park Service to cull out parks they don't like.

One plan would create a commission, much like the panel to close military bases, to select parks to be turned over to the States or private interests.

And which parks would suffer? Rep. James Hansen, R-Utah, offers a clue. He says Great Basin Park, the only national park in Nevada, "does not have the true definition of park criteria." Great Basin was created in 1986 and protects 77,000 acres of pristine woodland northeast of Ely. About 90,000 people a year visit the park.

The park was the result of hard-fought efforts by Sen. Harry Reid, D-Nev., who wanted to preserve a small piece of Nevada for future generations. Sen. Richard Bryan, D-Nev., says parks provide recreation for families.

He doesn't understand how closing national parks squares with "family values" oriented GOP.

But this isn't a family value issue. It has more to do with GOP's links to big business and land exploiters and a growing disdain for the public interest.

Sen. Frank Murkowski, R-Alaska, a proponent of littering Southern Nevada with nuclear waste, wants alternative solutions for parks, like private operations.

Rep. Jerry Lewis, R-Calif., has fought the California Desert Protection Act tooth-and-nail to benefit land exploiters.

Critics point to inefficient park management and a growing backlog of maintenance projects.

But it was Congress that expanded the park system without providing additional funding. Park personnel are spread more thinly than before.

Critics insist, under their plan, parks like Steam National Historical Park in Pennsylvania wouldn't have been created.

But that $80 million park was the brainstorm of Pennsylvania congressmen, not the Park Service.

We think there's more afoot here than Park Service efficiency. A massive land sell-off is more likely. Arizona may be a good example.

Republican Gov. Fife Symington has lobbied for his state to take over Park Service properties, while his agents sold off a portion of a historic landmark.

These same congressmen have conveniently forgotten that the public lands and parks systems were the legacy of their party.

President Theodore Roosevelt, never a liberal big-spender, nevertheless set aside thousands of acres of dwindling wilderness lands to benefit future generations.

He was afraid an important heritage might be lost.

Lucky for Teddy he isn't around to see the latest crop of House Republicans.

[From The New York Times, July 4, 1995]

PARKS IN PERIL

This is the time of year when Americans begin flocking to their national parks. Some will find what they were looking for: vistas of spectacular beauty, hours of restorative silence. But others may find themselves wondering whether they have traded one rat race for another. The national parks contain most of America's greatest scenic wonders. They also suffer from the urban nuisances vacationers had hoped to leave behind: traffic jams, noise, dirty air and garbage.

There is, as Representative Bill Richardson of New Mexico notes, "trouble in paradise." If past experience is any guide, for example, there will be gridlock today in Yosemite. By one estimate, the Grand Canyon alone needs $350 million to repair roads, sewers and water systems. Many of the park system's 22,000 historic buildings, as any visitor to Ellis Island can confirm, are simply falling apart.

Human overload is the most visible culprit. Nationwide attendance at the Park Service's 368 separate units is expected to reach 270 million this year, 300 million by the turn of the century. But the real culprit is Congress. In the past 20 years, it has established more than 80 new parks while refusing to give the Interior Department's Park Service enough money to do its job. The service's $1.5 billion annual budget barely covers operating costs. The result is an estimated $6 billion repair and construction backlog.

Congress is responsible for cleaning up the mess it created. The question is how. Not surprisingly, given Washington's anti-environmental, budget-conscious mood, the most popular option is to trim back the system itself. A bill before the House would direct the Interior Department to review all parks and determine which ones are "nationally significant." At that point, a special commission would decide which parks should get the ax and then present its list to Congress.

The proposal excludes 54 "major" national parks but leaves open for review more than 300 monuments, historic sites, scenic trails, urban parks and assorted recreation areas.

On its surface, this bill, co-sponsored by Joel Hefley, Republican of Colorado, and Bruce Vento, Democrat of Minnesota, has an appealing simplicity. The park system definitely includes substandard sites—what Mr. Hefley calls "pork parks," shoe-horned into the system to enhance local economies and the careers of the politicians who sponsored them. Get rid of these, Mr. Hefley argues, and we will have more money to spend on the "crown jewels" like Yellowstone and the Grand Canyon.

In the end, though, this is an unnecessarily messy and potentially dangerous approach to the problem. Mr. Vento says that Congress will vote on each recommendation "on its merits." But a more likely scenario is that the proposed closings will be lumped together in one omnibus "closings" bill, threatening valuable wilderness along with mediocre sites that do not belong in the system.

A more positive approach to rescuing the parks is contained in two other bills confronting the Senate and House. One would overhaul entrance fees, which are ridiculously low. The average entrance fee is $3, less than half the cost of a ticket to "Batman Forever." A carload of people can explore Yellowstone for a whole week for only $10—the same price they would have paid in 1916. Doubling entrance fees, a not unreasonable proposition, could generate an extra $100 million for the parks.

The second bill would end the sweetheart contracts awarded years ago to the companies that run the lodges, souvenir shops and other facilities inside the parks. In 1993, concessions generated gross revenues of $657 million but returned only $18.7 million—2.8 percent—to the Federal Treasury. The bill

would mandate competitive bidding for these lucrative enterprises, giving the Park Service a bigger cut of the proceeds and generating $60 million more for long-neglected repairs.

Both measures were well on their way to approval when time ran out on the 103d Congress last December. There is now in place a vastly different Congress, more inclined to budgetary parsimony than environmental stewardship. Its basic philosophy is that to save the patient we have to cut off an arm here, a leg there.

That is the wrong way to go. The right way is to provide the park system with enough resources not just to survive but to renew itself. The language in the original mandate establishing the Park Service was unambiguous. The national parks should be left "unimpaired for the enjoyment of future generations." Congress wrote that language, and Congress needs to honor it now.

[From the Miami Herald, June 27, 1995]

FOR SALE: NATIONAL PARKS

CONGRESSIONAL BUDGET CUTS AND ANTI-GOVERNMENT ATTITUDES THREATEN AMERICA'S HERITAGE

"Pssst, want to buy a national park? No, not Yellowstone, not Yosemite, not Grand Canyon (or at least not yet). How about Gateway overlooking Manhattan, Cuyahoga Valley outside Cleveland, San Francisco's Golden Gate and Presidio? Miami's Biscayne on the Atlantic Coast? Now, there's a deal. Right on the highway to the Keys, perfect for development * * *"

Haven't you heard? Congress's Republicans want to sell the nation's urban parks. They cost too much, you know? Got to cut taxes, balance the budget. Government shouldn't own land—this whole idea of public lands, public parks * * * passe * * * not something government should be doing.

Did American voters knowingly seat a Congress that shows such antipathy to the environment, natural resources, public parks, even recreation? Bill after bill keeps coming—mostly from the House: a Clean Water Act that dismantles pollution controls; a regulatory reform act that encourages junk science and invites lawsuits; a property-rights bill intended to spike protection for endangered species; and now HR 260, setting up a park-closure commission, and a 1996 budget resolution too skimpy to keep the 368 national parks and historic sites open.

The National Park Service will spend $1.42 billion this year. The Republican budget resolution scheduled for House debate this week cuts that by 21 percent to $1.12 billion for 1996. By 2002, spending for parks is to be 36 percent less. There will be no choice but to close some parks, recreation areas, monuments, battlefields, and riverways, while reducing hours, programs, and maintenance at others.

Targeted are the 200 "smallest" units including Biscayne, but also Tennessee's Obed Wild and Scenic River (adjacent to the site of next year's Olympic whitewater competition), historic homes of Abraham Lincoln and Booker T. Washington, the Civil War battlefields of Antietam and Petersburg, California's channel Islands, and Utah's great red sandstone Arches. At Philadelphia's Independence National Historical Park, nine of the 14 buildings now open would be closed. At Great Smoky Mountains, the nature walks and talks would be eliminated. At Everglades, the Long Pine Key and Flamingo campgrounds would close. The Clinton administration has recommended alternatives, but the GOP isn't interested.

That's because the budget resolution effectually implements a program laid out by the House Resources Committee to sell parks. Although not yet voted on by the House, HR 260 gives Interior Secretary Bruce Babbitt two years to come up with a list of parks to close and establishes a National Park Service Review Commission to do the job if the secretary doesn't. The list would be sent to Congress for the final say.

How does one countenance selling these national treasures? Ask the Republicans in Congress.

[From the St. Louis Post-Dispatch, Aug. 14, 1995]

PRESERVE AMERICA'S PAST

Everyone seems to agree that the national park system is in trouble. Its budget has not kept pace with the parks' ever-increasing popularity. The result is obvious and predictable: deferred maintenance and the deterioration of facilities and resources, both natural and historic.

When Americans think of their national parks, they think mostly of their natural beauty and of their plants, animals and spectacular landscapes. But these parks also include archaeological and historic structures. As The New York Times has reported, far too many of these structures under the care of the National Park Service—the system's "parkitecture"—are in a state of serious, perhaps irreparable decay. The price tag to preserve these historic buildings could reach $1.5 billion, considerably more than the $1.12 billion the Republicans want for the entire 1996 National Park Service budget.

Public-private partnerships have been formed to rescue some prominent structures, such as the Sperry and Granite Park Chalets in Montana's Glacier National Park, and such projects should be encouraged wherever possible. Yet the condition of the parks and its "parkitecture" argues for a far more comprehensive approach to their care.

That approach can be found in H.R. 2181, the Common Sense National Park System Reform Act, sponsored by U.S. Rep. Bill Richardson, a Democrat from New Mexico. This reform bill, which has bipartisan support, stands in distinct contrast to a more Draconian bill, H.R. 260, that would establish a park closure commission. Mr. Richardson's intent is to save the system, not gut it. It is an especially helpful approach at a time when the park service's budget, which should be increasing to meet the public's demand, is actually decreasing.

Mr. Richardson's bill would raise more money for the parks from concessionaires operating in the parks and from visitors and users. Right now businesses operating in the parks, including hotels and restaurants, pay next to nothing for the privilege of making gigantic profits. Introducing a system of competitive bidding for concessions would provide more money, part of which would go into a park improvements fund. This bill would also raise entrance and user fees, though not outrageously, and divert part of the proceeds into a park renewal fund.

The national parks are among the most precious and most cherished resources in this country. This bill would help restore them to their past glory.

[From the Philadelphia Inquirer, Aug. 27, 1995]

PARK BENCHMARKS

WINNOW IMPOSTORS FROM THE NATION'S PARK SYSTEM? SURE, BUT DON'T REDUCE IT TO JUST A FEW, SELECT JEWELS

Anyone who has paid a lick of attention knows that America's national parks aren't without their problems—a chief one being, interestingly, that many are too darn popular for their own good. You've seen the pictures of Yellowstone traffic jams. Maybe you got stuck in one in the Great Smoky Mountains. And it's not exactly a secret in Philadelphia that a jewel of our nation's history—Independence Hall—had to wait far too long for its ongoing overhaul.

Fewer people know that there are a couple of ringers in the system, too. Steamtown National Historical Park in Scranton, for instance, poses as a site of significance in the development of the U.S. rail system, but is really more of a monument to the pork-winning talents of a Scranton congressman.

And it seems like only a more handful of folks are tuned in to the fact that come fall, Congress has teed up a bill that would set up a park-closure commission, and as is fashionable these days, consider foisting management of some of them off onto the states. (Not that the cash-strapped states are clamoring for the honor.)

At first glance, the bill seems harmless—and it taps all the voguish budget-cutting buttons. One of its prime movers, Rep. James V. Hansen, a Utah Republican, says he's just looking for "a better return from our parks," and a way to raise money for the bigger parks' backlogged maintenance budgets.

But there are flies in the ointment. One is that Congress can already decommission any part it wants to—without a new commission. (Last year, in fact, the Kennedy Center for the Performing Arts in Washington was congressionally removed from Park Service jurisdiction.)

Opponents of the bill ask whether the new commission—which itself would cost upward of $2 million—would be biased at the outset against urban and historical parks.

Another problem is that once the system is balkanized by farming out operations to state park systems and such, Americans may find themselves facing—instead of uniformly run parks—a checkered quilt of good, bad and ugly operations. (How long would it be, indeed, until an outcry went up to turn over more federal funding to states hard-pressed to keep certain parks up to standard?)

Third, though the West's treasured parklands are technically off the table, aspects of the "park-reform" agenda would make it more difficult to donate land to parks such as Virginia's Shenandoah National Park, thus making their periphery ripe for commercial developments.

But the largest flaw in the legislation—and the one that subverts its pretense of going to bat for the taxpayer—is that its sponsors have actively blocked action on concession reform that would give the Park Service more of each dollar spent at privately run eateries and lodgings at national parks.

By some estimates, if concessionaires such as Philadelphia-based ARA services had to pay the same cut of their gross from park business that they do at stadiums and other public facilities, the parks could pocket $50 million or more annually.

If Congress wants to tighten up on the requirements to become part of the park system, no problem. (See Steamtown above.) If it wants raise some user fees that don't overburden families, no problem. But we're skeptical of those who argue that Americans deserve better value from their parklands, while failing to argue that they deserve a better return from the businesses that make a bundle from park concessions.

[From the Deseret News, Dec. 17, 1994]

PLAN FOR PARK-CLOSURE PANEL ASSAILED

ASSOCIATION SAYS THE AGENDA SHOULD INCLUDE MORE THAN SHUTDOWNS

The National Parks and Conservation Association, an advocacy group with 475,000 members, has opposed the idea of establishing a commission to decide which national parks should be closed.

Rep. Jim Hansen, R-Utah, is among conservatives advancing the idea of cutting back the nation's park system.

The parks association "cannot support a commission whose predetermined goal is solely park closures," said Paul C. Pritchard in a three-page letter to Hansen. "If a commission is formed, it should be a body dedicated to reviewing the existing system and identifying additions and potential closures based on the standards of national significance."

Allen Freemyer, an attorney for the House Natural Resources Committee, said, "The basic policy direction is to stop the growth of the national-park system for a little while . . . It's not a matter of whether we're going to close some parks. It's a matter of how we're going to close them."

Hansen, the second-ranking Republican on the Natural Resources Committee, suggested during the last election campaign that Great Basin National Park on the Utah-Nevada border should be reviewed by a closure commission.

"If you have been there once, you don't need to go again," he told the Ogden-Weber Chamber of Commerce.

Hansen last week issued a two-page letter the need for a closure commission. Pritchard responded to that letter.

"Our national-park system currently faces a crisis which stems from too many parks and insufficient funding," Hansen wrote. "In the first 50 years of the national-park system, Congress designated only about 60 park areas. However, in the last six years alone, Congress established 30 new park areas across the country. While Congress is busy creating new parks, our crown jewels are falling into disrepair."

Hansen said the Park Service has a construction backlog of $6 billion and needs $400 million to $800 million from Congress each year to subsidize its budget.

Pritchard said that last year Hansen opposed a bill that would have generated an extra $45 million to $60 million by increasing the fees paid by park concessionaires. Hansen said higher fees would have driven concessionaires out of business and cost the government more in the long run.

[From the Elko Daily Free Press, July 31, 1995]

ESA REWRITE DOMINATED WESTERN STATES SUMMIT

(By Don Bowman)

Rewriting the Endangered Species Act was the focus of the Western States Summit IV, which concluded in Albuquerque, N.M., July 15. The meeting was strongly supported by state legislators of Utah and Arizona, as well as county commissioners and congressmen from many western states.

Shaken by the recent U.S. Supreme Court decision on Sweet Home, there was consistent call for Congress to make the act more sensitive to the people or repeal it. Rep. Jim Hansen, R-Utah, said, "The Endangered Species Act degenerated from a protective law into something Congress never anticipated, nor intended to foist on the people. The agencies went far beyond the intentions of the act." He advocated a new ESA that protected private property, changed the listing process, required sound social and economic concerns, allowed local voice and made people who filed for a listing of species post a bond and show credentials.

Continuing on, Hansen said the National Park Service needed serious reform. "One hundred and fifty parks of the some 368 need to be dropped," Hansen said, giving an example of one park that had a budget of $300,000 per year and only 50 visitors per year. "When a bureaucracy reaches a certain critical mass, its only goal is to insure its own propagation. It begins to serve the monster rather than the people." Hansen said.

The state rights issues also was a hot topic and most attendees agreed the highlight of the meeting was the talk given by Lana Marcussen, a New Mexico attorney working with lands issues. Speaking on states' rights and sovereignty with an extraordinary amount of case reference recalled at will, the attorney was surrounded by people wherever she stopped. Her federalism argument was used in the New Mexico vs. Watkins case that went to the Supreme Court, which ruled the federal government had to apply to the State of New Mexico for low level nuclear waste permits. Her talks focused on the rights of the people to hold the state and federal governments accountable.

Marcussen said there had been a tremendous shift by the courts in favor of state sovereignty. The court has limited the federal government's power to compel states to do their bidding in the case of New York vs. U.S., another nuclear waste case. In addition, the Brady bill has been declared unconstitutional in at least three district courts.

Federal control seems to be crumbling under the challenges of the people time after time, she said.

During the conference, the Supreme Court ruled a governor could not make a special pact for Indian gambling. This is the first time a court has ruled against a governor after the Interior Department has approved the compact. "With recent court decisions such as Adarand (affirmative action) and Lucas (federal powers under the Commerce Clause), Indian sovereignty is no more," Marcussen said. "This is the beginning of the end of the Bureau of Indian Affairs. How can a racially oriented agency continue?"

Perry Pendley of the Mountain States Legal Foundation, who argued the Adarand case in the Supreme Court, told attendees "The environmentalists want it all—even the two thirds of this country that is private land.—The very basis of this government was built on property rights. If you have no property right you have no freedom."

The summit was sponsored by the Western States Coalition, founded by Met Johnson and Rob Bishop. the organization has been instrumental in establishing state constitutional defense councils, involved in legislative protection of property rights and a major voice in Congress on rural issues. The next Western States Summit is expected to be held in California.

CONGRESSMAN BILL RICHARDSON—TALKING POINTS IN OPPOSITION TO H.R. 260

WHO OPPOSES H.R. 260?

The Clinton Administration.
The Department of Interior.
The National Park Service.
The League of Conservation Voters.
National Parks and Conservation Association.
The Wilderness Society.
Sierra Club.
Izaak Walton League of America.
Friends of Earth.
Sierra Club Legal Defense Fund.
American Hiking Society.
Defenders of Wildlife.

WHAT NEWSPAPERS HAVE ISSUED EDITORIALS AGAINST H.R. 260?

The Salt Lake Tribune.
The St. Louis Post-Dispatch.
The New York Times.
The Miami Herald.
The Philadelphia Herald.
The Wichita Eagle.
The Las Vegas Sun.

WHAT DOES H.R. 260 DO?

Creates a park closure commission to recommend specific units of the National Park System for closure, privatization or sale to the highest bidder.

Weaken Congress' statutory authority to make decisions on park management by granting broad powers to a politically appointed commission;

Send a strong signal to the American people that Congress does not have the political will to carry out its responsibilities of oversight over the National Park Service;

Exempt the 54 National Park units from closure, leaving less visited, smaller budgeted parks and important national monuments like Independence Hall, the Statue of Liberty, Mt. Rushmore, the Washington, Lincoln and Jefferson Monuments and the Martin Luther King Jr. Historic Site on the chopping block.

Require the National Park Service (NPS) to prepare a financial management plan for Congress to ensure accountability within the system;

Require the NPS (not a politically-appointed park closure commission) to prepare a description of types of resources not currently in the system, refine the definitions for current units of the system and submit a report to Congress identifying which units of the System do not conform with the revised park criteria from the new plan;

Reform the current NPS concessions policy to mandate open competition for large concessions contracts while shielding high-performance "mom and pop" or small businesses with revenues under $500,000 per year from preserving the right to match competing bids on contract renewals AND require that a portion of the concession fees paid remain in the park unit in which they are generated to fund necessary improvements on site, etc.

Reform the current NPS entrance fee policy to increase the amount of money coming into the park from visitors AND require that a portion of these fees remain in the park unit in which they are generated for site specific needs.

LEAGUE OF CONSERVATION VOTERS,
Washington, DC, September 18, 1995.

Re oppose H.R. 260, the National Park System Reform Act.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: The League of Conservation Voters is the bipartisan, political arm of the national environmental movement. Each year, LCV publishes the National Environmental Scorecard, which details the voting records of Members of Congress on environmental legislation. The Scorecard is distributed to LCV members, concerned voters nationwide and the press.

This Tuesday, the House of Representatives is expected to vote on a motion to suspend the rules and consider H.R. 260, the National Park System Reform Act. Under the

guise of reforming and improving the National Park System H.R. 260 creates a politically appointed commission, whose sole responsibility would be to determine which park units should be closed. While there may be units in the National Park System that deserve scrutiny, LCV opposes the creation of a politically appointed parks closure commission and urges you to vote against passage of H.R. 260.

H.R. 260, and the parks closure commission it creates, threatens 315 units of the National Park System including: urban parks, historic sites, national monuments, national seashores, national recreation areas, and Civil War Battlefields. Instead of considering ways to improve the National Park System H.R. 260 unnecessarily creates a new layer of government and an expensive bureaucratic process, when in fact Congress already has the authority to remove units from the National Park System.

LCV views H.R. 260 as an assault on the protection of our cultural and natural heritage. By bringing H.R. 260 to the House floor on the suspensions calendar Members are prevented from offering amendments which could significantly improve this flawed legislation. LCV beleves that the full House of Representatives, like the House Resources Committee, should have an opportunity to vote on an amendment to delete the park closure commission. LCV urges you to oppose H.R. 260 so that this and other amendments can be offered under regular House procedures. LCV's Political Advisory Committee will consider including a vote on passage of H.R. 260 in compiling its 1995 Scorecard.

Thank you for your consideration of this issue. For further information, please call Betsy Loyless in my office at 202/785-8683.

Sincerely,

FRANK LOY,
Acting President.

AMERICAN HIKING SOCIETY, DEFENDERS OF WILDLIFE, ENVIRONMENTAL ACTION FOUNDATION, FRIENDS OF THE EARTH, IZAAK WALTON LEAGUE, NATIONAL PARKS AND CONSERVATION ASSOCIATION, SIERRA CLUB, SIERRA CLUB LEGAL DEFENSE FUND, THE WILDERNESS SOCIETY,

September 18, 1995.

DEAR REPRESENTATIVE: We are writing to urge you to vote against H.R. 260, the National Park System Reform Act, when the House considers this ill-advised legislation. The bill will be debated on the suspension calendar on Monday, September 18 and a vote is expected to occur the following day.

Unlike the version of this legislation which passed the House of Representatives last year, H.R. 260 would formally establish a politically appointed park closure commission as part of a review of the National Park System. This would set in motion a process to close parks, or portions of parks.

This is controversial legislation that has no place on the suspension calendar. Evidence of its contentiousness has been demonstrated by the dozens of newspapers across America that have editorialized against H.R. 260. By limiting debate and prohibiting Members of Congress from offering amendments, the legislation cannot be improved by the whole House of Representatives. The precedent for how this bill is being considered, and the process it sets in motion are ominous. If the Resources Committee gags the House of Representatives, what will the park closure commission do to the American people?

This legislation also creates another unnecessary layer of government and an elaborate bureaucratic process. It requires the National Park Service to conduct a review of the National Park System and recommend sites to be deleted from the system; then, it creates a politically appointed commission to conduct the same process. The National Park Service already has the authority to recommend the removal of a unit from the National Park System, and Congress has the authority to remove units from the National Park System. It has exercised this authority throughout the history of the National Park System, as demonstrated when Congress removed the John F. Kennedy Center for the Performing Arts last year.

The consideration of H.R. 260 on the suspension calendar is tantamount to a closed process to close parks. By voting against H.R. 260, you will be voting for a fair and open process on important decisions with respect to the management of our nation's cultural and natural heritage.

Sincerely,

David Lillard, President, American Hiking Society; James K. Wyerman, V.P. for Programs, Defenders of Wildlife; Margaret Morgan-Hubbard, Executive Director, Environmental Action Foundation; Brent Blackwelder, V.P. for Policy, Friends of the Earth; Paul Hansen, Executive Director, Izaak Walton League of America; William J. Chandler, V.P. for Conservation Policy, National Parks & Conservation Association; Melanie Griffin, Director of Public Lands, Sierra Club; Marty Hayden, Senior Policy Analyst, Sierra Club Legal Defense Fund; Rindy O'Brien, V.P. for Public Policy, The Wilderness Society.

THE 200 SMALLEST BUDGET PARKS

[Fiscal years]

	National Park Service park units	1995 park base	Cumulative 1995 park base
1	Cane River Creole NHP	0	0
2	New Orleans Jazz NHP	0	0
3	Salt River Bay NHP and Ecological Preserve	0	0
4	Natchez Trace NST	25,000	25,000
5	Saint Croix Island IHS	54,000	79,000
6	Bluestone NSR	61,000	140,000
7	Devils Postpile NM	92,000	232,000
8	Rainbow Bridge NM	99,000	331,000
9	Hovenweep NM and Yucca House NM	107,000	438,000
10	Thaddeus Kosciuszko NMem	128,000	566,000
11	Ebey's Landing Nat'l Historical Reserve	135,000	701,000
12	Hamilton Grange NMem	139,000	840,000
13	Theodore Roosevelt Inaugural NHS	155,000	995,000
14	Aniakchak NM and Preserve	160,000	1,155,000
15	Thomas Stone NHS	172,000	1,327,000
16	National Park of American Samoa	192,000	1,519,000
17	Obed Wild and Scenic River	199,000	1,718,000
18	Theodore Roosevelt Birthplace NHS	200,000	1,918,000
19	Russell Cave NM	202,000	2,120,000
20	Gila Cliff Dwellings NM	205,000	2,325,000
21	Maggie L. Walker NHS	210,000	2,535,000
22	City of Rocks National Reserve	211,000	2,746,000
23	Keweenaw NHP	212,000	2,958,000
24	Gauley NRA	217,000	3,175,000
25	Ninety Six NHS	221,000	3,396,000
26	John F. Kennedy NHS	225,000	3,621,000
27	Dayton Aviation NHP	228,000	3,849,000
28	Manzanar NHS	232,000	4,081,000
29	Moores Creek NB	238,000	4,319,000
30	Coronado NMem	251,000	4,570,000
31	Hagerman Fossil Beds NM	257,000	4,827,000
32	Eugene O'Neill NHS	260,000	5,087,000
33	Cedar Breaks NM	263,000	5,350,000
34	Muir Woods NM	273,000	5,623,000
35	Big Hole NB	274,000	5,897,000
36	Saint Paul's Church NHS	280,000	6,177,000
37	William Howard Taft NHS	283,000	6,460,000
38	Cowpens NB	285,000	6,745,000
39	Edgar Allan Poe NHS	286,000	7,031,000
40	Palo Alto Battlefield NHS	297,000	7,328,000
41	Pipe Spring NM	297,000	7,625,000
42	Roger William NMem	299,000	7,924,000
43	De Soto NMem	302,000	8,226,000
44	Puukohola Heiau NHS	302,000	8,528,000
45	Brown v. Board of Education NHS	303,000	8,831,000

THE 200 SMALLEST BUDGET PARKS—Continued

[Fiscal years]

	National Park Service park units	1995 park base	Cumulative 1995 park base
46	Mary McLeod Bethune Council House NHS	305,000	9,136,000
47	Fort Point NHS	311,000	9,447,000
48	Mojave NP	312,000	9,759,000
49	Klondike Gold Rush NHP (Seattle)	313,000	10,072,000
50	Monocacy NB	314,000	10,386,000
51	Horseshoe Bend NMP	321,000	10,707,000
52	Knife River Indian Village NHS	322,000	11,029,000
53	Tonto NM	322,000	11,351,000
54	Natural Bridges NM	327,000	11,678,000
55	Congaree Swamp NM	328,000	12,006,000
56	Fort Caroline NMem	336,000	12,342,000
57	Fort Union Trading Post NHS	336,000	12,678,000
58	Friendship Hill NHS	338,000	13,016,000
59	Charles Pickney NHS	339,000	13,355,000
60	El Morro NM	342,000	13,697,000
61	Aztec Ruins NM	343,000	14,040,000
62	Casa Grande Ruins NM and Hohokam Pima NM	348,000	14,388,000
63	Tumacacori NHP	353,000	14,741,000
64	Fossil Butte NM	357,000	15,098,000
65	Andrew Johnson NHS	359,000	15,457,000
66	Piscataway Park	361,000	15,818,000
67	Weir Farm NHS	367,000	16,185,000
68	Boston African American NHS	376,000	16,561,000
69	Federal Hall NMem	380,000	16,941,000
70	Stones River NB	380,000	17,321,000
71	Homestead NM of America	382,000	17,703,000
72	Niobrara/Missouri NR	387,000	18,090,000
73	Whitman Mission NHS	388,000	18,478,000
74	Longfellow NHS	389,000	18,867,000
75	Hampton NHS	391,000	19,258,000
76	John Muir NHS	393,000	19,651,000
77	Agate Fossil Beds NM	394,000	20,045,000
78	Oregon Caves NM	396,000	20,441,000
79	Capulin Volcano NM	398,000	20,839,000
80	John D. Rockefeller, Jr., Mem Parkway	400,000	21,239,000
81	Jimmy Carter NHS	404,000	21,643,000
82	Arkansas Post NMem	417,000	22,060,000
83	Guilford Courthouse NMP	422,000	22,482,000
84	Florissant Fossil Beds NM	423,000	22,905,000
85	San Juan Island NHP	431,000	23,336,000
86	Abraham Lincoln Birthplace NHS	450,000	23,786,000
87	Fort Union NM	452,000	24,238,000
88	Effigy Mounds NM	456,000	24,694,000
89	Fort Frederica NM	466,000	25,160,000
90	Pipestone NM	467,000	25,627,000
91	Fort Smith NHS	472,000	26,099,000
92	Booker T. Washington NM	477,000	26,576,000
93	Kings Mountain NMP	478,000	27,054,000
94	Tuskegee Institute NHS	478,000	27,532,000
95	Timpanogos Cave NM	482,000	28,014,000
96	Hopewell Culture NHP	495,000	28,509,000
97	Eleanor Roosevelt NHS	497,000	29,006,000
98	Ocmulgee NM	498,000	29,504,000
99	George Washington Carver NM	499,000	30,003,000
100	Hubbell Trading Post NHS	501,000	30,504,000
101	Ulysses S. Grant NHS	502,000	31,006,000
102	Castle Clinton NM	503,000	31,509,000
103	Dry Tortugas NP	506,000	32,015,000
104	Fort Clatsop NMem	510,000	32,525,000
105	Pea Ridge NMP	511,000	33,036,000
106	Perry's Victory and Intnl Peace Memorial	511,000	33,547,000
107	Scotts Bluff NM	516,000	34,063,000
108	Timucuan Ecological and Hist Preserve	517,000	34,580,000
109	Devils Tower NM	535,000	35,115,000
110	Ford's Theatre NHS	537,000	35,652,000
111	Navajo NM	539,000	36,191,000
112	George Rogers Clark NHP	547,000	36,738,000
113	Christiansted NHS and Buck Island Reef NM	550,000	37,288,000
114	Golden Spike NHS	552,000	37,840,000
115	Jewel Cave NM	556,000	38,396,000
116	Fort Stanwix NM	558,000	38,954,000
117	Saint-Gaudens NHS	559,000	39,513,000
118	Carl Sandburg Home NHS	563,000	40,076,000
119	General Grant NMem	572,000	40,648,000
120	Kaloko-Honokohau NHP	572,000	41,220,000
121	Grand Portage NM	573,000	41,793,000
122	War in the Pacific NHP	575,000	42,368,000
123	El Malpais NM	579,000	42,947,000
124	Little Bighorn NM	581,000	43,528,000
125	Fort Scott NHS	586,000	44,114,000
126	Fort Larned NHS	597,000	44,711,000
127	Appalachian NST	598,000	45,309,000
128	Fort Pulaski NM	601,000	45,910,000
129	Springfield Armory NHS	613,000	46,523,000
130	Saugus Iron Works NHS	614,000	47,137,000
131	Johnstown Flood NMem	622,000	47,759,000
132	Lincoln Boyhood NMem	622,000	48,381,000
133	Black Canyon of the Gunnison NM	624,000	49,005,000
134	Bent's Old Fort NHS	648,000	49,653,000
135	Fort Donelson NB	655,000	50,308,000
136	Andersonville NHS	661,000	50,969,000
137	Craters of the Moon NM	661,000	51,630,000
138	Fort Davis NHS	679,000	52,309,000
139	Martin Van Buren NHS	687,000	52,996,000
140	Salinas Pueblo Missions NM	693,000	53,689,000
141	John Day Fossil Beds NM	695,000	54,384,000
142	Hopewell Furnace NHS	699,000	55,083,000
143	Great Sand Dunes NM	704,000	55,787,000
144	Little River Canyon Nat'l Preserve	716,000	56,503,000
145	Pu'uhonua O'Honaunau NHP	726,000	57,229,000
146	Appomattox Court House NHP	728,000	57,957,000

THE 200 SMALLEST BUDGET PARKS—Continued

[Fiscal years]

	National Park Service park units	1995 park base	Cumulative 1995 park base
147	Greenbelt Park	733,000	58,690,000
148	Montezuma Castle NM and Tuzigoot NM	736,000	59,426,000
149	Wilson's Creek NB	741,000	60,167,000
150	Sagamore Hill NHS	744,000	60,911,000
151	Fort Laramie NHS	746,000	61,657,000
152	Kennesaw Mountain NBP	746,000	62,403,000
153	Petroglyph NM	756,000	63,159,000
154	Herbert Hoover NHS	760,000	63,919,000
155	Colorado NM	765,000	64,684,000
156	Lava Beds NM	776,000	65,460,000
157	Mississippi NR and RA	784,000	66,244,000
158	Grant-Kohrs Ranch NHS	786,000	67,030,000
159	Women's Rights NHP	796,000	67,826,000
160	Arches NP	798,000	68,624,000
161	Yukon-Charley Rivers Nat'l Preserve	802,000	69,426,000
162	Shiloh NMP	806,000	70,232,000
163	Bering Land Bridge National Preserve	816,000	71,048,000
164	George Washington Birthplace NM	839,000	71,887,000
165	Fort Vancouver NHS	850,000	72,737,000
166	Chiricahua NM and Ft. Bowie NHS	878,000	73,615,000
167	Sitka NHP	888,000	74,503,000
168	Cabrillo NM	899,000	75,400,000
169	Harry S. Truman NHS	902,000	76,302,000
170	Natchez NHP	912,000	77,214,000
171	Eisenhower NHS	919,000	78,133,000
172	Fort Sumter NM	929,000	79,062,000
173	Vanderbilt Mansion NHS	933,000	79,995,000
174	White Sands NM	947,000	80,942,000
175	Kenai Fjords NP	949,000	81,891,000
176	Canyon de Chelly NM	953,000	82,844,000
177	Saratoga NHP	955,000	83,799,000
178	Salem Maritime NHS	1,028,000	84,827,000
179	Manassas NBP	1,038,000	85,865,000
180	Lake Clark NP and Preserve	1,055,000	86,920,000
181	Fort Necessity NB	1,077,000	87,997,000
182	Cape Lookout NS	1,081,000	89,078,000
183	Pecos NHP	1,081,000	90,159,000
184	Kalaupapa NHP	1,091,000	91,250,000
185	Castillo de San Marcos NM and Ft. Matanzas NM	1,092,000	92,342,000
186	Richmond NBP	1,120,000	93,462,000
187	Organ Pipe Cactus NM	1,129,000	94,591,000
188	Nez Perce NHP	1,141,000	95,732,000
189	Cumberland Island NS	1,156,000	96,888,000
190	Fort McHenry NM and Historic Shrine	1,162,000	98,050,000
191	Baltimore-Washington Parkway	1,163,000	99,213,000
192	Mount Rushmore NMem	1,198,000	100,411,000
193	Pictured Rocks NL	1,209,000	101,620,000
194	Wind Cave NP	1,214,000	102,834,000
195	Chaco Culture NHP	1,273,000	104,107,000
196	Gates of the Arctic NP and Preserve	1,285,000	105,392,000
197	Cumberland Gap NHP	1,292,000	106,684,000
198	Pinnacles NM	1,294,000	107,978,000

Mr. HANSEN. Mr. Speaker, I yield myself the remainder of my time.

The SPEAKER pro tempore. The gentleman from Utah [Mr. HANSEN] is recognized for 1½ minutes.

Mr. HANSEN. Mr. Speaker, I hope the gentleman from New Mexico [Mr. RICHARDSON] realizes that the amendment of the gentleman failed 30 to 9 in committee.

Let me again point out, this is not a park closing bill. Nothing in this act shall be construed as modifying or terminating any unit of the National Park System without an act of Congress. That is clear. That is the law we are trying to pass. The GAO came before the committee. They said, it is a mess right now; we urge you to do something. This same piece of legislation, with only one difference, and that was this commission, passed unanimously in this House.

The GAO said, you have three options. Eliminate parks, reduce service, or raise the fees. We are going to come before the American people and ask to raise the fees. In 1960, if you drove your car up to Yellowstone, it cost you $10 to get in. In 1995, if you drive to Yellowstone, it is $10 to get in.

The parks are the best deal in America. We want to keep the parks, we want to enhance the parks, we want to make the parks better. We are not like this thing that points out here in the Washington Times of the park giveaway. We do not agree with that idea from the Clinton administration or Mr. Babbitt.

Please join us in supporting this bill. Let us do something good for the national parks and pass this legislation and move on to other legislation which is very important for the parks of America.

Mrs. MINK of Hawaii. Mr. Speaker, I rise to protest a most contentious piece of legislation that threatens the security of our National Park System [NPS]. H.R. 260, the National Park System Reform Act, puts in jeopardy more than 300 NPS units—some of our smallest and lowest-budget parks, but units that nonetheless capture the essence of our Nation's history, culture, and natural beauty.

The bill would call for a "death list" for parks in the development of a National Park System Plan—a recommendation of units among national recreation areas, monuments, preserves, historic sites, and heritage areas—which may be proposed for termination under the bill. This represents an outright denial of our responsibility to protect the American legacy embodied in our national parks.

This bill would repudiate the expertise and discernment of the National Park Service [Service] by instituting a review commission similar to the commission overseeing closure of our military bases. Additionally, Congressional distrust of the Department of Interior [DOI] is evident by a stipulation that should DOI fail to produce the National Park System Plan, this commission would be required to do so. H.R. 260 would introduce a mechanism of excessive congressional oversight in the termination or modification of NPS units by requiring 6 members of this 11-member commission to be appointed by congressional leadership. Through passage of this bill, we would serve the park system a tremendous disservice by allowing it to be highly politicized.

H.R. 260 would strip DOI—the administrative arm overseeing the NPS—of its freedom to work with willing landowners, State governments or municipalities in the creation of new park units. Without the ability to enter into cooperative agreements, DOI will be compromised by an additional level of bureaucracy. The Department will be forced to go through the congressional process to establish new units, which in several cases would mean unnecessary use of taxpayer dollars and a waste of effort.

The State of Hawaii under H.R. 260 would be threatened with the loss of five valuable parks. Kalaupapa National Historical Park is a monument to those with crippling Hansen's Disease. Closure of this park would be most tragic at this time when the figurehead of Kalaupapa, Father Damien deVeuster, is undergoing the process of sainthood.

Kaloko-Honokohau National Historical Park is unique within the NPS as the former site of a thriving settlement of one of our country's native peoples—Native Hawaiians. Within the park's boundaries remain plentiful evidence of the ancient Hawaiian culture that can be found in no other place in the world other than the Hawaiian Islands.

Pu'uhonua o Honaunau National Historical Park also holds very special meaning for Native Hawaiians as the place of refuge—a sacred place upholding basic rules of the Hawaiian society.

Pu'ukohola Heiau National Historical Park preserves a sense of the deep spirituality of the Native Hawaiian people.

H.R. 260 also jeopardizes the future of USS Arizona Memorial which sits at Pearl Harbor as the final resting place for many of the ship's 1,177 crewmen who lost their lives there in 1941.

H.R. 260 would cheat current and future generations of a significant part of American heritage and culture. The National Park System should be reformed through an honest and effective review of park service management and operations, not through the rash elimination of valuable parks benefiting communities in every State.

I emphatically urge my colleagues to defeat this egregious legislation.

Mr. RADANOVICH. Mr. Speaker, I attach a great deal of importance to our system of national parks. It includes many sites that reveal our history and our respect of nature.

Just this past weekend, I had occasion to visit the national military park at Gettysburg, PA. Who could question the wisdom of preserving our country's heritage by providing such a park. That park and many others, including one of the crown jewels, Yosemite National Park, located in my own congressional district, are examples of what national parks are supposed to be. It is out of a concern for the future of our national parks that I support H.R. 260, the National Park Service Reform Act.

This legislation will help solve many of the problems currently facing the National Park Service [NPS] so that it can better meet its objectives of serving visitors and protecting the natural and cultural resources entrusted to it. H.R. 260 does not close a single park or unit. It does require the NPS to further develop a plan and mission for the agency. It then requires that the NPS review the existing 368 areas managed by the agency to determine whether all of them should continue to be managed by the NPS. Any NPS recommendation for the closure of an NPS unit would be subject to review by an independent commission and would require the passage of a separate act of Congress.

As a member of the National Parks, Forests and Lands Subcommittee, I commend Chairman JAMES HANSEN's able leadership for prompting the General Accounting Office's [GAO] telling August 1995 report entitled "National Parks: Difficult Choices Need To Be Made About the Future of the Parks." The GAO report cites what I, too, view as a "further deterioration in national park conditions." I want to acknowledge my acceptance of one of the remedial routes offered in the GAO report, namely, cutting back on the number of units in the system. We do not want to clutter the system with Steamtowns and Suitland Parkways without considering budgetary factors. Though as I said recently in the Fresno Bee, this process "won't be easy and I'm not saying there won't be problems."

It is true that some national park entities might eventually be transferred out of the National Park System. Some such transfers may

well be warranted, and they would not be new. Just last year the Kennedy Center in Washington, DC, was transferred out of the National Park System. The Kennedy Center still operates, and people still enjoy attending concerts there, but it is simply under new management. Similarly, commuter highways serving Washington, DC, like the Suitland and Baltimore-Washington Parkways, should be considered for new management outside of NPS.

It is important to note, Mr. Speaker, that H.R. 260 has the support of both Republican and Democrat members of the Resources Committee, which has jurisdiction over this legislation. it is a good bill, and I am convinced that it will help bring fiscal sanity to the operation of the NPS.

Mr. HOYER. Mr. Speaker, I rise today in opposition to H.R. 260. I am especially troubled that a controversial bill, with bipartisan opposition, would be considered under the Suspension Calendar.

There are some much needed reforms proposed in this bill, including the establishment of a National Park System plan and the requirement for suitability studies of future potential parks.

However, this bill would also seek to sell off much of our Nation's natural, cultural, and recreational heritage. our National Parks.

This bill would create a politically appointed commission whose sole purpose would be to close National Parks for alleged budgetary concerns, not to achieve Park Service reform.

Mr. Speaker, look no further than the recently passed Republican budget for the rationale behind this closure commission: a 10 percent cut in National Park Service funds, a 5-year land acquisition moratorium, and a 50 percent cut in NPS construction.

This legislation could have a dramatic impact on my congressional district. My constituency is proud to have three scenic and historically significant park units located within its borders. The pristine environment and preserved historical viewshed of Mount Vernon is captured within the nearly 4,500 acres of Piscataway Park.

This park is just one of the nearly 370 National Parks frequented last year alone by more than 260 million people from the world over.

Greenbelt Park is one of the last truly development-free plots of land left in the Washington Metropolitan Area. This park serves to remind Marylanders of the importance of our environment and our resources.

Mr. Speaker, in addition, I was very proud to have the home of Thomas Stone, an original signer of the Declaration of Independence, located in Charles County designated as a national historic site in 1993.

If we would have lost that historical plot of land, we would almost never have the opportunity to get it back again. All three of these parks, which benefit not only the citizens of the Fifth Congressional District, but also all Americans, would be eligible for closure under this legislation.

However, this House ought not be fooled about the intent of this bill. Members on the other side insist that a park-closure commission is necessary to prioritize for the National Park Service.

What we are in essence telling the Park Service is that you do not know how to do your job—that after years of management and oversight we are now going to go over your heads and let a politically appointed commission decide what to keep open and what to close.

We just create another level of bureaucracy at a time when people are claiming to reduce bureaucracy.

Mr. Speaker, what we need is financial management reform, and enhancement of resource protection efforts. This will enable us to deal with needed Park Service reform without selling off our Nation's most valuable lands and resources.

I urge my colleagues to oppose this shortsighted and very damaging bill so that we can consider commonsense reform that will also protect our Nation's most prized lands.

H.R. 2181, a bipartisan bill sponsored by Representatives RICHARDSON, BOEHLERT, and MORELLA, does just that while not abandoning our efforts to preserve our Nation's history and beauty.

Mr. GEJDENSON. Mr. Speaker, I rise today in strong opposition to bringing HR 260 to the floor under Suspension of the Rules. This procedure should be reserved for non-controversial legislation which has widespread bi-partisan support. I do not believe that HR 260 fits this description. By placing this measure on the Suspension Calendar, the majority is denying Members the ability to offer amendments to this potentially far-reaching bill. By closing off debate, Members on both sides of the aisle will be denied the opportunity to vote on an alternative which the gentleman from New Mexico, Mr. RICHARDSON, my colleagues from New York, Mr. HINCHEY and Mr. BOEHLERT, and I have introduced. Members of this body should have the opportunity to vote on our alternative which will improve management of the Park System without creating a special commission to close our parks. If Members want to keep our parks open, especially smaller and urban parks, then they should vote against HR 260.

Mr. Speaker, I believe that HR 260 is designed to close some of our parks, national monuments, urban recreation areas and historic sites. This bill establishes a BRAC-style commission charged with developing a list of park units which should be removed from Federal management and ownership. Make no mistake about it, this bill would not create a special commission unless it had closure in mind. I do not support closing any of our parks and I do not believe the American people support such action. Contrary to what the advocates of HR 260 will argue, we have not created parks "willy nilly." I believe that each unit of the Park System is nationally significant and represents an important part of our history, culture and heritage. We have set aside spectacular natural treasures, homes of Presidents and recreation areas for the benefit of future generations. The Federal Government has a responsibility to protect these resources, interpret and communicate their significance, and make them available to every American. I do not believe any other entity can adequately safeguard these assets while making them widely available to every citizen.

I am also concerned that HR 260 is merely one in a long line of proposals put forth by some of our Republican colleagues to transfer large tracts of Federal land to States or private interests. For example, legislation have been introduced to transfer more than 260 million acres of Federal land under the jurisdiction of the Bureau of Land Management (BLM) to a handful of western States. With the enactment of the Federal Land Policy and Management Act, the Congress and the American people made a commitment to preserve Federal ownership of public lands. These lands contain billions of dollars worth of minerals, timber and other natural resources and provide hundreds of millions of Americans with recreational opportunities. These proposals will benefit narrow special interests at the expense of the vast majority of the American people.

The bill that Mr. RICHARDSON has developed will improve management of our National Park System, generate important revenue to assist the National Park Service [NPS] in addressing a multibillion dollar maintenance backlog, and ensure that our national treasures are protected for generations to come. It requires the Service to develop a master plan for the system which includes an inventory of existing resources and prioritizes which cultural, natural, and historical resources should be added to the system. It streamlines the process of designating new units by requiring the Service to annually provide the Congress with a list of areas to be studied and those areas of sufficient national significance to warrant inclusion in the system. Finally, our bill requires Congress to authorize studies and designate new park units to ensure that this body retains final authority to determine the scope of the system.

Our bill will also reform out-dated parks concession policy. The current framework was put in place when our parks were remote, visitorship was low and companies had to be enticed to offer visitor services. Today, more than 270 million people visit our parks yearly, easy access is provided via highways and airports, and operating a business in our parks is extremely lucrative. While business is great for concessioners, the American people have failed to receive a fair return for the privilege of operating in their national parks. In 1994, while concessioners earned more than $640 million from park operations, the American people received only $19 million in franchise fees, or about 3 percent of gross receipts. To make matters worse, there is no competition in the awarding of concession contracts and companies receive possessory interest in structures in the public's parks. Possessory interest forces the American people to pay concessioners for the privilege of doing business in their parks. Moveover, possessory interest is not enjoyed by concessioners in sports stadiums or airports.

Our bill contains the text of legislation passed by the House in the 103d Congress which would completely overhaul concession policy. It requires contracts to be awarded on a competitive basis and provide a fair return to the American taxpayers. It eliminates possessory interest and allocates franchise fees to our parks to support a wide range of activities. At the same time, it protects the interests of river guides, outfitters, and other small businesses who provide specialized services and are overwhelmingly family-run operations. These provisions will ensure that

the American people continue to receive high-quality services and begin to enjoy a fair return on the use of their resources.

Finally, this legislation will also generate additional revenue to support park operations by authorizing moderate fee increases at parks which are currently authorized to charge fees. By allowing fees to increase slightly at certain park units, we can generate badly needed revenue to improve park roads and trails and to safeguard increasingly threatened natural resources. It is estimated that this measure will generate $30 million in revenue to maintain our parks. Importantly, these fees will go into a special fund in the Treasury which will be directly available to the Secretary of Interior for park-related purposes. This provision guarantees that fees paid by visitors will go to the parks and not be used to offset the deficit or to fund other programs. The American people are willing to pay a little more as long as they know that their entrance fees will be reinvested in the parks.

Mr. Speaker, by bringing H.R. 260 to the floor under Suspension of the Rules, the Republican leadership is denying Members on both sides of the aisle the opportunity to vote for a reasonable alternative. Once again, we see that talk about openness and giving Members of this body the opportunity to work their will is hollow. As a result, the American people are going to see their parks close or be sold to the highest bidder. These treasures are too important to be a pawn in a game of legislative chess. I urge my colleagues to vote against H.R. 260.

Mrs. MORELLA. Mr. Speaker, it is with both surprise and concern that a piece of legislation as far reaching, complex, and, yes, controversial, would be offered on the Suspension Calendar. This bill, H.R. 260, passed through the Resources Committee by a 34 to 8 vote which does, superficially, indicate there may be the ⅔ support that is necessary for a suspension bill to pass. However, there are serious dissenting views that should be considered and debated by Members of Congress.

In addition, another bill was introduced by beginning of August by the Ranking Member of the Subcommittee on National Parks, Forests and Lands, Representative BILL RICHARDSON, that has bipartisan support. Two Republicans, Mr. BOEHLERT and myself, and two Democrats are original cosponsors. I feel very strongly that Members should be allowed to consider this thoughtful and comprehensive substitute bill, H.R. 2181, inasmuch as H.R. 260 is not the only choice we have to manage effective reform of our National Park System.

H.R. 2181 was introduced primarily in response to the more contentious sections of H.R. 260, including Section 103, National Park System Review Commission, which includes the establishment of what has been characterized as a Park Closing Commission. This section is very troublesome to me because I believe that it is unnecessary—a system already exists to close any park that does not meet specified standards. And it is overly threatening to the smaller, less glamorous parks in our system that lack a voice of advocacy, but represent an idea, a culture, or an area that is significant to our national heritage. I have two parks in my district that could come under this classification: Glen Echo Park and the C & O Canal Historical Park. I suspect that almost every Member of Congress has similar unheralded park in their district.

Therefore, Mr. Speaker, I believe that we are entitled to a full discussion of H.R. 260 on the floor of the House.

Mr. SHAW. Mr. Speaker, I rise today to voice my support for H.R. 260, the National Park System Reform Act of 1995. First, I would like to clear up any misconceptions about the nature of this bill. H.R. 260 does not close a single park. As a strong supporter of the preservation of native resources, I would never support a bill that threatened our national parks.

In the last 10 years, the National Park Service budget has more than doubled, increasing by more than 30 percent above the rate of inflation. Despite these substantial increases, the National Park Service claims that their agency is suffering huge funding shortages. In the past, when similar proposed budget cuts have been recommended, the NPS has responded by threatening to close highly visible areas. In the NPS budget request for fiscal year 1996 only 48 percent of the $1.5 billion requested goes directly to fund park operations. In the remaining 52 percent of the budget, the administration has requested funding for projects such as $1 million to repair the White House sidewalks. Clearly, NPS funding could afford to be cut in many areas with little or no effect on parks. In fact, the National Park Service has already submitted a report to Congress recommending specific programs that could be cut to meet the budget reductions, without closing parks.

Many ask why the National Park Service doesn't just increase its park entrance fees. Currently, the NPS collects fees at only one-third of the areas it administers, resulting in the failure of the NPS to collect $60 million annually.

H.R. 260 is similar in scope to a bill which passed the House by a vote of 421 to 0 last Congress. It requires the NPS to develop the first plan in the history of the agency to define the mission of the agency. In addition, it requires that the NPS review the existing 368 areas managed by the agency—excluding the 54 national parks—to determine if all of them should continue to be managed by the NPS.

I quote directly from the bill, "Nothing in this Act shall be construed as modifying or terminating any unit of the National Park System without a subsequent Act of Congress." This bill is not designed to save money but to ensure that our park system continues to be the best in the world.

Mr. REED. Mr. Speaker, I recognize the serious difficulties that face our National Park System, including the deterioration of our public lands and the impact of likely budget cuts. Like many of my colleagues, I strongly believe that we must address these challenges. However, I do not believe that H.R. 260 is the best way to do so.

Two bills intended to reform the National Park Service have been introduced to the House of Representatives this year. Both of these measures, H.R. 260 and H.R. 2181, recognize the need for efforts to improve the management of our national parks, but they adopt very different approaches toward this important goal.

H.R. 2181 would generate the revenue that our National Park Service needs to improve its visitor services and repair roads and trails in parks across the country. This bill would require individuals who sell concessions in our national parks to provide a fair return to our Nation's citizens for the first time in decades. H.R. 2181 would also make modest modifications in the fees charged for the use of our national parks and would direct the added revenue toward the needs of the National Park System.

H.R. 260 would require the Interior Department to develop a comprehensive plan for the future of the National Park System. This bill, however, would also create a closure commission to recommend which of our nation's park units should be closed or privatized. Among the likely targets of such a commission would be hundreds of small, but important parks across the country.

One such park is the Roger Williams National Memorial in Providence, RI. This park is very small, both in its area and its demands on Federal funding, but it meets a large need of many Rhode Islanders. Each year, nearly 150,000 people visit the park, which, like its namesake, represents the best of our country. Roger Williams, who founded my home State, remains a proud example of our Nation's commitment to religious freedom. The park bearing his name honors his contribution to our Nation's history and provides Rhode Islanders with a needed recreational and environmentally preserved area in our State's capital city.

The status of the Roger Williams National Memorial and the hundreds of parks like it nationwide is a critical issue that deserves full and open debate. However, by bringing H.R. 260 to the floor under suspension of the rules, the Republican majority prevents open debate on this issue. Today, the House will not even consider H.R. 2181, despite the fact that this well-crafted measure is sponsored by distinguished members of both parties.

I urge my colleagues to stand for open debate on the future of our national parks. I urge my colleagues to oppose H.R. 260.

Mr. LAZIO of New York. Mr. Speaker, I rise today to oppose H.R. 260, the National Park System Reform Act. Though there is a need to review the viability and status of national parks, in this era of fiscal constraint and increasing demand on the park system,

the issues of park reform and review are not simple ones. This type of legislation should not be brought up under the suspension of the rules. The gravity of this bill calls for further debate and the possibility of offering amendments to this bill.

H.R. 260 would establish an 11-member Natural Park System Review Commission, which would make recommendations to Congress regarding which parks should be closed or managed differently. This commission does not have the authority to close or modify parks of its own accord and only presents non-binding recommendations to Congress. Nevertheless, we need to ensure that these recommendations are not simply rubber-stamped by Congress, but are, indeed, thoroughly reviewed.

Coastal areas are unique in character, and our national seashores should not be grouped along with the land-locked national parks when a review is made. My specific concern is for the preservation of the Fire Island National Seashore in its present form. This barrier island stands defiantly facing the Atlantic Ocean while protecting the waters of the Great South Bay and the mainland of Long Island. Fire Island residents have created 17 separate communities not only for summer recreation, but also to preserve the island's natural heritage. Congress was wise to grant Fire Island its current status as a National Seashore. A determination of this importance should not be reserved without proper safeguards. In order to continue to preserve our coastline's natural heritage, we need to ensure that Fire Island is protected in its present form. Bringing this bill up under the suspension of the rules without the opportunity to offer amendments or for additional debate will not ensure the proper protection for the Fire Island National Seashore or other coastal parks. I urge my colleagues to defeat H.R. 260 under the suspension of rules. This is not the right legislative procedure for a proper review of our national parks.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the bill, H.R. 260, as amended.

The question was taken.

Mr. RICHARDSON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

PROVIDING FOR THE ADMINISTRATION OF CERTAIN PRESIDIO PROPERTIES

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1296), to provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer, as amended.

The Clerk read as follows:

H.R. 1296

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

SECTION 1. FINDINGS.

The Congress finds that—

(1) the Presidio, located amidst the incomparable scenic splendor of the Golden Gate, is one of America's great natural and historic sites;

(2) the Presidio is the oldest continuously operated military post in the Nation dating from 1776, and was designated a National Historic Landmark in 1962;

(3) preservation of the cultural and historic integrity of the Presidio for public use recognizes its significant role in the history of the United States;

(4) the Presidio, in its entirety, is located within the boundary of the Golden Gate National Recreation Area, in accordance with Public Law 92-589;

(5) the Presidio's significant natural, historic, scenic, cultural, and recreational resources must be managed in a manner which is consistent with sound principles of land use planning and management, and which protects the Presidio from development and uses which would destroy the scenic beauty and historic and natural character of the area; and

(6) the Presidio can best be managed through an innovative public/private partnership that minimizes cost to the United States Treasury and makes efficient use of private sector resources that could be utilized in the public interest.

SEC. 2. AUTHORITY AND RESPONSIBILITY OF THE SECRETARY OF THE INTERIOR.

(a) INTERIM AUTHORITY.—The Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") is authorized to manage leases in existence on the date of this Act for properties under the Administrative jurisdiction of the Secretary and located at the Presidio. Upon the expiration of any such lease, the Secretary may extend the lease for a period terminating 6 months after the first meeting of the Presidio Trust at which a quorum is present. After the date of the enactment of this Act, the Secretary may not enter into any new leases for property at the Presidio to be transferred to the Presidio Trust under this Act. Notwithstanding section 1341 of title 31 of the United States Code, the proceeds from any such lease shall be retained by the Secretary and such proceeds shall be available, without further appropriation, for the preservation, restoration, operation and maintenance, improvement, repair and related expenses incurred with respect to Presidio properties. For purposes of any such lease, the Secretary may adjust the rental by taking into account any amounts to be expended by the lessee for preservation, maintenance, restoration, improvement, repair and related expenses with respect to properties within the Presidio.

(b) PUBLIC INFORMATION AND INTERPRETATION.—The Secretary shall be responsible, in cooperation with the Presidio Trust, for providing public interpretative services, visitor orientation and educational programs on all lands within the Presidio.

(c) OTHER.—Those lands and facilities within the Presidio that are not transferred to the administrative jurisdiction of the Presidio Trust shall continue to be managed by the Secretary. The Secretary and the Presidio Trust shall cooperate to ensure adequate public access to all portions of the Presidio.

(d) PARK SERVICE EMPLOYEES.—*Notwithstanding any other provision of law, the Trust shall have sole discretion over whether to employ persons previously employed by the National Park Service in the Department of the Interior. Career employees of the National Park Service, employed at the Presidio as of the time of the transfer of lands and facilities to the Presidio Trust, shall not be separated from the Service by reason of such transfer.*

SEC. 3. THE PRESIDIO TRUST.

(a) ESTABLISHMENT.—There is established a wholly owned government corporation to be known as the Presidio Trust (hereinafter in this Act referred to as the "Trust").

(b) TRANSFER.—(1) Within 60 days after receipt of a request from the Trust for the transfer of any parcel within the area depicted as area B on the map entitled "Presidio Trust Number 1," dated June 1995, the Secretary shall transfer such parcel to the administrative jurisdiction of the Trust. Within one year after the first meeting of the Board of Directors of the Trust at which a quorum is present, the Board shall request the Secretary to transfer any remaining parcels within such area B. Such map shall be on file and available for public inspection in the offices of the Trust and in the offices of the National Park Service, Department of the Interior. The Trust and the Secretary may jointly make technical and clerical revisions in the boundary depicted on such map. Such areas shall remain within the boundary of the Golden Gate National Recreation Area. The Secretary shall retain those portions of the building identified as number 103 as the Secretary deems essential for use as a visitor center. The building shall be named the "William Penn Mott Visitor Center". With the consent of the Secretary, the Trust may at any time transfer to the administrative jurisdiction of the Secretary any other properties within the Presidio which are surplus to the needs of the Trust and which serve essential purposes of the Golden Gate National Recreation Area. The Trust is encouraged to transfer to the administrative jurisdiction of the Secretary open space areas which have a high public use potential and are contiguous to other lands administered by the Secretary.

(2) The Secretary shall transfer, with the transfer of administrative jurisdiction over any property, all leases, concessions, licenses, permits, and other agreements relating to such property. Upon the transfer of such property the Secretary shall transfer the unobligated balance of all funds appropriated to the Secretary for the operation of the Presidio, together with any revenues and unobligated funds associated with leases, concessions, licenses, permits, and agreements relating to properties transferred to the Trust.

(c) BOARD OF DIRECTORS.—

(1) IN GENERAL.—The powers and management of the Trust shall be vested in a Board of Directors (hereinafter referred to as the "Board") consisting of the following 7 members:

(A) The Secretary of the Interior or the Secretary's designee.

(B) Six individuals, who are not employees of the Federal Government, appointed by the President, who shall possess extensive knowledge and experience in one or more of the fields of city planning, finance, real estate, and resource conservation. At least 3 of these individuals shall reside in the city and county of San Francisco. The President shall make the appointments referred to in this subparagraph within 90 days after the enactment of this Act.

(2) TERMS.—Members of the Board appointed under paragraph (1)(B) shall each serve for a term of 4 years, except that of the members first appointed, 3 shall serve for a term of 2 years. Any vacancy in the Board shall be filled in the same manner in which the original appointment was made, and any member appointed to fill a vacancy shall serve for the remainder of the term for which his or her predecessor was appointed. No appointed director may serve more than 8 years in consecutive terms. No member of the Board of Directors may have a development or financial interest in any tenant or property of the Presidio.

(3) QUORUM.—Four members of the Board shall constitute a quorum for the conduct of business by the Board.

(4) ORGANIZATION AND COMPENSATION.—The Board shall organize itself in such a manner as it deems most appropriate to effectively carry out the authorized activities of the Trust. Board members shall serve without pay, but may be reimbursed for the actual and necessary travel and subsistence expenses incurred by them in the performance of the duties of the Trust.

(5) LIABILITY OF DIRECTORS.—Members of the Board of Directors shall not be considered Federal employees by virtue of their membership on the Board, except for purposes of the Federal Tort Claims Act and the Ethics in Government Act.

(6) PUBLIC LIAISON.—The Board shall meet at least 3 times per year in San Francisco and at least one meeting shall be open to the public. The Board shall establish procedures for providing public information and opportunities for public comment regarding policy, planning, and design issues through the Golden Gate National Recreation Area Advisory Commission.

(d) DUTIES AND AUTHORITIES.—In accordance with the purposes set forth in this Act and in section 1 of the Act entitled "An Act to establish the Golden Gate National Recreation Area in the State of California, and for other purposes", approved October 27, 1972 (Public Law 92-589; 86 Stat. 1299; 16 U.S.C. 460bb), and in accordance with the general objectives of the general management plan approved for the Presidio, the Trust shall manage the leasing, maintenance, rehabilitation, repair and improvement of property within the Presidio which is under its administrative jurisdiction. The Trust may participate in the development of programs and activities at the properties that have been transferred to the Trust. In exercising its powers and duties, the Trust shall have the following authorities:

(1) The Trust is authorized to manage, lease, maintain, rehabilitate and improve, either directly or by agreement, those properties within the Presidio which are transferred to the Trust by the Secretary.

(2)(A) The Trust is authorized to negotiate and enter into such agreements, leases, contracts and other arrangements with any person, firm, association, organization, corporation or governmental entity, including without limitation entities of Federal, State and local governments (except any agreement to convey fee title to any property located at the Presidio) as are necessary and appropriate to finance and carry out its authorized activities. Agreements under this paragraph may be entered into without regard to section 321 of the Act of June 30, 1932 (40 U.S.C. 303b).

(B) Except as provided in subparagraphs (C), (D), and (E), Federal laws and regulations governing procurement by Federal agencies shall apply to the Trust.

(C) In exercising authority under section 303(g) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(g)) relating to simplified purchase procedures, the Trust is authorized, to use as the dollar limit of each purchase or contract under this subsection an amount which does not exceed $500,000.

(D) In carrying out the requirement of section 18 of the Office of Federal Procurement Policy Act (41 U.S.C 416), the Trust is authorized to furnish the Secretary of Commerce for publication notices of proposed procurement actions, to use as the applicable dollar threshold for each expected procurement an amount which does not exceed $1,000,000.

(E) The Trust shall establish procedures for lease agreements and other agreements for use and occupancy of Presidio facilities, including a requirement that in entering into such agreements the Trust shall obtain reasonable competition.

(F) The Trust shall develop a comprehensive program for management of those lands and facilities within the Presidio which are transferred to the Trust. Such program shall be designed to reduce costs to the maximum extent possible. In carrying out this program, the Trust shall be treated as a successor in interest to the National Park Service with respect to compliance with the National Environmental Policy Act and other environmental compliance statutes. Such program shall consist of—

(i) demolition of all structures which cannot be cost-effectively rehabilitated and are not of the highest degree of historical significance,

(ii) new construction which would be limited to replacement of existing structures of similar size in existing areas of development, and

(iii) examination of a full range of reasonable options for carrying out routine administrative and facility management programs. The Trust shall consult with the Secretary in the preparation of this program.

(3) The Trust is authorized to appoint and fix the compensation and duties of an executive director and such other officers and employees as it deems necessary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may pay them without regard to the provisions of chapter 51, and subchapter III of chapter 53, title 5, United States Code (relating to classification and General Schedule pay rates).

(4) To augment or encourage the use of non-Federal funds to finance capital improvements on Presidio properties transferred to its jurisdiction, the Trust, in addition to its other authorities, shall have the following authorities:

(A) The authority to guarantee any lender against loss of principal or interest on any loan, provided that (i) the terms of the guarantee are approved by the Secretary of the Treasury, (ii) adequate guarantee authority is provided in appropriations Acts, and (iii) such guarantees are structured so as to minimize potential cost to the Federal Government. No loan guarantee under this Act shall cover more than 75 percent of the unpaid balance of the loan. The Secretary of the Treasury shall collect a commercially reasonable guarantee fee in connection with each loan guaranteed under this Act. The authority to enter into any such loan guarantee agreement shall expire at the end of 12 years after the date of enactment of this Act.

(B) The authority, subject to available appropriations, to make loans to the occupants of property managed by the Trust for the preservation, restoration, maintenance, or repair of such property.

(C) The authority to issue obligations to the Secretary of the Treasury, but only if the Secretary of the Treasury agrees to purchase such obligations after determining that the projects to be funded from the proceeds thereof are credit worthy and that a repayment schedule is established. The Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under chapter 31 of title 31, United States Code, and the purposes for which securities may be issued under such chapter are extended to include any purchase of such notes or obligations acquired by the Secretary of the Treasury under this subsection. The aggregate amount of obligations issued under this subparagraph which are outstanding at any one time may not exceed $50,000,000. Obligations issued under this subparagraph shall be in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary of the Treasury, and shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities. No funds appropriated to the Trust may be used for repayment of principal or interest on, or redemption of, obligations issued under this paragraph. All obligations purchased under authority of this subparagraph must be authorized in advance in appropriations Acts.

(D) The Trust shall be deemed to be a public agency for the purpose of entering into joint exercise of powers agreements pursuant to California government code section 6500 and following.

(5) The Trust may solicit and accept donations of funds, property, supplies, or services from individuals, foundations, corporations, and other private or public entities for the purpose of carrying out its duties. The Trust shall maintain philanthropic liaison with the Golden Gate National Park Association, the fund raising association for the Golden Gate National Recreation Area.

(6) Notwithstanding section 1341 of title 31 of the United States Code, all proceeds received by the Trust shall be retained by the Trust, and such proceeds shall be available, without further appropriation, for the preservation, restoration, operation and maintenance, improvement, repair and related expenses incurred with respect to Presidio properties under its jurisdiction. Upon the request of the Trust, the Secretary of the Treasury shall invest excess moneys of the Trust in public debt securities with maturities suitable to the needs of the Trust.

(7) The Trust may sue and be sued in its own name to the same extent as the Federal Government. Litigation arising out of the activities of the Trust shall be conducted by the Attorney General, as needed; except that the Trust may retain private attorneys to provide advice and counsel, and to represent the Trust in proceedings to enforce and defend the contractual obligations of the Trust.

(8) The Trust shall have all necessary and proper powers for the exercise of the authorities invested in it.

(9) For the purpose of compliance with applicable laws and regulations concerning properties transferred to the Trust by the Secretary, the Trust shall negotiate directly with regulatory authorities.

(e) INSURANCE.—The Trust shall procure insurance against any loss in connection with

the properties managed by it or its authorized activities as is reasonable and customary.

(f) BUILDING CODE COMPLIANCE.—The Trust shall bring all properties under its jurisdiction into compliance with Federal building codes and regulations appropriate to use and occupancy within 10 years after the enactment of this Act.

(g) TAXES.—The Trust shall be exempt from all taxes and special assessments of every kind in the State of California, and its political subdivisions, including the city and county of San Francisco.

(h) FINANCIAL INFORMATION AND REPORT.—(1) The Trust shall be treated as a wholly owned Government corporation subject to chapter 91 of title 31, United States Code (commonly referred to as the Government Corporation Control Act). Financial statements of the Trust shall be audited annually in accordance with section 9105 of title 31 of the United States Code.

(2) At the end of each calendar year, the Trust shall submit to the Congress a comprehensive and detailed report of its operations, activities, and accomplishments for the prior fiscal year. The report also shall include a section that describes in general terms the Trust's goals for the current fiscal year.

(i) SAVINGS CLAUSE.—Nothing in this section shall preclude the Secretary from exercising any of the Secretary's lawful powers within the Presidio.

(j) LEASING.—In managing and leasing the properties transferred to it, the Trust should consider the extent to which prospective tenants maximize the contribution to the implementation of the General Management Plan for the Presidio and to the generation of revenues to offset costs of the Presidio. The Trust shall give priority to the following categories of tenants: tenants that enhance the financial viability of the Presidio thereby contributing to the preservation of the scenic beauty and natural character of the area; tenants that facilitate the cost-effective preservation of historic buildings through their reuse of such buildings, or tenants that promote through their activities the general programmatic content of the plan.

(k) REVERSION.—If the Trust reasonably determines by a two-thirds vote of its Board of Directors that it has materially failed to, or cannot, carry out the provisions of this Act, all lands and facilities administered by the Trust shall revert to the Secretary of Defense to be disposed of in accordance with section 2905(b) of the Defense Authorization Act of 1990 (104 Stat. 1809), except that—

(1) the terms and conditions of all agreements and loans regarding such lands and facilities entered into by the Trust shall be binding on any successor in interest; and

(2) the city of San Francisco shall have the first right of refusal to accept all lands and facilities formerly administered by the Trust.

(l) LIMITATIONS ON FUNDING.—(1) From amounts made available to the Secretary for the operation of areas within the Golden Gate National Recreation Area, not more than $25,000,000 shall be available to carry out this Act in each fiscal year after the enactment of this Act until the plan is submitted under paragraph (2). Such sums shall remain available until expended.

(2) Within one year after establishment of the Trust, the Trust shall submit to Congress a plan which includes a schedule of annual decreasing Federally appropriated funding such as will achieve total self-sufficiency for the Trust within 12 complete fiscal years after establishment of the Trust. That plan shall provide for annual reductions in Federally appropriated funding such that the Trust will be 80 percent self-sufficient at the end of 7 complete fiscal years after establishment. The plan shall provide for elimination of all Federally appropriated funding for public safety and fire protection purposes on lands or facilities administered by the Trust at the end of 5 complete fiscal years after establishment of the Trust. For each of the 11 fiscal years after fiscal year 1997, there are authorized to be appropriated to the Trust not more than the amounts specified in such plan. Such sums shall remain available until expended.

(m) GAO AUDIT.—Ten years after the date of establishment of the Trust, the General Accounting Office shall conduct a complete audit of the activities of the Trust and shall report the results of that audit to the appropriate congressional committees. The General Accounting Office shall include in that audit an analysis of the ability of the Trust to initiate payments to the Treasury.

(n) SEPARABILITY OF PROVISIONS.—If any provisions of this Act or the application thereof to any body, agency, situation, or circumstance is held invalid, the remainder of the Act and the application of such provision to other bodies, agencies, situations, or circumstances shall not be affected thereby.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah [Mr. HANSEN] will be recognized for 20 minutes, and the gentleman from New Mexico [Mr. RICHARDSON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

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

Mr. Speaker, I rise in strong support of H.R. 1296, bipartisan legislation introduced by the gentlewoman from San Francisco, which addresses what to do with the Presidio of San Francisco. Mr. Speaker, because of a single sentence in a 23-year-old piece of legislation, the Presidio has the potential to become the most expensive area in the National Park System. I believe that the framework outlined in this legislation for future management of the Presidio embodies the type of innovative thinking and reduced dependence on the Federal Government which voters sought last November, and I commend Ms. PELOSI for leading the way with her legislation.

In 1989, the Department of the Army, through the base closure process, determined that the Presidio was surplus to their needs. The 1972 Act establishing Golden Gate National Recreation Area called for the administrative jurisdiction of the Presidio to be transferred to the National Park Service, if it was ever determined to be surplus to the needs of the Department of the Army. Thus began a lengthy, multimillion dollar planning effort by the NPS to determine the future of the area.

To their credit, from the outset the NPS recognized that the 6 million square feet of building space at the Presidio was far more space than the NPS could use. With hospitals, warehousing, 1500 housing units, fast food outlets, bowling alleys, churches, gymnasiums, as well as over 500 historic buildings, it was an area unlike any ever managed by the NPS. Unfortunately, the NPS plan failed to examine all the reasonable alternatives for the Presidio.

After spending nearly 4 years and over $1 million, the NPS came up with a plan estimated to cost nearly $700 million in one-time capital expenditures and $40 million in annual operating costs for the foreseeable future to implement. It was a plan with lots of pretty pictures and interesting ideas about a world center for social, cultural, and environmental awareness; but it was a plan with no basis in reality. In fact, the plan was so unrealistically dependent on Federal funding, that if allowed to go forward it appeared likely that the resources of the Presidio would be in great jeopardy. The media is already reporting how the Presidio has fallen into disrepair in the 11 months since the National Park Service took over the area and began implementation of their plan.

Under the National Park Service plan, the cost to operate the 1,400 acres of Golden Gate National Recreation Area within the Presidio was going to be more than twice as much as the most expensive park in the park system; Yellowstone National Park which costs about $20 million per year to operate its 2.3 million acres.

While the Presidio is a beautiful location, and certainly one of the most outstanding urban settings in the country, if not in the world, it is not the type of area which should be managed by the National Park Service. Based on considerable review of the situation over the last several years, the committee has come to the conclusion that the most effective way to reduce costs at the Presidio, and ultimately to save it, is to turn management of large portions of it over to those with expertise in management of such properties.

Therefore, this legislation establishes the nonprofit Presidio Trust to take over management of about 80 percent of the Presidio, consisting of most of the built environment. Under the proposal before us today, the National Park Service would retain responsibility for management of the undeveloped open space areas and primary recreational use activities, as well as key historic structures, such as Fort Point. This is not a new idea. In fact, in reviewing the legislative history of the 1972 act, that is precisely the role which was envisioned for the National Park Service by the author of the law.

Under terms of the bill, Federal funding for portions of the Presidio transferred to the Presidio Trust would be phased out after 12 years. This represents a savings of hundreds of millions of dollars compared to the plan

developed by the National Park Service.

It has not been easy to convince those who still believe that the Federal Government has all the answers and unlimited funds that such a solution is the best one for the Presidio. In fact, some remain unconvinced. For this reason, I appreciate even more the efforts of Ms. PELOSI to work to resolve my concerns and those of others on this bill. I urge my colleagues to join me in supporting this important bill and look forward to swift action on this bill in the Senate.

□ 1715

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

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

Mr. Speaker, H.R. 1296, as reported from the committee, represents what we hope is a workable compromise regarding the management of the Presidio. This important measure was originally introduced by my good friend and colleague, NANCY PELOSI. The gentlewoman is to be commended for her hard work and dedication in addressing the issues facing the management of the Presidio. Representative PELOSI has worked tirelessly to protect her constituents' interests and the national interests at the Presidio. I commend her for seeking to protect the nationally significant resources of the Presidio while being mindful of budgetary restraints.

The Presidio contains a combination of natural, historical, and recreational resources which are both significant and unique. There should be no question about the high degree of national significance of the Presidio, nor about our obligation to preserve and interpret these resources for present and future generations.

The real question facing the Congress is how do we succeed in preserving the precious national assets of the Presidio in a manner which is sensitive to the budgetary restraints of the Federal Government. Already the Presidio is being operated at a significant cost savings when compared to its previous operation as a military post. Representative PELOSI's legislation is an innovative solution for operating the Presidio in the most cost-effective manner. This is a bipartisan effort that has not only had the active support of the administration, but also of the Governor, the mayor, and the San Francisco community, particularly the business community.

Clearly, Mr. Speaker, the amendment in the nature of a substitute that was agreed to in the committee is a compromise document. It is something that, nevertheless, preserves a great part of our American heritage while reducing the cost to the Federal Government. I am concerned though, that the amendment sets unrealistic deadlines for achieving financial self-sufficiency. However, I recognize that we all had to compromise in order to reach agreement and I want to thank Mr. HANSEN for all his work on this matter.

Mr. Speaker, we need to move ahead with H.R. 1296. This legislation is the only viable solution to dealing with the Presidio. As much as some may like the idea, sale, or transfer will not work. Those options would involve a cumbersome and costly 10–15 year process with no assurance of success in the end.

I support H.R. 1296, as amended, and would urge its adoption by the House.

Mr. Speaker, I yield 5 minutes to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I thank the gentleman from New Mexico [Mr. RICHARDSON] for yielding this time to me, and for his cooperation in bringing this legislation to the floor, and his kind words about this bill. I am pleased to join my colleagues, the gentleman from Alaska [Mr. YOUNG] the gentleman from Utah [Mr. HANSEN], and the ranking member, the gentleman from California [Mr. MILLER], in bringing H.R. 1296 before the House today. As chairman of the subcommittee, the gentleman from Utah [Mr. HANSEN] has worked tirelessly providing the leadership and the framework for the legislation before us today to reduce Federal exposure at the Presidio while preserving the Presidio in the public domain. Chairman HANSEN has been firm in his intent to reduce costs, steadfast in his pursuit of a compromise, and determined in his bipartisan approach. I am grateful to him for his efforts on behalf of the Presidio. The ranking member, the gentleman from California [Mr. MILLER], has been a defender of the Presidio for many years. As always, I am grateful for his leadership, advice, and support. Phil Burton, a former Member of this body, a leader here, would be proud of the gentleman from California's role in this effort. I also appreciate the cooperation of the gentleman from Alaska [Mr. YOUNG]. I want to thank the Members on the Republican side who believed in H.R. 1296 enough to cosponsor the legislation: the gentleman from New York [Mr. GILMAN], the gentleman from California [Mr. HORN], the gentleman from California [Mr. GALLEGLY], the gentleman from California [Mr. RADANOVICH], the gentleman from Nebraska [Mr. BEREUTER]; and on our side my colleague, the gentleman from San Francisco, CA [Mr. LANTOS]. I appreciate their confidence in the Presidio Trust legislation and their desire to see this bill passed by Congress today.

Before I go any further, Mr. Speaker, I also want to acknowledge the hard work and dedication of my staff person, my administrative assistant, Judy Lemons, who also worked on the Interior Committee, when it was called that, under Phillip Burton on the subcommittee. She was present at the birth of the Golden Gate National Recreation Area. When we celebrate the Presidio from post to park, it will be in large measure because of the hard work of Judy Lemons, and her work would not have been successful without the cooperation, advice, and counsel of Steve Hodag on the minority side, and I want to publicly thank Steve. We have not always agreed on the approach to the Presidio, but, under the leadership of gentleman from Utah [Mr. HANSEN] and the framework for compromise that he established, I think we produced a great product that will reach our goals of reducing cost to the taxpayers while preserving this national treasure.

Before again I go any further, Mr. Speaker, I want to acknowledge with great gratitude the role that the U.S. Army has played in the Presidio. They have created the rich historic and environmental resource that it it today. They planted the trees, they preserved the history, they trained our soldiers, and they have left a great legacy to our Nation, and so it is in that spirit that we move this legislation to take the Presidio from post to park in a way that preserves the heritage that they invested in for so long.

Support for the Golden Gate National Recreation Area, of which the Presidio will be a part, has, as I mentioned, we have bipartisan supporters for this legislation, but bipartisan support for urban parks, the GGNRA, along with Gateway NRA in New York was championed by President Nixon, his belief that, quote, parks should be brought to the people, end of quote. There was strong bipartisan support in Congress for these urban national park initiatives when they were approved in 1972. At that time former Representative Phillip Burton authorized the legislation, authorized the creation of the Golden Gate National Recreation Area.

I will place my full statement in the RECORD, Mr. Speaker, but I just did want to say briefly that H.R. 1296 creates a Presidio Trust to implement the conversion from post to park. This bill was introduced on March 22, 1995. It represents a bipartisan, and I keep saying that word, effort to merge economic realities, as the gentleman from Utah [Mr. HANSEN] acknowledged, with park stewardship in order to maximize revenue potential and minimize the cost to American taxpayers. I believe the legislation achieves these twin goals in its plan for the first time actually to reduce Federal cost for our national park.

Concerns were raised last year, as the gentleman from Utah [Mr. HANSEN] mentioned, about the cost of operating the Presidio under the National Park Service. The majority and minority in this Congress have worked to address

many of these concerns. That is why I am so proud that we have the support of the gentleman from Utah [Mr. HANSEN] in this legislation. The version of H.R. 1296 before us today actually is the Hansen substitute, reflects many areas of compromise which were intended to protect taxpayers as well as to preserve the unique qualities of the Presidio, as I have described. Mr. Speaker, it calls for self-sufficiency in a time certain.

Mr. Speaker, in the interests of time, as I say, I am going to place more of my statement in the RECORD, but I would like to state for the RECORD publicly that the Presidio Trust would comply with the National Historic Preservation Act, the National Environmental Policy Act, the National Historic Landmark Act, the GGNRA general management plan.

The SPEAKER pro tempore (Mr. FOLEY). The time of the gentlewoman from California [Ms. PELOSI] has expired.

Mr. HANSEN. Mr. Speaker, I yield 2 additional minutes to the gentlewoman from California.

Ms. PELOSI. Mr. Speaker, in addition to complying with all of these laws, H.R. 1296, Presidio Trust legislation, support covers a broad spectrum from environmental groups, community organizations, and historic preservation groups to national business leaders. The ranking member, the gentleman from New Mexico [Mr. RICHARDSON], mentioned some of these, and I will just briefly mention them and place in the RECORD leaders and lists from these organizations and lists of other organizations, a letter from the National Historic Trust for Preservation, the Sierra Club, the Presidio Task Force, People for the Golden Gate National Recreation Area, San Francisco Tomorrow, and a letter signed by some of the Nation's leading CEO's and business leaders strongly supporting the legislation. The list goes on and on. As the gentleman from New Mexico mentioned, the Governor of California, the mayor of San Francisco, and also the League of Women Voters. A complete list is included for the RECORD.

Mr. Speaker, in closing I would like to say the picture of the Presidio in the GGNRA, of which this is a part, would not be complete without mentioning the work of Amy Meier, who has been engaged in efforts to preserve the GGNRA and Presidio for almost 25 years. There are hundreds of others in our community who were involved in the 5-year planning process for the Presidio. Community leaders from the San Francisco Bay area have also devoted their considerable talent and time to participate in the community and in congressional hearings on behalf of the Presidio Trust. They are stalwarts beyond comparison, and I greatly appreciate their work.

In further closing, Mr. Speaker, I want to thank my many colleagues who have made a special effort to learn more about the Presidio and the concept of the trust. Many of the San Francisco Bay area community deserve praise for their constant support and effort on behalf of the Presidio and for future generations.

Mr. Speaker, I think that in passing this legislation we will not only set up a model for how we can go from post to park, a model for how we can fund national parks in the least exposure to the taxpayer, but also a model of bipartisan support in this Congress on how we can work together to achieve our goals, aside from once again urging our colleagues to support the Presidio legislation.

Mr. Speaker, I am pleased to join my colleagues, Chairman YOUNG, Chairman HANSEN, and ranking member GEORGE MILLER, in bring H.R. 1296 before the House today.

Mr. HANSEN and I have worked side by side over recent months to develop a bill that would reduce the Federal exposure at the Presidio while preserving the Presidio in the public domain. Chairman HANSEN has been firm in his intent to reduce costs, steadfast in his pursuit of a compromise and determined in his bipartisan approach. I am grateful to him for his efforts on behalf of the Presidio.

The ranking member, Mr. MILLER, has been a defender of the Presidio for many years. As always, I am grateful for his leadership, advice, and support. Phil Burton would be proud of his part in this effort. I also appreciate the cooperation of Chairman DON YOUNG.

I also want to thank the members who believe in H.R. 1296 and cosponsored the bill: Mr. GILMAN, Mr. HORN, Mr. GALLEGLY, Mr. RADANOVICH, Mr. BEREUTER, and Mr. LANTOS. I appreciate their confidence in the Presidio Trust and their desire to see this bill passed by Congress.

A RICH MILITARY HISTORY

Many of you are familiar with the Presidio, and many of you have visited or served in the military at the Presidio. It represents a harmony of history that spans a history as old as our democracy. Since 1776, the Presidio has served under the flags of three nations—Spain, Mexico, and the United States.

This rich military history is blended with a cultural landscape which includes the Ohlone Indians who lived in the area 5,000 years before the Spanish arrived, the Spanish who colonized California, the American pioneers who settled the West, followers of the gold rush, and immigrants from Asia and soldiers returning from war whose first sight of home was the Presidio.

The Presidio has played a role in every major American military conflict since the Mexican-American War. In 1898, thousands of troops camped in tent cities awaiting shipment to the Philippines. The returning wounded were treated in the Army's first permanent general hospital—now Letterman Hospital.

With the attack on Pearl Harbor, the United States entered World War II, and Presidio soldiers dug foxholes along nearby beaches. Almost 2 million soldiers embarked from the Presidio to fight in the Pacific. In the 1950's the Nike missile defense system was situated around the Golden Gate and the Presidio became the headquarters for the 6th Army. Troops from the Presidio have come to the aid of San Franciscans during two major earthquakes. The U.S. Army has been a good neighbor and we appreciate its important contribution to our community and service to our Nation.

AN ENVIRONMENTAL TREASURE

Speaking objectively, the Presidio's natural environment and its scenic panoramas are unsurpassed in the world. At the confluence of the Pacific Ocean and San Francisco Bay, the Presidio anchors the Golden Gate—a symbol to west coast immigrants much like the Statue of Liberty.

The Presidio's natural areas are a refuge to native plants and wildlife. Its urban forest of almost one-half million trees planted by the Army over 100 years ago is surrounded by acres of sand dunes and coastal bluffs. It is the site of the world's only urban biosphere reserve designated by the United Nations. This natural backdrop provides recreational activities and opportunities for outdoor exploration to the Presidio's many visitors.

The Golden Gate National Recreation Area, of which the Presidio is a part, is the most visited national park in the system—with over 20 million annual visitors. Visitation to the Presidio is expected to double within the next few years to reach approximately 9 million people.

While this presents only a snapshot of the Presidio, I hope it gives you an image of the graceful contours—the historic, cultural, and natural elements—that embrace a special place.

FROM POST TO PARK

Through the initiative of former Representative Phillip Burton, Congress in 1972 authorized the creation of the Golden Gate National Recreation Area [GGNRA], a magnificent collection of park and historic sites surrounding San Francisco's Golden Gate—Public Law 92–589.

Creation of the GGNRA, along with Gateway NRA in New York, was championed by President Nixon in his belief that parks should be brought to the people. There was strong bipartisan support in Congress for these urban national park initiatives when they were approved in 1972.

The Presidio of San Francisco was included in the GGNRA authorization so that its lands would also be incorporated into the GGNRA when no longer required by the Department of Defense [DOD]. The language in Public Law 92–589 states: "When all or any substantial portion of the remainder of the Presidio is determined by the Department of Defense to be in excess of its needs, such lands shall be transferred to the jurisdiction of the Secretary (of Interior) for the purposes of this Act."

In 1988, the Presidio was included in the first round of base closures recommended by the Base Realignment and Closure Commission—BRAC I—Public Law 100–526. Subsequent to this recommendation, BRAC II recommended that the 6th Army Headquarters be retained at the Presidio on an interim basis and under a lease agreement with the National Park Service. An agreement was negotiated and later withdrawn by a DOD decision to permanently relocate the 6th Army Headquarters elsewhere.

In the 5 years following this decision, hundreds of people from the local community participated in the planning sessions to develop the general management plan. In 1993, I introduced H.R. 3433 to create a new management entity, a trust, to lease Presidio properties in cooperation with the National Park Service. The concept of a trust was included in the National Park Service Presidio General Management Plan [GMP] and, hearings were conducted by the House Subcommittee on National Parks on May 10, 1994, and H.R. 3433 was passed by the House on August 18, 1994, by a vote of 245 to 168.

H.R. 3433 was approved unanimously—20 to 0—by the Senate Committee on Energy and Natural Resources on September 21, 1994. The Senate failed to complete action on H.R. 3433 in the final days of the 103d Congress. On September 30, 1994, the Presidio officially became part of the GGNRA.

WHERE WE ARE TODAY

H.R. 1296, to create a Presidio trust, was introduced on March 22, 1995, represents a bipartisan effort to merge economic reality with park stewardship in order to maximize revenue potential and minimize the cost to American taxpayers. I believe the legislation achieves these twin goals in its plan to, for the first time, actually reduce Federal costs for a national park.

Concerns were raised last year about the cost of operating the Presidio under the National Park Service. The majority and minority in this Congress have worked to address many of these concerns. The version of H.R. 1296 before you today reflects many areas of compromise which are intended to protect taxpayers as well as to preserve the unique qualities of the Presidio that I have described. Again, I would like to emphasize the importance of providing a workable period of time in which the Presidio trust could demonstrate its success. The Pennsylvania Avenue Development Corporation [PADC] engaged in a similar rehabilitation project to restore the Avenue of the Presidents here in our nation's capital. It took over 20 years to accomplish the restoration, but it is done and it is a success. Chairman HANSEN has been very supportive in his efforts to develop a framework for success. I hope these efforts will be continued as the Senate considers H.R. 1296 so that cost reduction remains a primary goal, but also so that we create a model equipped with a time frame sufficient to meet the challenge before us.

SUPPORTERS OF H.R. 1296

The support for H.R. 1296 covers a broad spectrum—from environmental groups, community organizations, and historic preservation groups to national business leaders.

A letter from the National Trust for Historic Preservation states: "The Presidio is one of this country's most significant military sites, and its cultural, historic and natural resources are extraordinary . . . The Presidio needs the catalyst and well-managed oversight that only a management vehicle such as the Presidio Trust can provide."

A letter from the Sierra Club Presidio Task Force states: "H.R. 1296 will enable the Presidio to be a sustainable national park unit, managed for the benefit of ours and future generations. That is good park policy, good fiscal policy and good governmental policy."

A letter from people for a GGNRA states: "Our nation deserves to have the Golden Gate, the western entrance to the United States, honored with a park that preserves its splendor and its history. All the efforts of the private sector are needed to make that preservation a success."

A letter from San Francisco Tomorrow states: "In order to preserve the historic and scenic Presidio for all people for all time, San Francisco Tomorrow endorses the Presidio Trust to enable the Presidio National Park to pay its own way with minimal dependence on public funds."

A letter cosigned by some of the Nation's leading CEO's and business leaders states: "We strongly support legislation currently before your committee that would bring efficient, business-like management and cost-effective financing to the Presidio, a National Historic Landmark and National Park at California's scenic Golden Gate."

The list goes on to include many more supporters—the League of Women Voters, the Governor of California, the mayor of San Francisco; a complete list of neighborhood organizations and other groups is included for the RECORD.

This picture of the Presidio and the GGNRA, of which it is a part, would be incomplete without mentioning the work of Amy Meyer who has been engaged in efforts to preserve the GGNRA and Presidio for almost 25 years. There are hundreds of others who were involved in the 5-year planning process for the Presidio. Community leaders from San Francisco have also devoted their considerable talents and time to participate in the community and in Congressional hearings on behalf of the Presido Trust. They are stalwarts beyond comparison and I greatly appreciate their hard work.

PRO BONO AND PHILANTHROPIC SUPPORT

The concept of a Presidio trust is based on the independent study of 19 management models which recommended this particular paradigm as workable at the Presidio. All of these studies emphasized the need for autonomy, flexibility, long-term leasing and private sector expertise. The Presidio trust concept was then embraced by the National Park Service in its Presidio general management plan. The Presidio has probably been the subject of more independent analyses than any base closure in the country. The list of private sector, pro bono consultants who have reviewed this project include Arthur Anderson & Co., McKinsey & Co., Keyser Marston Associates, Mancini-Mills, Morrison and Foerster and Curtis Feeny of the Stanford Management Co. They have consistently recommended the management structure outlined in H.R. 1296.

In addition to the efforts provided by these consultants, considerable pro bono services—amounting to almost $4 million—have been provided to the Presidio. This effort was begun by the Presidio council, comprised of prominent professionals from the fields of business, finance, education, environment, architecture and planning, government and philanthropy and chaired by James Harvey, chairman of TransAmerica. These national leaders organized in 1991 to provide planning assistance to the park service and to solicit contributions to the Presidio.

This philanthropic campaign is continuing under the leadership of the Golden Gate National Park Association [GGNPA] where over $15 million has been raised for the GGNRA since 1982 and another $10 million is expected to be raised for Presidio improvements to supplement the major philanthropic effort. A major requirement for philanthropic support is creation of a Presidio trust to manage the Presidio's properties.

CONFIRMATION OF MARKETABILITY

H.R. 1296 includes a deadline for total self sufficiency in 12 years. While I recognize the need for the trust to achieve self sufficiency over a given time period, I must add that the time frame outlined in H.R. 1296 is not supported by any of the independent studies that have been conducted on the Presidio's financial viability.

Because of the need to reduce costs and to demonstrate the intent to reduce costs in the legislation, advice was sought from a known real estate entity which faced a challenge similar to the Presidio's. An independent analyst was engaged to review the park service figures and to determine the financial basis on which the legislation could stand.

After reviewing the Presidio's properties, the analysis confirmed the Presidio's marketability and revenue potential, and that revenues of between $15 to $25 million could be generated within a 12- to 15-year period. In testimony before the Senate, Curtis Feeny, vice president for real estate with the Stanford Management Co., stated: "The key to meeting the financial challenge posed by the Presidio is to capture the value of the property in the form of capital that can then be used to improve and maintain the park. I believe the value of the Presidio's real estate, if used in combination with cost reduction measures, will enable the Presidio's built environment to pay its own way over time."

H.R. 1296

The Presidio trust would provide for the long-term lease of buildings to rent-paying tenants. There are over 800 structures at the Presidio, comprising more than 6 million square feet of space, most of which possess revenue potential to sustain the Presidio's real estate and to realize a savings to the Federal Government. Over half of these structures are historic. Revenues from leases would be retained and used to offset costs at the Presidio, reducing the need for Federal appropriations. Capital improvements would be financed primarily from private sources and tenant financing.

The trust would be governed by a board of seven members, including the Secretary of the Interior and members from the fields of property and financial management and resource conservation. Congress would have oversight of the trust with the requirement that an annual report and audit be conducted. At the end of 10 years, the General Accounting Office would conduct a comprehensive audit of the trust's financial activities. The Presidio trust would be subject to the provisions of the Government Corporation Control Act. The net effect of this financing structure would sustain the trust and reduce overall park operations and the need for Federal appropriations.

A number of protections are provided in H.R. 1296 which would restrict development of

the Presidio and ensure public participation. Under the legislation, public access and open space are preserved. The Golden Gate National Recreation Advisory Commission would continue its role as a conduit for public comment and information. At least one annual public board meeting in San Francisco would be required.

The trust would comply with the National Historic Act and the National Environmental Policy Act. There are no exemptions for its operations and nothing in this bill would affect the national historic landmark status of the Presidio. The trust must also act in accordance with the GGNRA's park purposes identified in the enabling legislation and the general objectives of the general management plan. I might add that it is unique in the legislative process to reference a general management plan at all and the inclusion of this language is considered extraordinary.

Limits on new construction are included in the leasing and management program to be developed jointly by the trust and the park service. No board member is to have any financial interest in the Presidio and all board members must comply with the requirements of the Ethics in Government Act and Federal financial disclosure policy. In short, Mr. Speaker, the laws that apply to the GGNRA also apply to the trust.

H.R. 1296 costs less than last year's bill because rehabilitation costs are transferred to tenants. Costs are further reduced through streamlined management, aggressive leasing, long-term leases, more demolition, broader tenancies and phased-in code compliance. Last year's cost estimates included both operations and capital improvements which resulted in a higher figure that many assumed was for operations only. Operations would be substantially reduced through creation of the Presidio trust and most capital costs would be borne by tenants.

The Presidio trust would manage the revenue-producing properties with the goal of self-sufficiency in a national park context and the National Park Service would operate the open-space areas of the Presidio. While the National Park Service has been a good steward of the Presidio, I believe a stronger effort is warranted on their part to recognize the fiscal reality that exists and to take immediate steps to reduce costs. In light of the progress on H.R. 1296 in Congress, I hope plans are underway to downscale operations, administrative costs and staff so that the trust will have the benefit of maximizing the Federal investment in the Presidio. Park service costs can be cut and they should be—starting now.

A hearing on H.R. 1296 was conducted by the Subcommittee on National Parks, Forests and Lands on May 16, 1995, and the legislation was marked up by the subcommittee on June 27, 1995. The full Resources Committee reported H.R. 1296 on July 12, 1995, for floor consideration. In addition to this committee review of the legislation, many members of the Appropriations and Resources Committees in the House and Senate have visited the Presidio to review its progress.

Crafted in the context of our current fiscal and political landscape, H.R. 1296 is a reflection of cost consciousness, innovative thinking, bipartisan cooperation, and a strong appreciation for the natural and historic landscape with which we, as members of our Nation's highest representative body, have been temporarily entrusted.

Mr. Speaker, as a member of the Appropriations Committee, I understand quite well the difficulty that each of us faces in the current fiscal environment. We must reduce spending where we can and in such a way as to protect our people and our national heritage. Our charge is to be both cost conscious and innovative.

For nearly 150 years, the Federal Government has invested in the Presidio as an Army post; this investment should be protected. The best way to protect this asset is by creating a management and financial mechanism that will enable the Presidio to be used and to pay for itself.

H.R. 1296 is a good Government approach that recognizes fiscal realities and offers a less costly, private-sector approach to management of our important Federal assets at the Presidio. It provides a means to utilize valuable real estate assets to underwrite a broader public purpose.

In closing, Mr. Speaker, I want to thank my many colleagues who have made a special effort to learn more about the Presidio and the concept of the trust. Members of the San Francisco community also deserve great praise for their constant support and efforts on behalf of preserving the Presidio for future generations. Our actions today are in keeping with the leadership of Phillip Burton to preserve this great national treasure.

I further want to acknowledge the U.S. Army for creating the rich historic and environmental resource it is today. They planted the trees, preserved our history, trained our soldiers, and left a great legacy to our Nation.

Thank you, Mr. Speaker. I urge my colleagues to support this cost-saving measure. Vote "yes" on H.R. 1296.

SUPPORT FOR PRESIDIO TRUST

BUSINESS LEADERS

AirTouch Communications.
Bank of America NT & SA.
Basic American, Inc.
Bay Area Council.
Bay Area Economic Forum.
The Gap, Inc.
The Glen Ellen Company.
Richard Goldman & Co.
Hellman and Friedman.
Hispanic Contractors Association.
International Wine Marketing Association.
Lane Publishing.
Leach Capital.
McKesson Corporation.
Pacific Gas and Electric Company.
Presidio Council.
San Francisco Chamber of Commerce.
San Francisco Hispanice Chamber of Commerce.
Scotch Plywood Co.
Swinerton & Walberg.
Texas Pacific Group.
Transamerica Corporation.

COMMUNITY AND CIVIC LEADERS

Governor Wilson, State of California.
State Assembly, California Legislature.
Mayor Jordan, City of San Francisco.
Board of Supervisors, City of San Francisco.
Bret Harte Terrace and Francisco Street Neighborhood Association.
Golden Gate National Park Association.
League of Women Voters of California.
League of Women Voters of San Francisco.
League of Women Voters of the United States.
Los Californianos.
Neighborhood Associations for Presidio Planning.
North Beach Neighbors.
People for a Golden Gate National Recreation Area.
Présidio Heights Association of Neighbors.
San Francisco Bay Area Interfaith Coalition.
San Francisco Planning and Urban Research Association.

OTHER ORGANIZATIONS

American Institute of Architects.
American Society of Landscape Architects.
Asian American Architects and Engineers.
Earth Island Institute.
Environmental Defense Fund Fort Mason Center.
Golden Gate National Recreation Area and Point Reyes National Seashore Advisory Commission.
Laborers' International Union of North America.
League of Conservation Voters.
National Park System Advisory Board.
National Parks and Conservation Association.
National Japanese American Historical Society.
Natural Resources Defense Council.
Sierra Club.
Travel Industry Association of America.
Trust for Public Land.
The Wilderness Society.
William Penn Mott, Jr Memorial Fund.

Mr. RICHARDSON. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, I thank the gentleman for yielding, and I really rise to thank the members of the committee who have worked so terribly hard on behalf of this legislation. It has taken a great deal of tenacity and it has taken a great deal of patience to bring this legislation to the floor but it is clear that this legislation is in the best interest of the Nation and it is in the best interest of the Presidio.

One need only stop for a moment at the Presidio to recognize immediately why this wonderful, wonderful national asset has such broad popular support across the Nation from every conceivable part of American society, but bringing all those disparate parts together is hard work and takes a great deal of patience and a great deal of counsel. Our colleague, the gentlewoman from California, Congresswoman PELOSI, provided the strategy, the counsel, and the patience; and our colleague, the gentleman from Utah, [Mr. HANSEN], provided the counsel and a great deal of patience in dealing with this legislation.

What has emerged is a bipartisan piece of legislation supported by every level of government, every level of citizen group, every level of national organization for the preservation for the Presidio. There was no question that the Presidio was going to become a park. That has been done. The question

and the challenge has been how can we best support that park, finance that park and deliver all of the assets and all of the uses of the park to the American people and to those of us who live in the San Francisco Bay area. This legislation achieves those goals while trying to get the very best bang for the buck for the taxpayers and trying to make sure that we can maintain all of the reasons and all of the assets of the Presidio that make it such a charming addition, an important addition to the Park Service, and to the cultural history of this Nation and of the bay area that that long history will be preserved with this legislation.

Mr. Speaker, this is an important piece of legislation. There really is no other alternative. This legislation was born out of months and weeks and hours of deliberations of other ways of meeting the goals and the needs of support for the Presidio, and that is what has emerged out of those deliberations. I would hope that the House would support it overwhelmingly. I would hope that they recognize that if this is successful, this is, in fact, the blueprint for how we can work out arrangements for other assets within the Federal Government's park system and preserve system so that they can be both utilized and they can be properly supported so that we will not diminish their value, their characteristics, and their importance to both the Nation and to the regions.

Mr. Speaker, I also would like to thank Judy Lemons, who has worked terribly hard, Steve Hodapp, who came at this, with all of the support and efforts and difference of views of various constituency groups, and allowed us to fashion this legislation. I urge my colleagues to support it.

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume to again commend the gentlewoman from California [Ms. PELOSI] for the fine work that she has done on this. I do not know if the people in the bay area realize the hundreds of hours she and her staff put into this and they should be very proud of her work. Without her work, I would guarantee Members this would not be in front of us today. There is no question, she is a very persistent legislator.

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

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

In summary, I want to reiterate what the chairman of the subcommittee said. I think the gentlewoman from California [Ms. PELOSI] and the gentleman from California [Mr. MILLER] who has worked many years on this bill, many, many years to get it through, I think they deserve enormous credit and we should pass this bill. It is good legislation. I think we can look at it to deal with other issues as we look at dealing with parks in the future, instead of park closure commissions. I think this is a good bill, and I have no further requests for time.

Ms. WOOLSEY. Mr. Speaker, for those of you who might not be familiar with the Presidio, it is the southern anchorage of the Golden Gate Bridge and the centerpiece of the Golden Gate National Recreation Area—the most visited national park in the entire National Park System.

The entire Presidio was designated a National Historic Landmark in 1962. It is a showcase of architectural styles dating from the Civil War. It contains 876 structures, over half of which are of historic or cultural significance.

In addition, the Presidio is the only United Nations designated International Biosphere in an urban area. It is home to 21 rare and endangered species and 10 rare plant communities that have disappeared in the rest of San Francisco. It encompasses 300 acres of historic forest planted by the U.S. Army over 100 years ago. Sites throughout the Presidio provide spectacular views of the Pacific Ocean, the Golden Gate Bridge, Marin headlands, San Francisco Bay, and the skyline of San Francisco. It is adjacent to the largest marine sanctuary chain in the world.

The Presidio is unique in its historical, cultural, and natural reach. If you have not seen it, you should. It is a dramatic site that you will never forget.

H.R. 1296 protects these resources, through a Presidio Trust, while requiring cost-effective management of the Presidio. Vote for H.R. 1296.

Ms. ESHOO. Mr. Speaker, H.R. 1296 is a good government approach to management of the Presidio within the National Park System.

No other park possesses the unique combination of resources and real estate as the Presidio. Because of this unusual combination, the Presidio lends itself to a management structure outside the realm of traditional operation of our national parks.

That is why I strongly support H.R. 1296, which would create a Presidio trust. This model would preserve park resources while allowing the Presidio's properties to be used to generate revenues which could, in turn, be used to operate the Presidio. While this model might not work for other national parks, it is a practical approach for the vast and unique properties which comprise the Presidio.

Mr. Speaker, it makes sense for us to pursue this type of management—it's cost-effective and addresses the monumental challenge of how to make the best public use of this unique and historically significant land.

We should give H.R. 1296 a chance and I urge my colleagues to vote for its passage.

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

The SPEAKER pro tempore (Mr. FOLEY). The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the bill, H.R. 1296, as amended.

The question was taken.

Mr. HANSEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL COMPACT CONSENT ACT

Mr. SCHAEFER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 558) to grant the consent of the Congress to the Texas Low-Level Radioactive Waste Disposal Compact.

The Clerk read as follows:

H.R. 558

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 "Texas Low-Level Radioactive Waste Disposal Compact Consent Act".

SEC. 2. CONGRESSIONAL FINDING.

The Congress finds that the compact set forth in section 5 is in furtherance of the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021b et seq.).

SEC. 3. CONDITIONS OF CONSENT TO COMPACT.

The consent of the Congress to the compact set forth in section 5—

(1) shall become effective on the date of the enactment of this Act;

(2) is granted subject to the provisions of the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021b et seq.); and

(3) is granted only for so long as the regional commission established in the compact complies with all of the provisions of such Act.

SEC. 4. CONGRESSIONAL REVIEW.

The Congress may alter, amend, or repeal this Act with respect to the compact set forth in section 5 after the expiration of the 10-year period following the date of the enactment of this Act, and at such intervals thereafter as may be provided in such compact.

SEC. 5. TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL COMPACT.

In accordance with section 4(a)(2) of the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021d(a)(2)), the consent of the Congress is given to the States of Texas, Maine, and Vermont to enter into the Texas Low-Level Radioactive Waste Disposal Compact. Such compact is substantially as follows:

"TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL COMPACT

"ARTICLE I. POLICY AND PURPOSE

"SEC. 1.01. The party states recognize a responsibility for each state to seek to manage low-level radioactive waste generated within its boundaries, pursuant to the Low-Level Radioactive Waste Policy Act, as amended by the Low-Level Radioactive Waste Policy Amendments Act of 1985 (42 U.S.C. 2021b–2021j). They also recognize that the United States Congress, by enacting the Act, has authorized and encouraged states to enter into compacts for the efficient management and disposal of low-level radioactive waste. It is the policy of the party states to cooperate in the protection of the health, safety, and welfare of their citizens and the environment and to provide for and encourage the economical management and disposal of low-level radioactive waste. It is the purpose of this compact to provide the framework for such a cooperative effort; to promote the

health, safety, and welfare of the citizens and the environment of the party states; to limit the number of facilities needed to effectively, efficiently, and economically manage low-level radioactive waste and to encourage the reduction of the generation thereof; and to distribute the costs, benefits, and obligations among the party states; all in accordance with the terms of this compact.

"ARTICLE II. DEFINITIONS

"SEC. 2.01. As used in this compact, unless the context clearly indicates otherwise, the following definitions apply:

"(1) 'Act' means the Low-Level Radioactive Waste Policy Act, as amended by the Low-Level Radioactive Waste Policy Amendments Act of 1985 (42 U.S.C. 2021b–2021j).

"(2) 'Commission' means the Texas Low-Level Radioactive Waste Disposal Compact Commission established in Article III of this compact.

"(3) 'Compact facility' or 'facility' means any site, location, structure, or property located in and provided by the host state for the purpose of management or disposal of low-level radioactive waste for which the party states are responsible.

"(4) 'Disposal' means the permanent isolation of low-level radioactive waste pursuant to requirements established by the United States Nuclear Regulatory Commission and the United States Environmental Protection Agency under applicable laws, or by the host state.

"(5) 'Generate,' when used in relation to low-level radioactive waste, means to produce low-level radioactive waste.

"(6) 'Generator' means a person who produces or processes low-level radioactive waste in the course of its activities, excluding persons who arrange for the collection, transportation, management, treatment, storage, or disposal of waste generated outside the party states, unless approved by the commission.

"(7) 'Host county' means a county in the host state in which a disposal facility is located or is being developed.

"(8) 'Host state' means a party state in which a compact facility is located or is being developed. The State of Texas is the host state under this compact.

"(9) 'Institutional control period' means that period of time following closure of the facility and transfer of the facility license from the operator to the custodial agency in compliance with the appropriate regulations for long-term observation and maintenance.

"(10) 'Low-level radioactive waste' has the same meaning as that term is defined in Section 2(9) of the Act (42 U.S.C. 2021b(9)), or in the host state statute so long as the waste is not incompatible with management and disposal at the compact facility.

"(11) 'Management' means collection, consolidation, storage, packaging, or treatment.

"(12) 'Operator' means a person who operates a disposal facility.

"(13) 'Party state' means any state that has become a party in accordance with Article VII of this compact. Texas, Maine, and Vermont are initial party states under this compact.

"(14) 'Person' means an individual, corporation, partnership or other legal entity, whether public or private.

"(15) 'Transporter' means a person who transports low-level radioactive waste.

"ARTICLE III. THE COMMISSION

"SEC. 3.01. There is hereby established the Texas Low-Level Radioactive Waste Disposal Compact Commission. The commission shall consist of one voting member from each party state except that the host state shall be entitled to six voting members. Commission members shall be appointed by the party state governors, as provided by the laws of each party state. Each party state may provide alternates for each appointed member.

"SEC. 3.02. A quorum of the commission consists of a majority of the members. Except as otherwise provided in this compact, an official act of the commission must receive the affirmative vote of a majority of its members.

"SEC. 3.03. The commission is a legal entity separate and distinct from the party states and has governmental immunity to the same extent as an entity created under the authority of Article XVI, Section 59, of the Texas Constitution. Members of the commission shall not be personally liable for actions taken in their official capacity. The liabilities of the commission shall not be deemed liabilities of the party states.

"SEC. 3.04. The commission shall:

"(1) Compensate its members according to the host state's law.

"(2) Conduct its business, hold meetings, and maintain public records pursuant to laws of the host state, except that notice of public meetings shall be given in the non-host party states in accordance with their respective statutes.

"(3) Be located in the capital city of the host state.

"(4) Meet at least once a year and upon the call of the chair, or any member. The governor of the host state shall appoint a chair and vice-chair.

"(5) Keep an accurate account of all receipts and disbursements. An annual audit of the books of the commission shall be conducted by an independent certified public accountant, and the audit report shall be made a part of the annual report of the commission.

"(6) Approve a budget each year and establish a fiscal year that conforms to the fiscal year of the host state.

"(7) Prepare, adopt, and implement contingency plans for the disposal and management of low-level radioactive waste in the event that the compact facility should be closed. Any plan which requires the host state to store or otherwise manage the low-level radioactive waste from all the party states must be approved by at least four host state members of the commission. The commission, in a contingency plan or otherwise, may not require a non-host party state to store low-level radioactive waste generated outside of the state.

"(8) Submit communications to the governors and to the presiding officers of the legislatures of the party states regarding the activities of the commission, including an annual report to be submitted on or before January 31 of each year.

"(9) Assemble and make available to the party states, and to the public, information concerning low-level radioactive waste management needs, technologies, and problems.

"(10) Keep a current inventory of all generators within the party states, based upon information provided by the party states.

"(11) By no later than 180 days after all members of the commission are appointed under Section 3.01 of this article, establish by rule the total volume of low-level radioactive waste that the host state will dispose of in the compact facility in the years 1995–2045, including decommissioning waste. The shipments of low-level radioactive waste from all non-host party states shall not exceed 20 percent of the volume estimated to be disposed of by the host state during the 50-year period. When averaged over such 50-year period, the total of all shipments from non-host party states shall not exceed 20,000 cubic feet a year. The commission shall coordinate the volumes, timing, and frequency of shipments from generators in the non-host party states in order to assure that over the life of this agreement shipments from the non-host party states do not exceed 20 percent of the volume projected by the commission under this paragraph.

"SEC. 3.05. The commission may:

"(1) Employ staff necessary to carry out its duties and functions. The commission is authorized to use to the extent practicable the services of existing employees of the party states. Compensation shall be as determined by the commission.

"(2) Accept any grants, equipment, supplies, materials, or services, conditional or otherwise, from the federal or state government. The nature, amount and condition, if any, of any donation, grant or other resources accepted pursuant to this paragraph and the identity of the donor or grantor shall be detailed in the annual report of the commission.

"(3) Enter into contracts to carry out its duties and authority, subject to projected resources. No contract made by the commission shall bind a party state.

"(4) Adopt, by a majority vote, bylaws and rules necessary to carry out the terms of this compact. Any rules promulgated by the commission shall be adopted in accordance with the Administrative Procedure and Texas Register Act (Article 6252–13a, Vernon's Texas Civil Statutes).

"(5) Sue and be sued and, when authorized by a majority vote of the members, seek to intervene in administrative or judicial proceedings related to this compact.

"(6) Enter into an agreement with any person, state, regional body, or group of states for the importation of low-level radioactive waste into the compact for management or disposal, provided that the agreement receives a majority vote of the commission. The commission may adopt such conditions and restrictions in the agreement as it deems advisable.

"(7) Upon petition, allow an individual generator, a group of generators, or the host state of the compact, to export low-level waste to a low-level radioactive waste disposal facility located outside the party states. The commission may approve the petition only by a majority vote of its members. The permission to export low-level radioactive waste shall be effective for that period of time and for the specified amount of low-level radioactive waste, and subject to any other term or condition, as is determined by the commission.

"(8) Monitor the exportation outside of the party states of material, which otherwise meets the criteria of low-level radioactive waste, where the sole purpose of the exportation is to manage or process the material for recycling or waste reduction and return it to the party states for disposal in the compact facility.

"SEC. 3.06. Jurisdiction and venue of any action contesting any action of the commission shall be in the United States District Court in the district where the commission maintains its office.

"ARTICLE IV. RIGHTS, RESPONSIBILITIES, AND OBLIGATIONS OF PARTY STATES

"SEC. 4.01. The host state shall develop and have full administrative control over the development, management and operation of a

facility for the disposal of low-level radioactive waste generated within the party states. The host state shall be entitled to unlimited use of the facility over its operating life. Use of the facility by the non-host party states for disposal of low-level radioactive waste, including such waste resulting from decommissioning of any nuclear electric generation facilities located in the party states, is limited to the volume requirements of Section 3.04(11) of Article III.

"SEC. 4.02. Low-level radioactive waste generated within the party states shall be disposed of only at the compact facility, except as provided in Section 3.05(7) of Article III.

"SEC. 4.03. The initial states of this compact cannot be members of another low-level radioactive waste compact entered into pursuant to the Act.

"SEC. 4.04. The host state shall do the following:

"(1) Cause a facility to be developed in a timely manner and operated and maintained through the institutional control period.

"(2) Ensure, consistent with any applicable federal and host state laws, the protection and preservation of the environment and the public health and safety in the siting, design, development, licensing, regulation, operation, closure, decommissioning, and long-term care of the disposal facilities within the host state.

"(3) Close the facility when reasonably necessary to protect the public health and safety of its citizens or to protect its natural resources from harm. However, the host state shall notify the commission of the closure within three days of its action and shall, within 30 working days of its action, provide a written explanation to the commission of the closure, and implement any adopted contingency plan.

"(4) Establish reasonable fees for disposal at the facility of low-level radioactive waste generated in the party states based on disposal fee criteria set out in Sections 402.272 and 402.273, Texas Health and Safety Code. The same fees shall be charged for the disposal of low-level radioactive waste that was generated in the host state and in the non-host party states. Fees shall also be sufficient to reasonably support the activities of the Commission.

"(5) Submit an annual report to the commission on the status of the facility, including projections of the facility's anticipated future capacity, and on the related funds.

"(6) Notify the Commission immediately upon the occurrence of any event which could cause a possible temporary or permanent closure of the facility and identify all reasonable options for the disposal of low-level radioactive waste at alternate compact facilities or, by arrangement and Commission vote, at noncompact facilities.

"(7) Promptly notify the other party states of any legal action involving the facility.

"(8) Identify and regulate, in accordance with federal and host state law, the means and routes of transportation of low-level radioactive waste in the host state.

"SEC. 4.05. Each party state shall do the following:

"(1) Develop and enforce procedures requiring low-level radioactive waste shipments originating within its borders and destined for the facility to conform to packaging, processing, and waste from specifications of the host state.

"(2) Maintain a registry of all generators within the state that may have low-level radioactive waste to be disposed of at a facility, including, but not limited to, the amount of low-level radioactive waste and the class of low-level radioactive waste generated by each generator.

"(3) Develop and enforce procedures requiring generators within its borders to minimize the volume of low-level radioactive waste requiring disposal. Nothing in this compact shall prohibit the storage, treatment, or management of waste by a generator.

"(4) Provide the commission with any data and information necessary for the implementation of the commission's responsibilities, including taking those actions necessary to obtain this data or information.

"(5) Pay for community assistance projects designated by the host county in an amount for each non-host party state equal to 10 percent of the payment provided for in Article V for each such state. One-half of the payment shall be due and payable to the host county on the first day of the month following ratification of this compact agreement by Congress and one-half of the payment shall be due and payable on the first day of the month following the approval of a facility operating license by the host state's regulatory body.

"(6) Provide financial support for the commission's activities prior to the date of facility operation and subsequent to the date of congressional ratification of this compact under Section 7.07 of Article VII. Each party state will be responsible for annual payments equalling its pro-rata share of the commission's expenses, incurred for administrative, legal, and other purposes of the commission.

"(7) If agreed by all parties to a dispute, submit the dispute to arbitration or other alternate dispute resolution process. If arbitration is agreed upon, the governor of each party state shall appoint an arbitrator. If the number of party states is an even number, the arbitrators so chosen shall appoint an additional arbitrator. The determination of a majority of the arbitrators shall be binding on the party states. Arbitration proceedings shall be conducted in accordance with the provisions of 9 U.S.C. Sections 1 to 16. If all parties to a dispute do not agree to arbitration or alternate dispute resolution process, the United States District Court in the district where the commission maintains its office shall have original jurisdiction over any action between or among parties to this compact.

"(8) Provide on a regular basis to the commission and host state—

"(A) an accounting of waste shipped and proposed to be shipped to the compact facility, by volume and curies;

"(B) proposed transportation methods and routes; and

"(C) proposed shipment schedules.

"(9) Seek to join in any legal action by or against the host state to prevent nonparty states or generators from disposing of low-level radioactive waste at the facility.

"SEC. 4.06. Each party state shall act in good faith and may rely on the good faith performance of the other party states regarding requirements of this compact.

"ARTICLE V. PARTY STATE CONTRIBUTIONS

"SEC. 5.01. Each party state, except the host state, shall contribute a total of $25 million to the host state. Payments shall be deposited in the host state treasury to the credit of the low-level waste fund in the following manner except as otherwise provided. Not later than the 60th day after the date of congressional ratification of this compact, each non-host party state shall pay to the host state $12.5 million. Not later than the 60th day after the date of the opening of the compact facility, each non-host party state shall pay to the host state an additional $12.5 million.

"SEC. 5.02. As an alternative, the host state and the non-host states may provide for payments in the same total amount as stated above to be made to meet the principal and interest expense associated with the bond indebtedness or other form of indebtedness issued by the appropriate agency of the host state for purposes associated with the development, operation, and post-closure monitoring of the compact facility. In the event the member states proceed in this manner, the payment schedule shall be determined in accordance with the schedule of debt repayment. This schedule shall replace the payment schedule described in Section 5.01 of this article.

"ARTICLE VI. PROHIBITED ACTS AND PENALTIES

"SEC. 6.01. No person shall dispose of low-level radioactive waste generated within the party states unless the disposal is at the compact facility, except as otherwise provided in Section 3.05(7) of Article III.

"SEC. 6.02. No person shall manage or dispose of any low-level radioactive waste within the party states unless the low-level radioactive waste was generated within the party states, except as provided in Section 3.05(6) of Article III. Nothing herein shall be construed to prohibit the storage or management of low-level radioactive waste by a generator, nor its disposal pursuant to 10 C.F.R. Part 20.302.

"SEC. 6.03. Violations of this article may result in prohibiting the violator from disposing of low-level radioactive waste in the compact facility, or in the imposition of penalty surcharges on shipments to the facility, as determined by the commission.

"ARTICLE VII. ELIGIBILITY, ENTRY INTO EFFECT; CONGRESSIONAL CONSENT; WITHDRAWAL; EXCLUSION

"SEC. 7.01. The states of Texas, Maine, and Vermont are party states to this compact. Any other state may be made eligible for party status by a majority vote of the commission and ratification by the legislature of the host state, subject to fulfillment of the rights of the initial non-host party states under Section 3.04(11) of Article III and Section 4.01 of Article IV, and upon compliance with those terms and conditions for eligibility that the host state may establish. The host state may establish all terms and conditions for the entry of any state, other than the states named in this section, as a member of this compact; provided, however, the specific provisions of this compact, except for those pertaining to the composition of the commission and those pertaining to Section 7.09 of this article, may not be changed except upon ratification by the legislatures of the party states.

"SEC. 7.02. Upon compliance with the other provisions of this compact, a state made eligible under Section 7.01 of this article may become a party state by legislative enactment of this compact or by executive order of the governor of the state adopting this compact. A state becoming a party state by executive order shall cease to be a party state upon adjournment of the first general session of its legislature convened after the executive order is issued, unless before the adjournment, the legislature enacts this compact.

"SEC. 7.03. Any party state may withdraw from this compact by repealing enactment of this compact subject to the provisions herein. In the event the host state allows an additional state or additional states to join the

compact, the host state's legislature, without the consent of the non-host party states, shall have the right to modify the composition of the commission so that the host state shall have a voting majority on the commission, provided, however, that any modification maintains the right of each initial party state to retain one voting member on the commission.

"SEC. 7.04. If the host state withdraws from the compact, the withdrawal shall not become effective until five years after enactment of the repealing legislation and the non-host party states may continue to use the facility during that time. The financial obligation of the non-host party states under Article V shall cease immediately upon enactment of the repealing legislation. If the host state withdraws from the compact or abandons plans to operate a facility prior to the date of any non-host party state payment under Sections 4.05(5) and (6) of Article IV or Article V, the non-host party states are relieved of any obligations to make the contributions. This section sets out the exclusive remedies for the non-host party states if the host state withdraws from the compact or is unable to develop and operate a compact facility.

"SEC. 7.05. A party state, other than the host state, may withdraw from the compact by repealing the enactment of this compact, but this withdrawal shall not become effective until two years after the effective date of the repealing legislation. During this two-year period the party state will continue to have access to the facility. The withdrawing party shall remain liable for any payments under Sections 4.05(5) and (6) of Article IV that were due during the two-year period, and shall not be entitled to any refund of payments previously made.

"SEC. 7.06. Any party state that substantially fails to comply with the terms of the compact or to fulfill its obligations hereunder may have its membership in the compact revoked by a seven-eighths vote of the commission following notice that a hearing will be scheduled not less than six months from the date of the notice. In all other respects, revocation proceedings undertaken by the commission will be subject to the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes), except that a party state may appeal the commission's revocation decision to the United States District Court in accordance with Section 3.06 of Article III. Revocation shall take effect one year from the date such party state receives written notice from the commission of a final action. Written notice of revocation shall be transmitted immediately following the vote of the commission, by the chair, to the governor of the affected party state, all other governors of party states, and to the United States Congress.

"SEC. 7.07. This compact shall take effect following its enactment under the laws of the host state and any other party state and thereafter upon the consent of the United States Congress and shall remain in effect until otherwise provided by federal law. If Texas and either Maine or Vermont ratify this compact, the compact shall be in full force and effect as to Texas and the other ratifying state, and this compact shall be interpreted as follows:

"(1) Texas and the other ratifying state are the initial party states.

"(2) The commission shall consist of two voting members from the other ratifying state and six from Texas.

"(3) Each party state is responsible for its pro-rata share of the commission's expenses.

"SEC. 7.08. This compact is subject to review by the United States Congress and the withdrawal of the consent of Congress every five years after its effective date, pursuant to federal law.

"SEC. 7.09. The host state legislature, with the approval of the governor, shall have the right and authority, without the consent of the non-host party states, to modify the provisions contained in Section 3.04(11) of Article III to comply with Section 402.219(c)(1), Texas Health & Safety Code, as long as the modification does not impair the rights of the initial non-host party states.

"ARTICLE VIII. CONSTRUCTION AND SEVERABILITY

"SEC. 8.01. The provisions of this compact shall be broadly construed to carry out the purposes of the compact, but the sovereign powers of a party shall not be infringed upon unnecessarily.

"SEC. 8.02. This compact does not affect any judicial proceeding pending on the effective date of this compact.

"SEC. 8.03. No party state acquires any liability, by joining this compact, resulting from the siting, operation, maintenance, long-term care or any other activity relating to the compact facility. No non-host party state shall be liable for any harm or damage from the siting, operation, maintenance, or long-term care relating to the compact facility. Except as otherwise expressly provided in this compact, nothing in this compact shall be construed to alter the incidence of liability of any kind for any act or failure to act. Generators, transporters, owners and operators of facility shall be liable for their acts, omissions, conduct or relationships in accordance with applicable law. By entering into this compact and securing the ratification by Congress of its terms, no party state acquires a potential liability under section 5(d)(2)(C) of the Act (42 U.S.C. Sec. 2021e(d)(2)(C)) that did not exist prior to entering into this compact.

"SEC. 8.04. If a party state withdraws from the compact pursuant to Section 7.03 of Article VII or has its membership in this compact revoked pursuant to section 7.06 of Article VII, the withdrawal or revocation shall not affect any liability already incurred by or chargeable to the affected state under Section 8.03 of this article.

"SEC. 8.05. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared by a court of competent jurisdiction to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstances is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby to the extent the remainder can in all fairness be given effect. If any provision of this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the state affected as to all severable matters.

"SEC. 8.06. Nothing in this compact diminishes or otherwise impairs the jurisdiction, authority, or discretion of either of the following:

"(1) The United States Nuclear Regulatory Commission pursuant to the Atomic Energy Act of 1954, as amended (42 U.S.C. Sec. 2011 et seq.).

"(2) An agreement state under section 274 of the Atomic Energy Act of 1954, as amended (42 U.S.C. Sec. 2021).

"SEC. 8.07. Nothing in this compact confers any new authority on the states or commission to do any of the following:

"(1) Regulate the packaging or transportation of low-level radioactive waste in a manner inconsistent with the regulations of the United States Nuclear Regulatory Commission or the United States Department of Transportation.

"(2) Regulate health, safety, or environmental hazards from source, by-product, or special nuclear material.

"(3) Inspect the activities of licensees of the agreement states or of the United States Nuclear Regulatory Commission.".

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

Mr. BRYANT of Texas. Mr. Speaker, might I ask if the gentleman from New Jersey [Mr. PALLONE] is opposed to the bill?

Mr. PALLONE. No, Mr. Speaker, I am in favor of the bill.

Mr. BRYANT of Texas. Inasmuch as that is the case, Mr. Speaker, I request I be permitted to manage the time on this side in opposition to the bill.

The SPEAKER pro tempore. The gentleman from Texas [Mr. BRYANT] will be recognized for 20 minutes in opposition to the bill.

The Chair recognizes the gentleman from Colorado [Mr. SCHAEFER].

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

Mr. Speaker, I rise in support of H.R. 558, introduced by our colleague from Texas [Mr. FIELDS], which would grant congressional consent to the Texas, Maine, Vermont Low-level Radioactive Waste Disposal Compact. In 1980, Congress made the policy decision that we at the Federal level would divide responsibility for radioactive waste disposal within the States. The Federal Government would be responsible for the disposal of high-level waste while the States would handle the low-level wastes. These low-level wastes emit a less intensity of radioactivity. In fact, the vast majority of low-level waste, 97 percent, do not require any special shielding to protect workers or the surrounding community. Currently, 42 States are already involved in 9 compact arrangements for the disposal of low-level waste.

Mr. Speaker, the legislation before the House today will finally allow the States of Texas, Maine, and Vermont to begin their efforts to fully comply with the Low-level Radioactive Waste Act of 1980.

The responsibility of Congress in approving the compact is fairly simply. If the Texas compact complies with underlying requirements of the Low-level Radioactive Waste Act, Congress must grant approval to the compact. In our consideration of this measure before the Subcommittee on Energy and Power, we found that the Texas compact does meet this test. Congressional consent with allow the affected States to move ahead with their compact to

fulfill the requirements of the Federal Low-level Waste Act.

Mr. SCHAEFER. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. BONILLA].

Mr. BONILLA. Mr. Speaker, I thank the chairman for yielding me time. As the chairman knows, this particular project is in my congressional district and I cannot emphasize strongly enough, after Members look into the people's eyes and listen to their message in Hudspeth County and the west Texas area and surrounding communities of the Hudspeth County area, this is strongly going to impact their property rights and their lives and disrupt their communities to the degree that I think it is difficult for Members here to understand unless they can actually hear it from them firsthand. Therefore, I strongly am opposed to this bill, and I believe that this act should be amended, actually to include the input from local constituents like that when their lives can be disrupted. My constituents should never be forced to accept the low-level radioactive waste generated outside of Texas without first having their wishes considered at the Federal level, nor should any American community, for that matter.

Mr. Speaker, I ask my colleagues to think of this vote as if it was their constituents being affected and whose voices were being silenced. All of our constituents have a right to be heard on such matters.

In 1986, 7 years before I was elected to the U.S. House of Representatives, Congress passed legislation granting each individual State the authority to make a disposal agreement with other States.

This measure is in keeping with the interstate commerce clause of the U.S. Constitution.

It was designed to be fair and mutually beneficial to all participants; and it is, for the most part, except for the one party which is directly impacted—the people who live at the selected disposal sites. This fact makes all the difference as to why H.R. 558 is not good legislation.

Although the States have control in determining site selection, today, we in Congress can give my constituents a voice by voting "no" on this measure and demanding that the process be amended to consider local rights.

I am aware of a Federal circuit court ruling, based on interstate commerce law, which requires States to accept the low-level waste of other States. However, radioactive waste commerce cannot be considered in the same light as other interstate commerce.

This was recognized by Congress when the House passed the 1986 legislation which provided a means for restricting this form of commerce between States.

The Texas-Vermont-Maine compact has the benefit of limiting waste shipments to those three States. However, there remain serious problems with this compact.

The language of the compact is not completely clear as to whether the Commission established under the compact could open the Hudspeth site to waste from even more. In addition, the people of Hudspeth County are compelled to accept this waste without recourse. It is vital that everyone understand the facts and what is involved.

Lastly, given the earthquake which recently struck the heart of rural west Texas, I had asked for a detailed geological study to be done on the effects that this and future earthquakes would have on the proposed site and just what consequences this would have on water quality and other health-threatening concerns.

This legislation has come to the floor today without a study and without knowledge of the potential harm caused by placing the compact in Hudspeth County. We are talking about private property rights here, real people, real lives.

Again, I ask that the Congress oppose the compact.

Mr. SCHAEFER. Mr. Speaker, I appreciate the gentleman's concern from his own district down there.

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

Mr. BRYANT of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Constitution of the United States gives to Congress the right to approve compacts between the States, and when a compact is clearly not in the interest of the people of the United States of America, notwithstanding what may have been done between the two States, it is the duty of the Congress to reject that compact. We will offer today compelling arguments with regard to the national interest about why this compact should be rejected and would call upon the Members of the House to join with us in sending this compact back to be handled in a different fashion at the local level.

The fact of the matter is the States involved avoided the politically uncomfortable decisions and, therefore, made an irresponsible decision to locate this nuclear waste dump in a very unfortunate place, within 14 miles of an international border, in an active earthquake zone which is next to the Rio Grande river, thereby inviting Mexico to locate its unpleasant dump sites to the river in the future, also subjecting the United States to enormous liabilities to all the inhabitants of the Rio Grande valley should an earthquake come, as happened only last April within 100 miles of this site, and contaminate the entire lower Rio Grande valley.

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These compacts are supposed to be regional in nature. This is not a regional compact. This is a compact between Texas and the State of Maine. There could hardly be greater distances between the two locations.

This compact is not in the interest of the country. I urge the Members of the House to vote against it.

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

Mr. SCHAEFER. Mr. Speaker, I yield 5 minutes to my good friend, the gentleman from New Jersey [Mr. PALLONE].

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

Mr. Speaker, perhaps the most important thing about the Texas low-level waste compact is the progress it represents. This will be the 10th compact to receive congressional approval, and will bring to 45 the number of States moving forward together to meet their disposal needs. I am very happy to support its passage.

The compact system envisioned by the Low-Level Radioactive Waste Policy Act was developed with the strong support of the National Governors' Association. Under the law, the difficult task of selecting disposal sites is the States' responsibility. Congress' responsibility, on the other hand, is to act quickly on the compact's request and, if all is in order, to approve it promptly.

The Texas compact meets the law's requirements, and I urge my colleagues to support it.

Mr. BRYANT. Mr. Speaker, I yield 5 minutes to the gentleman from El Paso, TX [Mr. COLEMAN].

Mr. COLEMAN. Mr. Speaker, I thank my colleague from Dallas, TX, for yielding me this time.

Mr. Speaker, I agree with the statements by the gentleman adjoining my congressional district, the gentleman from Texas [Mr. BONILLA], who represents the district, the area in which the low-level radioactive waste dump site was to be located, or is to be located if we continue down this awkward path. I say awkward simply because I do not really care what the Congress said back in 1980 or 1982, that said low level, you do it; high level, we will do it. Low level, we will leave it to the States. So long as we care about the health and safety of any American citizen, I do not think we can wash our hands of that.

Mr. Speaker, I think the statements made by my colleague, the gentleman from Texas [Mr. BONILLA], are absolutely on target. I have represented that area during all of the time that the siting decisions were being made by the State of Texas, during all of the time that negotiations were ongoing between Vermont, Texas, and Maine.

We should not leave out Vermont in any of this discussion, by the way.

They too, like Maine, have aging nuclear facilities that will all have to be dumped somewhere, some day. We know where that will be, provided the Congress of the United States does not stop going down this path believing that we can do anything we want. We do not care what the consequences are.

Let me tell you why it is especially difficult today I think for anyone to say that they support measures like this. It should be that the Federal Government should not be condoning another financial liability of massive proportions. After all, if in fact we have to do a cleanup, if there is an accident, and let me say we are putting it into an area of high earthquake and seismic activity. The largest earthquake by the way in the State of Texas occurred in 1931, it was right here where they are putting the dump site.

Guess what happened last month? Another earthquake, affecting west Texas as it had not since the 1930's. Well, I guess everybody is sure that nothing bad will ever happen. That is what we always say. Why, this earthquake, we can sustain these kinds of things if we do this thing right. That is what everybody always says.

Let me just tell you what. I can tell you that, however, all of those statements notwithstanding, it is the poor siting, coupled with the large loopholes in the very bill you are asking us to vote on in this compact, which exposed the Federal Government, and yes, all U.S. taxpayers, not just those in Texas, as the compact would have you believe, not just those in Texas. By the way, Maine and Vermont will get out of it pretty easy in the compact itself. But this compact exposes all taxpayers to an enormous and unreasonable amount of liability.

I can tell you that this epicenter of the earthquake that occurred last month is the strongest recorded in Texas. I ask why would anybody deliberately dispose of such volatile materials in an area known for its seismic activity? Those are the kinds of questions we ought to be asking.

Who will ultimately have to pay? Well, we know. Under article 8, section 8.03, of the compact, the States of Vermont and Maine will not be held liable for damage incurred due to the siting, operation, maintenance, long-term care, or any other activity relating to the compact facility.

I am citing it to you. It is right there in the bill. Who does this leave liable? Some of us might think, well, maybe it is going to be the generators of the waste. Maybe it is going to be the transporters, the owners, the operators of the facility. However, these companies have limited financial resources. If they run out, once again, who do we leave that to? The taxpayers of Texas certainly, but also the taxpayers of the rest of the United States in bearing the brunt of that liability.

I could get into the issue of balancing the budget and how it is that we want to reform Superfund and cleanup and all of the things we know that have not happened very economically in terms of time or efficiency. Again, all I would say is we should be very careful, I think, before we get the United States back into another problem of that kind.

I do not think anyone here that should think all Texans are in agreement on this compact. Unlike the citizens of Maine, the people of Texas were never provided the opportunity to vote on whether or not they approve of this compact.

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

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

Mr. BONILLA. Mr. Speaker, I think as the gentleman is speaking reminds me of a point made that perhaps no other Member in Congress can testify firsthand to the beauty and the pristine of the wide open spaces of the part of the country we are talking about, that are unspoiled and untouched by any outside influence or contamination or toxic substance. It would be a real tragedy to have this suddenly introduced into an area like that.

Mr. COLEMAN. Mr. Speaker, reclaiming my time, the gentleman is correct. Let me just tell the gentleman, it is not just even the problems in the area that is going to be dumped upon. There is another issue, and that is that we do not limit the volume of waste it must accept from the party States as well as other contracting States which will occur.

Mr. Speaker, I would urge my colleagues to vote against this legislation, and I hope in the subsequent time we can make the other points that need to be made.

Today we are being asked to grant our approval of the Texas, Vermont, and Maine Low-Level Radioactive Waste Disposal Compact. While this legislation does not directly determine the site of disposal, the State of Texas has already selected the site and is limited by State law to a 200-square-mile area in west Texas. I know that Congress left it to the States to determine the disposal site. However, this does not mean that we abrogated our responsibility to ensure that citizens' health and safety are not endangered. The Federal Government should not be condoning another financial liability of massive proportion and we should see that international agreements we make are lived up to.

Proponents of the compact ask that we turn our backs on the issue of siting and the flaws in the compact. They propose that Congress should rubber stamp the actions of the State, regardless of the ramifications. However, it is the poor siting, coupled with the large loopholes in the compact which expose the Federal Government to an enormous and unreasonable amount of liability.

As evident by the recent earthquake in west Texas, the mountain ranges of west Texas, northern Mexico and the Chihuahua Desert are areas of seismic activity. The site is near the epicenter of the earthquake that occurred last month and to the one that struck in 1931, the strongest recorded earthquake in Texas. The siting authority has stated that they planned for earthquakes and that the facility will be able to handle an earthquake of up to 7.0 on the richter scale. I ask you, why would anyone deliberately dispose of such volatile materials in an area known for its seismic activity? Who will ultimately have to pay for the cleanup of this site, because of poor siting? This American taxpayer, that's who.

Under article VIII, section 8.03 of the compact, the States of Vermont and Maine will not be held liable for damage incurred due to the siting, operation, maintenance, long-term care, or any other activity relating to the compact facility. Who does this leave liable? One might think the answer is the generators, transporters, owners, and operators of the facility. However, these companies have limited financial resources. So, of course, the taxpayers of Texas and the Federal Government will bear the brunt of that liability.

This Congress has made a commitment to balance the budget by the year 2002. To do so, we have made enormous cuts in the EPA and some say we will continue to cut its budget over the next 7 years. We've all seen the difficulty the EPA has had in cleaning up superfund sites. It is a long and slow process. Wouldn't it be better if we had prevented the oilspills or unregulated dump sites in the first place? This compact is the worst of both scenarios. Today, we have an opportunity to save the Federal Government millions of dollars in cleanup costs. We know that the State has chosen an active earthquake zone for the dump. Once the leakage occurs, each of you will know that you could have avoided it. When the large cleanup bills roll in, each of you will know that you could have saved the Federal Government millions of dollars.

Should you ratify this compact today, I hope you will pledge to adequately fund the superfund, the EPA and the necessary cleanup costs associated with doing what will one day be necessary.

Do not think that all Texans are in agreement on this compact. Unlike the citizens of Maine, the people of Texas were never provided the opportunity to vote on whether or not they approve of a compact. The very people who have endangered their lives by accepting the wastes of other States, the people of Texas, had no say in the decision. If it was good enough for the people of Maine, it should have been good enough for the people of Texas. The people of Texas are speaking out against the compact and the dump site. A statewide survey conducted in September 1994 showed that 82 percent of Texans don't want to accept out-of-State nuclear wastes. Yet they never got a vote. Each week another city council of county commission passes a resolution objecting to the disposal site. Mr. Chairman, I ask unanimous consent to insert these resolutions into the RECORD.

My second objection to this compact is that it does not protect Texas by limiting the volume of waste it must accept from party States and contracting States. Under this agreement, Texas accepts responsibility for both management and disposal as described in article I,

section 1.01. Management is defined as collection, consolidation, storage, packaging, or treatment. Treatment is not defined in the agreement. However, it is generally accepted as including incineration. Incineration reduces the volume of the waste, but not the level of radioactivity. Thus, less volume of waste will be disposed of at the site, but at a greater level of radioactivity.

It is also unclear if waste imported from other States, but incinerated in Texas, is counted under the Texas portion or the non host allotment. Article iii, section 3.04(11) says: "the shipments of low-level radioactive waste from all non host party states shall not exceed 20 percent of the volume estimated to be disposed of by the host state during the 50-year period." Shipment volumes are tied exclusively to disposal estimates. The compact is silent on how much volume can be shipped for management. A substantially larger amount of waste can be shipped in and incinerated than the disposal estimates allow. Incineration of waste will allow more States to contract to dispose of their waste in Texas.

Unfortunately, the State legislature has failed to recognize the tenuous dilemma these technical flaws have placed upon us. Once the Texas site is open there will be incredible outside pressure not to change the contract clause and so it probably will not happen. Why do these obvious disparities exist? Because, money—not the best science—is driving the compact process. Texas chose to be the host site for other States so that it could earn additional revenue. Texas could have entered into a reciprocal compact like Connecticut and New Jersey whereby each State agrees to manage and dispose of its own waste, but remains protected under the 1985 Low Level Radioactive Waste Disposal Policy Act amendments. It could have entered into a compact with a State more regional in nature. Instead, Texas chose to enter into a compact with the prosperous States of Vermont and Maine. Each of these States have aging nuclear plants which will eventually be buried lock, stock, and barrel in Texas.

A third objection relates to respecting our binational agreements. Texas has selected Sierra Blanca, the county seat of Hudspeth County, as the waste site. The town of Sierra Blanca is 20 miles from the Rio Grande River which is the international boundary between the United States and Mexico. Selection of this site is in clear violation of the 1983 agreement for cooperation on the environment between the United States and Mexico, commonly referred to as the La Paz agreement.

Under article 2 of the La Paz agreement the United States and Mexican Government are directed

> To the fullest extent practical . . . Adopt the appropriate measures to prevent, reduce, and eliminate sources of pollution in their respective territory which affect the border area of the other.

Article 7 of the agreement states that the two governments shall assess, as appropriate,

> Projects that may have significant impacts on the border area, so that appropriate measure may be considered to avoid or mitigate adverse environmental effects.

The border region is defined as properties within 100 kilometers on either side of the Rio Grande. I do not agree, as the State contends, that they must merely inform the Government of Mexico of their actions. That is not an appropriate means by which to conduct our relations with other countries, and neither do they believe it is.

I request that a communication from the Government of Mexico to the State Department outlining its objection be inserted into the RECORD immediately following my statement. As evident by this communication and the recent demonstrations on the Mexican side of the border against the dump site, the citizens and Government of Mexico are concerned about the threat to their environment from this disposal site. While Congress claims it may have no authority over the site selection process, we are responsible for guaranteeing that our binational agreements are respected by our own citizens, as well as by our State governments.

A final issue concerns waste sites in minority communities. Under this compact the site county will receive a total of $5 million from Vermont and Maine. Hudspeth County is 64 percent Latino, 2,915 people live there and the per capita income is only $13,029. It is a rural community whose residents are generally poor and do not have the means to hire high-priced lobbyists or the population to influence state policy. It is an area not unlike the many other poor, minority communities across the country which have been forced to cohabitate with other's radioactive waste. Five million dollars is a lot of money to anyone, but especially to these poor citizens. I would like to point out action by our President which speaks to the issue of poor, minority communities such as Sierra Blanca who are targeted under agreements sanctioned by this compact. On February 11, 1994, President Clinton signed the Executive order on Federal actions to address environmental justice in minority populations and low-income populations. This executive order was in response to the overwhelming evidence that minorities and low-income populations are disproportionately burdened with environmental hazards. Hudspeth County is a prime example of this. The President directed all Federal agencies to ensure that the practice not continue. It is left to Congress to address its responsibility in the same spirit of this act.

While Congress can not watch over each action by the States, we do have certain responsibilities. We have a responsibility to taxpayers not to rubber stamp an agreement which is going to cost them millions of dollars down the road. We have a responsibility to be leaders not followers in matters of civil rights. We have a responsibility to protect those without the means to protect themselves. We have a responsibility to abide by our bi-national agreements. We can fulfill our responsibility by disallowing this compact until a more suitable site is found.

Mr. Speaker, I insert the following material for the RECORD.

UNOFFICIAL TRANSLATION

The Embassy of Mexico presents its compliments to the State Department and has the honor of referring to the plans for the residual waste deposit sites that are supposed to be built near the U.S.-Mexican border: in Texas, Low Level in Sierra Blanca in Hudspeth County, Dryden in Terell County, and Spofford in Kinney County; in New Mexico, the Waste Isolation Pilot Plan in Eddy County; in California, La Posta and Campo in San Diego and Ward Valley in San Bernadino County.

As the State Department is aware, the plans for these hazardous waste deposit sites in the border zone, for which the Mexican Chancellory has appropriately given warning, have provoked strong reactions from the border communities, environmental organizations and both Mexican and United States Congressmen.

The Embassy would like to reiterate that the technical considerations shown by the Mexican Government, by the U.S. Environmental Protection Agency itself and by various non-governmental organizations of both countries, demonstrate that the plans and precautions of the companies promoting the above mentioned waste deposit projects cannot avoid the risk factor of transboundary pollution. In a context of greater environmental awareness and cooperation in the international community, neither one of our governments can ignore these types of concerns.

In accordance with the principles of cooperation and good-neighbors, the Embassy wishes to reiterate to the State Department the duty of all countries to prevent, inform and negotiate any action in their territory that could cause harm to a third state. In addition, we would like to remind you that during the High Level Meeting on Proposals for Radioactive and Hazardous Waste Deposits in the Border Zone, held on April 22, 1992, in Washington, the State Department committed itself to "be the means through which the corresponding authorities of the United States would be made aware of any information or concern of the Mexican Government in this regard."

As such, Mexico hopes that the United States takes all the preventive measures at its disposal to avoid the possibility of any risk of transboundary damage, or that the U.S. might cause said damage, in compliance with what was agreed upon by both governments in Article 2 of the La Paz Convention in the following terms: "The Parties commit themselves as far as it is possible, to adopt the appropriate measures to prevent, reduce and eliminate sources of pollution in their respective territories that affect the border zone of the other." Based on the cited article, the hazardous waste deposit sites represents important sources of transboundary pollution.

At the same time, the second part of the article indicates that "the Parties will cooperate in the resolution of environmental problems in the border zone for the common good, in accordance with the provisions of this Convention." As such, the fact that the United States Government sets a limit on its responsibility in regard to the actions taking place in its territory, whether by federal, state, local authorities or even individuals, demonstrates an unwillingness to cooperate in finding a solution to environmental problems, to which it agreed in the Convention of La Paz.

As it has already been expressed by the Mexican Government, to contemplate building such a large number of waste deposits near the international boundary or near international rivers implies that the border location was selected, and this is an outrage against the legitimate right of the people in the regional communities not to have their natural birthright and health affected.

In view of the above, and the fact that the United States has allowed local or state courts to approve such waste deposit

projects without taking into account the agreements between our two countries, the Government of Mexico wishes to reiterate its particular concern because the United States Federal Government still has not taken an active role in this regard and it still has not responded to diplomatic note 1214 of October 29, 1993, in regard to the waste deposit site at Ward Valley.

In this context, the Embassy of Mexico would like to propose to the State Department that a High Level Meeting be held as soon as possible, that will allow our Governments to exchange viewpoints on the plans for the hazardous waste deposits in the border area.

The Embassy avails itself of this opportunity to renew to the State Department the assurances of its highest and most distinguished consideration.

RESOLUTION

Whereas, the State of Texas has proposed Sierra Blanca, Hudspeth County for the site of a low-level radioactive waste dump which would receive wastes from Texas, Maine, Vermont, and possible other states and whereas the wastes would be toxic for thousands of years; and

Whereas, the proposed siting appears to be a result of environmental racism and may be geological unsound as it is in an active earthquake zone and only 16 miles from the Rio Grande, potentially endangering Mexican and U.S. residents who live nearby and downstream; and

Whereas, Sierra Blanca is an impoverished Mexican American community and studies have shown that toxic waste dumps are often sited in poor communities of color; and

Whereas, five of the six existing low-level nuclear waste dumps have reportedly leaked radiation into the surrounding environment; and

Whereas, the City of Austin is the partial owner of the South Texas Nuclear Project from which waste along with waste from Commanche Peak, and other nuclear power plants may comprise the majority of the proposed dump's contents by radioactivity; and

Whereas, the City of Austin desires to ensure the safe management of wastes it and its business ventures produce and to ensure that these wastes are not dumped on those with the least financial and physical resources to protect their communities from hazardous and radioactive waste dumping; and

Whereas, safer alternatives exist for the storage of nuclear waste such as aboveground, monitored, retrievable storage; now, therefore,

Be it resolved by the City Council of the City of Austin: That the Austin City Council opposes a nuclear waste dump in Sierra Blanca, Hudspeth County, Texas.

RESOLUTION OPPOSING THE NUCLEAR WASTE DUMP IN HUDSPETH COUNTY

* * * Sierra Blanca, Hudspeth County, for the site of low-level nuclear waste dump which would receive wastes from Texas, Maine, and Vermont and whereas the wastes will be toxic for thousands of years; and

Whereas, a radioactive release from the project could threaten the residents of West Texas; and

Whereas, West Texas highways would be used for the transportation of radioactive waste to Sierra Blanca, thus putting many residents along these routes at risk from a transportation accident; and

Whereas, precious underground water supplies for the region could be contaminated by this facility; and

Whereas, the proposed site is only 16 miles from the Rio Grande, thus endangering Mexican and U.S. residents who live downstream; and

Whereas, Sierra Blanca is a poor, 70% Hispanic community and studies have shown that toxic waste dumps are often sighted in poor minority communities; and

Whereas, four of the six existing low-level nuclear waste dumps have leaked radiation into the surrounding environment; and

Whereas, safer alternatives exist for the storage of nuclear waste such as above ground monitored retrievable storage.

Now therefore be it resolved, that the City of Brackettville, City Council oppose a nuclear waste dump in Sierra Blanca, Hudspeth County, Texas.

RESOLUTION

Whereas, the state of Texas has chosen Sierra Blanca, Hudspeth County, for the site of a low-level nuclear waste dump which would receive wastes from Texas, Maine, and Vermont and whereas the wastes will be toxic for thousands of years; and,

Whereas, the site of the nuclear dump is only 37 miles from El Paso County; and,

Whereas, a radioactive release from the project could threaten the residents of El Paso; and,

Whereas, precious underground water supplies for the region could be contaminated by this facility; and,

Whereas, the proposed site is only 16 miles from the Rio Grande, thus endangering Mexican and U.S. residents who live downstream; and,

Whereas, the growth pattern of El Paso is in the direction of Hudspeth County and whereas a nuclear waste dump will lead to devaluation of surrounding land resulting in a loss of tax revenue; and,

Whereas, Sierra Blanca is a poor, 70% Hispanic community and studies have shown that toxic waste dumps are often sighted in poor minority communities; and,

Whereas, five of the six existing low-level nuclear waste dumps have leaked radiation into the surrounding environment; and,

Whereas, safer alternatives exist for the storage of nuclear waste such as above ground monitored retrievable storage.

Now therefore, be it resolved, that the El Paso County Judge and County Commissioners oppose a nuclear waste dump in Sierra Blanca, Hudspeth County, Texas.

CITY OF MARFA: RESOLUTION 95–11

Whereas, the state of Texas, by action of the previous Governor of the State, did mandate the establishment of a nuclear waste dump site in an area of Far West Texas for the sole purpose of storing nuclear waste from the state of Texas, with pending permits for nuclear waste dumps and storage from the state of Maine and Vermont, and,

Whereas, no citizen or body of citizens in any jurisdiction of Far West Texas has ever had the opportunity to vote for or against the establishing of such waste site by the legal voting process which is the right of all citizens; and, which violates their sovereign rights as citizens of this State and the United States, and,

Whereas, these toxic wastes could affect the health and welfare of the present generation and all future generations; and the radioactive release from this project, and others of a like kind, could also affect all of the citizens of this area; and,

Whereas, there are no restrictions or requirements as to marking, labeling or illuminating for transportation of such waste either by highway or by rail to the Far West Texas site; and there are not speed limits nor are there restrictions as to convoy type movement of these wastes in place in any jurisdiction which is without regard for safety of its citizens as it passes through urban and rural areas to the dump site, and,

Whereas, the extremely limited water resources and underground water supply known to exist throughout this semi-arid represents the most precious commodity known to man and could be endangered by radioactive leakage, spillage or negligence in the total process of handling these potential dangerous materials and; therefore, must be protected at all costs and above all other considerations, and,

Whereas, without regard to any minorities, race, ethnic background, economic, status, population or any other group of concerned people since this is a universal concern involving the sovereign rights of all citizens which is to be protected by their government from radioactive nuclear waste of a toxic nature, and,

Whereas, our government's agencies must provide protection from all dangers involved in storage and disposal of such materials be it underground or above ground.

Now, Therefore be it resolved by the City Commission of the City of Marfa in Presidio County, Texas hereby opposes:

All nuclear waste dumps and dump sites within any area of far west Texas.

RESOLUTION: A RESOLUTION OF THE COMMISSIONER'S COURT OF JEFF DAVIS COUNTY, TEXAS OPPOSING THE PROPOSED NUCLEAR WASTE DUMP TO BE LOCATED IN SIERRA BLANCA, HUDSPETH COUNTY, TEXAS

Whereas, the State of Texas has chosen Sierra Blanca, Hudspeth County, for the site of a low-level nuclear waste dump which would receive wastes from Texas, Maine, and Vermont; and

Whereas, the wastes will be toxic for thousands of years; and

Whereas, a radioactive release from the project could threaten the residents of West Texas; and

Whereas, West Texas highways could be used for the transportation of radioactive waste to Sierra Blanca, thus putting many residents along these routes at risk from a transportation accident; and

Whereas, precious underground water supplies for the region could be contaminated by this facility; and

Whereas, the proposed site is only 16 miles from the Rio Grande, thus endangering Mexican and U.S. residents who live downstream; and

Whereas, Sierra Blanca is a poor, 70-percent Hispanic community and studies have shown that toxic waste dumps are often sited in poor minority communities; and

Whereas, four of the six existing low-level nuclear waste dumps have leaked radiation into the surrounding environment; and

Whereas, safer alternatives exist for the storage of nuclear waste such as above ground monitored retrievable storage.

Now, therefore, be it resolved by the Commissioner's Court of the County of Jeff Davis, Texas that: It hereby opposes a nuclear waste dump in Sierra Blanca, Hudspeth County, Texas.

RESOLUTION—NO. R: 95–67; A RESOLUTION OF THE COMMISSIONERS COURT OF PRESIDIO COUNTY OPPOSING THE PROPOSED NUCLEAR WASTE DUMP TO BE LOCATED IN SIERRA BLANCA, HUDSPETH COUNTY, TEXAS

Whereas, the State of Texas has chosen Sierra Blanca, Hudspeth County, for the site of

a low-level nuclear waste dump which would receive wastes from Texas, Maine and Vermont; and

Whereas, the wastes will be toxic for thousands of years; and

Whereas, a radioactive release from the project could threaten the residents of West Texas; and

Whereas, West Texas highways could be used for the transportation of radioactive waste to Sierra Blanca, thus putting many residents along these routes at risk from a transportation accident; and

Whereas, precious underground water supplies for the region could be contaminated by this facility; and

Whereas, the proposed site is only 16 miles from the Rio Grande, thus endangering Mexican and U.S. residents who live downstream; and

Whereas, Sierra Blanca is a poor, 70% Hispanic community and studies have shown that toxic waste dumps are often sighted in poor minority communities; and

Whereas, four of the six existing low-level nuclear waste dumps have leaked radiation into the surrounding environment; and

Whereas, safer alternatives exist for the storage of nuclear waste such as above ground monitored retrievable storage.

Now, therefore, be it resolved by the Commissioners Court of Presidio County in Marfa, Texas, that: It hereby opposes a nuclear waste dump in any part of West Texas West of the Pecos River.

RESOLUTION NO. R: 95-67: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL RIO, TEXAS OPPOSING THE PROPOSED NUCLEAR WASTE DUMP TO BE LOCATED IN SIERRA BLANCA, HUDSPETH COUNTY, TEXAS

Whereas, the State of Texas has chosen Sierra Blanca, Hudspeth County, for the site of a low-level nuclear waste dump which would receive wastes from Texas, Maine, and Vermont; and

Whereas, the wastes will be toxic for thousands of years; and

Whereas, a radioactive release from the project could threaten the residents of West Texas; and

Whereas, West Texas highways could be used for the transportation of radioactive waste to Sierra Blanca, thus putting many residents along these routes at risk from a transportation accident; and

Whereas, precious underground water supplies for the region could be contaminated by this facility; and

Whereas, the proposed site is only 16 miles from the Rio Grande, thus endangering Mexican and U.S. residents who live downstream; and

Whereas, Sierra Blanca is a poor 70% Hispanic community and studies have shown that toxic waste dumps are often isolated in poor minority communities; and

Whereas, four of the six existing low-level nuclear dumps have leaked radiation into the surrounding environment; and

Whereas, safer alternatives exist for the storage of nuclear waste such as above ground monitored retrievable storage.

Now, therefore, be it resolved by the City Council of the City of Del Rio, Texas, that: It hereby opposes a nuclear waste dump in Sierra Blanca, Hudspeth County, Texas.

Passed and approved on this 27th day of June 1995.

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MEXICO-UNITED STATES: AGREEMENT TO COOPERATE IN THE SOLUTION OF ENVIRONMENTAL PROBLEMS IN THE BORDER AREA[1]

[Done at La Paz, Baja California, Mexico, Aug. 14, 1983]

Agreement between the United States of America and the United Mexican States on cooperation for the protection and improvement of the environment in the border area:

The United States of America and the United Mexican States,

Recognizing the importance of a healthful environment to the long-term economic and social well-being of present and future generations of each country as well as of the global community;

Recalling that the Declaration of the United Nations Conference on the Human Environment, proclaimed in Stockholm in 1972, called upon nations to collaborate to resolve environmental problems of common concern;

Noting previous agreements and programs providing for environmental cooperation between the two countries;

Believing that such cooperation is of mutual benefit in coping with similar environmental problems in each country;

Acknowledging the important work of the International Boundary and Water Commission and the contribution of the agreements concluded between the two countries relating to environmental affairs;

Reaffirming their political will to further strengthen and demonstrate the importance attached by both Governments to cooperation on environmental protection and in furtherance of the principle of good neighborliness;

Have agreed as follows:

ARTICLE 1

The United States of America and the United Mexican States, hereinafter referred to as the Parties, agree to cooperate in the field of environmental protection in the border area on the basis of equality, reciprocity and mutual benefit. The objectives of the present Agreement are to establish the basis for cooperation between the Parties for the protection, improvement and conservation of the environment and the problems which affect it, as well as to agree on necessary measures to prevent and control pollution in the border area, and to provide the framework for development of a system of notification for emergency situations. Such objectives shall be pursued without prejudice to the cooperation which the Parties may agree to undertake outside the border area.

ARTICLE 2

The Parties undertake, to the fullest extent practical, to adopt the appropriate measures to prevent, reduce and eliminate sources of pollution in their respective territory which affect the border area of the other.

Additionally, the Parties shall cooperate in the solution of the environmental problems of mutual concern in the border area, in accordance with the provisions of this Agreement.

ARTICLE 3

Pursuant to this Agreement, the Parties may conclude specific arrangements for the solution of common problems in the border area, which may be annexed thereto. Similarly, the Parties may also agree upon annexes to this Agreement on technical matters.

ARTICLE 4

For the purposes of this Agreement, it shall be understood that the "border area" refers to the area situated 100 kilometers on either side of the inland and maritime boundaries between the Parties.

ARTICLE 5

The Parties agree to coordinate their efforts, in conformity with their own national legislation and existing bilateral agreements to address problems of air, land and water pollution in the border area.

ARTICLE 6

To implement this Agreement, the Parties shall consider and, as appropriate, pursue in a coordinated manner practical, legal, institutional and technical measures for protecting the quality of the environmental in the border area. Forms of cooperation may include: coordination of national programs; scientific and educational exchanges; environmental monitoring; environmental impact assessment; and periodic exchanges of information and data on likely sources of pollution in their respective territory which may produce environmentally polluting incidents, as defined in an annex to this Agreement.

ARTICLE 7

The Parties shall assess, as appropriate, in accordance with their respective national laws, regulations and policies, projects that may have significant impacts on the environment of the border area, so that appropriate measures may be considered to avoid or mitigate adverse environmental effects.

ARTICLE 8

Each Party designates a national coordinator whose principal functions will be to coordinate and monitor implementation of this Agreement, make recommendations to the Parties, and organize the annual meetings referred to in Article 10, and the meetings of the experts referred to in Article 11. Additional responsibilities of the national coordinators may be agreed to in an annex to this Agreement.

In the case of the United States of America the national coordinator shall be the Environmental Protection Agency, and in the case of Mexico it shall be the Secretaría de Desarrollo Urbano y Ecología, through the Subsecretaría de Ecología.

ARTICLE 9

Taking into account the subjects to be examined jointly, the national coordinators may invite, as appropriate, representatives of federal, state and municipal governments to participate in the meetings provided for in this Agreement. By mutual agreement they may also invite representatives of international governmental or non-governmental organizations who may be able to contribute some element of expertise on problems to be solved.

The national coordinators will determine by mutual agreement the form and manner of participation of non-governmental entities.

ARTICLE 10

The Parties shall hold at a minimum an annual high level meeting to review the manner in which this Agreement is being implemented. These meetings shall take place alternately in the border area of Mexico and the United States of America.

The composition of the delegations which represent each Party, both in these annual

[1] [Reproduced from the text provided by the U.S. Department of State.

[The Memorandum of Understanding, referred to in Article 23 and which this Agreement supersedes, is reproduced at 17 I.L.M. 1056 (1978).

[An agreement between Canada and the United States concerning acid rain research appears at I.L.M. page 1017.]

meetings as well as in the meetings of experts referred to in Article 11, will be communicated to the other Party through diplomatic channels.

ARTICLE 11

The Parties may, as they deem necessary, convoke meetings of experts for the purposes of coordinating their national programs referred to in Article 6, and of preparing the drafts of the specific arrangements and technical annexes referred to in Article 3.

These meetings of experts may review technical subjects. The opinions of the experts in such meetings shall be communicated by them to the national coordinators, and will serve to advise the Parties on technical matters.

ARTICLE 12

Each Party shall ensure that its national coordinator is informed of activities of its cooperating agencies carried out under this Agreement. Each Party shall also ensure that its national coordinator is informed of the implementation of other agreements concluded between the two Governments concerning matters related to this Agreement. The national coordinators of both Parties will present to the annual meeting a report on the environmental aspects of all joint work conducted under this Agreement and on implementation of other relevant agreements between the Parties, both bilateral and multilateral.

Nothing in this Agreement shall prejudice or otherwise affect the functions entrusted to the International Boundary and Water Commission in accordance with the Water Treaty of 1944.

ARTICLE 13

Each Party shall be responsible for informing its border states and for consulting them in accordance with their respective constitutional systems, in relation to matters covered by this Agreement.

ARTICLE 14

Unless otherwise agreed, each Party shall bear the cost of its participation in the implementation of this Agreement, including the expenses of personnel who participate in any activity undertaken on the basis of it.

For the training of personnel, the transfer of equipment and the construction of installations related to the implementation of this Agreement, the Parties may agree on a special modality of financing, taking into account the objectives defined in this Agreement.

ARTICLE 15

The Parties shall facilitate the entry of equipment and personnel related to this Agreement, subject to the laws and regulations of the receiving country.

In order to undertake the monitoring of polluting activities in the border area, the Parties shall undertake consultations relating to the measurement and analysis of polluting elements in the border area.

ARTICLE 16

All technical information obtained through the implementation of this Agreement will be available to both Parties. Such information may be made available to third parties by the mutual agreement of the Parties to this Agreement.

ARTICLE 17

Nothing in this Agreement shall be construed to prejudice other existing or future agreements concluded between the two Parties, or affect the rights and obligations of the Parties under international agreements to which they are a party.

ARTICLE 18

Activities under this Agreement shall be subject to the availability of funds and other resources to each Party and to the applicable laws and regulations in each country.

ARTICLE 19

The present Agreement shall enter into force upon an exchange of Notes stating that each Party has completed its necessary internal procedures.

ARTICLE 20

The present Agreement shall remain in force indefinitely unless one of the Parties notifies the other, through diplomatic channels, of its desire to denounce it, in which case the Agreement will terminate six months after the date of such written notification. Unless otherwise agreed, such termination shall not affect the validity of any arrangements made under this Agreement.

ARTICLE 21

This Agreement may be amended by the agreement of the Parties.

ARTICLE 22

The adoption of the annexes and of the specific arrangements provided for in Article 3, and the amendments thereto, will be effected by an exchange of Notes.

ARTICLE 23

This Agreement supersedes the exchange of Notes, concluded on June 19, 1978 with the attached Memorandum of Understanding between the Environmental Protection Agency of the United States and the Subsecretariat for Environmental Improvement of Mexico for Cooperation on Environmental Programs and Transboundary Problems.

Done in duplicate, in the city of La Paz, Baja California, Mexico, on the 14th of August of 1983, in the English and Spanish languages, both texts being equally authentic.

Mr. SCHAEFER. Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. FIELDS], the sponsor of the legislation.

Mr. FIELDS of Texas. Mr. Speaker, I rise in support of H.R. 558, a bill I introduced to provide the consent of Congress to the Texas low-level radioactive waste disposal compact. As most of us know, the legislatures of Texas, Maine, and Vermont—the States composing this compact—approved this legislation overwhelmingly.

As we consider H.R. 558 today, I would like to make four simple points:

First of all, we should pass this legislation out of recognition of the accomplishment of the States of Texas, Maine, and Vermont for their responsiveness in doing just what Congress asked them to do. In 1980, Federal legislation was passed which established a low-level radioactive waste policy that placed the responsibility within the States for the disposal of low-level radioactive waste. In 1985, further amendments were passed in Congress reinforcing this policy and providing incentives to States to form these compacts. Therefore, after they have done their job of passing this compact in all three State legislatures, we should do our job and act promptly to approve this resulting compact agreement. In response to Congress' entreaty, nine compacts have already been formed and approved, including 42 States; this compact will bring the total to 10 compacts covering 45 States.

Second, our role is to be sure that the compact comports with the underlying Federal law from which it derives and not to preside over controversies that may be local in nature, which are the responsibility of the local authorities. Simply put, Mr. Speaker, our responsibility is to be sure that the three State legislatures were consistent with the underlying Federal law when they passed this compact and not to arbitrate over local issues such as site selection. That is a matter for the States, and it would be intrusive of us to assume the authority unto ourselves. The compact implicitly defers questions on these matters to the Texas Legislature, the Texas Low-Level Radioactive Waste Disposal Authority, the Texas Water Commission, and other State agencies.

Third, this compact has already received a hearing before the Commerce Subcommittee on Energy and Power on May 11. Subsequently, the subcommittee approved the compact by a voice vote. Shortly thereafter, the full Commerce Committee approved H.R. 558 by a vote of 41 to 2. The compact remains the same, the underlying Federal legislation remains the same, and therefore I would urge my colleagues to support this bill so that the three States in question can perform their responsibilities and proceed to develop a site to responsibly dispose of low-level radioactive waste.

Last of all, Mr. Speaker, I would like to point out that this legislation is in the best interest of all three States, but particularly for my State of Texas. By forming this compact, Texas avoids the risk of being forced to take waste from other States which would generate much larger amounts of low-level waste. Under the compact, Texas has full control of the site, development, operation and management, and closure of its low-level waste disposal facility. Furthermore, with our State's leadership in such areas as research and medical activities, which use low-level radioactive materials at our academic and health institutions, it is in our best interest to responsibly provide for the disposal of the constant wastes from those activities and take a leadership role in planning for our future.

This responsible action was reflected in the approval of the compact by the Texas House of Representatives by a voice vote and the Texas Senate by a vote of 26 to 2.

In summary, Mr. Speaker, there is no legitimate reason to delay an approval at the Federal level any longer.

Mr. BRYANT of Texas. Mr. Speaker, I yield 6 minutes to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, I strongly oppose this compact. This plan causes me, it causes many people

in the city of Austin and across the State of Texas, the gravest concern. Though a new Member here, I had understood there was at least some tradition of giving a certain degree of deference to the Members in whose district a project of this type is going to be located.

I have listened to the eloquent comments of the gentleman from El Paso, TX [Mr. COLEMAN] who has fought steadfastly, along with his staff, to resist this compact, to try to block it. I have listened to the very telling comments today of my colleague from Texas, a fellow Texan, Mr. BONILLA, in whose district this particular project would be sited. And I think what they say has a considerable degree of merit.

My district, the city of Austin and Travis County, is halfway across Texas from where this project will be located. Hundreds of miles. But I can tell you that the people of central Texas are every bit as concerned about this as are the people of Sierra Blanca or the people of El Paso.

I believe that I have now received a total of 1,415 communications from people in Travis County, TX, expressing opposition to the location of this dump; and, oh, by the way, six people who said they were for locating it at this point and approving this compact. What these people kept saying is the same thing that the Austin City Council said when it voted 5 to nothing against this compact, and that is do not make Texas the dumping ground for this Nation.

Mr. Speaker, let us acknowledge from the beginning that when Congress passed this piece of legislation, the 1986 Low Level Radioactive Policy Act, it was planning on agreements that did not look anything like the one we are taking up here today. When it referred to a regional compact, it has in mind just that, a region, because there would be less danger of spills and other problems if you localize the nature of the disposal.

Well, we in Texas have a rather big idea of our State. I have even heard some Texas talk about Colorado as north Texas, and indeed when we declared our independence in 1936, it was north Texas. But I have yet to see the most boastful Texan ever suggest that Maine and Vermont were in the region of Texas.

There is good reason for everyone and not just Texans, boastful or otherwise, to be concerned about this compact. Because to get from here to there, to get from Maine and Vermont to Texas, you are going to have to cross a little of these United States. So if you represent Ohio or New Jersey or New York or Kentucky or Tennessee or Arkansas, or any number of other States, you have every reason to be concerned about what happens when this highly toxic radioactive waste is transported across your State and across your district.

Though this compact has been lobbied through the Texas Legislature very successfully as a way to limit the dump in the State of Texas, exactly the opposite is going to happen. There is absolutely no reason that the commissioners of this compact cannot get together without any input from the people in Sierra Blanca or in El Paso or in Austin or in this U.S. Congress and expand the compact to include every State in the Nation. Under the definition of "region" being used here, there is no more basis for excluding New York or California than there is for including Maine and Vermont. Texas could well become the place where all of this toxic waste from around the country is located.

□ 1800

Mr. Speaker, there are already proposals up talking about mixing radioactive waste, low-level radioactive waste, with other types of toxic waste once this compact is ratified. Other States and economic pressures are going to cause this compact to include other States and have Texas be a dumping ground.

The Hudspeth County site that has been chosen in the district of the gentleman from Texas [Mr. BONILLA] raises a number of safety concerns. Seepage of radioactive waste into ground water supplies has been a problem with other dump sites. This is just a few miles from the Rio Grande River which provides a water supply to all of the southern border of the big State of Texas.

I agree that we also need to set a good example for our neighbor to the south, Mexico. Can Members imagine the uproar, the outrage on the floor of this Congress if Mexico was talking about locating a radioactive waste dump right on the border next to the United States? We would hear one Member after another denounce that kind of operation.

But that is precisely what we are doing at the same time we are seeking the involvement of the people of Mexico and their government in cleaning up other kinds of environmental damage all along the border from San Diego, CA to Brownsville, TX. This is a step that really works against our national interest all along the border on a wide range of environmental issues.

An earthquake. Well, most people associate those with San Francisco or California. Yet, as my colleague the gentleman from Texas [Mr. BRYANT] who has also fought so ably against the compact pointed our earlier, we just had one of 5.6 on the Richter scale within a relatively short distance of this Sierra Blanca site back in April when this measure was being considered here in Congress.

Mr. Speaker, this is a deeply flawed plan. This is a facility that will house waste not just for a few years but for a few millennia. Do not make the Lone Star State the Lone Dump State. Vote against this legislation.

Mr. BRYANT of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from El Paso, TX [Mr. COLEMAN].

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

Mr. Speaker, let me only add to what I was saying a little bit before. I wanted to hit a couple of points that may have been lost because we did not get to them.

One certainly was concerning the volume of waste. I know that that is not an issue that a lot of people concern themselves with, but let me tell the Members what this compact that we are voting on says, very simply.

Texas accepts responsibility for both management and disposal as described in article 1, section 1.01. Management is defined as "collection, consolidation, storage, packaging or treatment." Treatment, however, is not defined in this agreement. I hope that is just not an oversight of the committee.

It is generally accepted, as I understand it, in terms of the committee's understanding of it as including incineration? I think so. Incineration reduces the volume of the waste but not the level of radioactivity. It is not like other kinds of waste disposal sites that Members may be thinking of. Thus, less volume of waste will be disposed of at the site but at a greater level of radioactivity.

Yet, what happens in the agreement that is unclear if waste imported from other States but incinerated in Texas is counted under the Texas portion of the nonhost allotment? Article iii, section 3.04(11) says: "The shipments of low-level radioactive waste from all nonhost party States shall not exceed 20 percent of the volume estimated to be disposed of by the host State during the 50-year period."

Shipment volumes are tied exclusively to disposal estimates. The compact is silent on how much volume can be shipped for management.

Why is that? We did not care? It did not matter? That is out in the little old town, mainly Hispanic community, called Sierra Blanca in west Texas, right? Is that why we did not care?

I think there are a lot of us that have some very serious questions about this legislation. Were it not placed on a suspension provision under the rules, we could actually be able to amend it in a way that perhaps we could all be supportive.

Unfortunately, the State legislature has failed to recognize the tenuous dilemma these technical flaws have placed on us. That is on whom we rely. We should not be doing that for the health and welfare of American citizens.

Mr. BRYANT of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. BRYANT of Texas. Mr. Speaker, while those of us from Texas are understandably voicing the great anxiety of the people of our State and the particular region in which this is to be located, of far greater importance to the listeners to this debate within the House is the enormous threat to the national interest that is posed by this compact. The gentleman from Texas [Mr. FIELDS] said a moment ago, there have already been nine of those that have been approved, but there have not been nine of these kinds of compacts that have been approved.

There have not been any compacts approved where we are putting a low-level nuclear waste dump in an earthquake zone. There have not been any compacts approved where we have put a low-level nuclear waste dump 14 miles from a river that serves the farms and ranches and the drinking water for millions of people. And there have not been any low-level nuclear waste dumps approved which would invite the neighboring country, which will no doubt take great offense at this decision, to begin locating its undesirable entities and dumps right on the river, right on the border, right across from the United States.

The gentleman from Texas [Mr. DOGGETT] asked the right question a moment ago. Is it not obvious how we would feel if the Mexican Government was going to locate a nuclear waste dump 14 miles from the Rio Grande River on the other side? We would be up in arms about it. Yet we are going to sit back here, if we do as these gentlemen have asked us, and approve this.

They are going to get up in a moment and say, oh, siting decisions are not the province of the U.S. Congress. Well, generally I would agree. Siting decisions within a State, that is pretty much up to the State.

But if a siting decision has international foreign policy implications, if a siting decision would subject the people of the United States to enormous financial liability because of the irresponsibility of the decision, then that is a situational where we should exercise our constitution authority and responsibility and say, "No, we are not going to approve a compact like this. Take it back and start over." That is all that we are asking for.

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

Mr. BRYANT of Texas. I yield to the gentleman from Texas.

Mr. COLEMAN. Mr. Speaker, let me just say respecting our binational agreements is pretty important. I have been told over and over again in hearings throughout the last decade that the agreement that President Ronald Reagan made with the President of Mexico was not a treaty, and that is absolutely right. Nonetheless, many of us respect agreements made by our Presidents. In fact, I think it is the responsibility of the U.S. Congress, not the State legislature, to see to it that we respect those agreements and live up to them.

The La Paz Agreement, under article 2, said very simply that the Governments of Mexico and the United States were directed to the fullest extent practicable to adopt appropriate measures to prevent, reduce, and eliminate sources of pollution in their respective territory which affect the border area of the other. Article 7 stated that the two governments shall assess as appropriate projects that may have significant impacts on the border area.

I have placed into the RECORD with my motion to revise and extend the objections of the Mexican Government and diplomatic note to the United States. That is not the responsibility of the State of Texas. We are a State that is in this Union. That is the responsibility of this Congress to see to it that we respond in an appropriate fashion.

I can just tell the Members that my colleague from Texas is absolutely right. The United States would not put up with it if it was within 100 kilometers, as the La Paz Agreement states we were to have the dumping of radioactive waste by the Government of Mexico.

Mr. BRYANT of Texas. Mr. Speaker, I thank the gentleman for his additional comments. I would emphasize once again, we are not talking about a simple siting question that makes some people happy and some unhappy. We are talking about a siting question that subjects this country to enormous liabilities.

In 1931, 40 miles from this site, there was an earthquake that registered 6.4 on the Richter scale. Sixty-five years ago is just yesterday in geologic time. In April of this year, just 2 months before this thing was marked up in committee, there was an earthquake in the same region that measured 5.6 on the Richter scale. Can anybody argue that we ought to let States locate nuclear waste dumps in earthquake zones right next to an international boundary and on a river that serves millions of people, who if harmed will be in the courthouse asking the taxpayers of this country to pay for the harm that they suffered? I do not think we can make that argument.

Today the gentleman from Texas [Mr. COLEMAN] and I and the gentleman from Texas [Mr. DOGGETT] and the gentleman from Texas [Mr. BONILLA] stand on the floor of the House and ask this House of Representatives to make a decision that is in the interest of the American people, and say to the States of Texas, Maine, and Vermont, go back and do it again. We may approve the next one and we may not, but for goodness sakes do not send us one that is in an earthquake zone.

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

I would just say that our colleague, the gentleman from Texas [Mr. FIELDS], should be commended for this efforts to move this bill forward in a very fashionable, responsible, and timely manner.

I would like to thank the gentleman from New Jersey [Mr. PALLONE], the ranking member of the Subcommittee on Energy and Power, for his support in moving this very reasonable measure through the House of Representatives.

Mr. Speaker, I yield the balance of my time to the gentleman from Texas [Mr. FIELDS] to close debate.

Mr. FIELDS of Texas. Mr. Speaker, I will be fairly brief.

The purpose of a law passed by Congress is to allow States to make decisions for themselves, to make decisions relative to siting. That decision has been made. It is a decision that has been reviewed by the Texas Low-Level Radioactive Waste Compact Commission. It has been reviewed by the Texas Water Commission. The Texas legislature has voted on this. I stand here with a letter from Governor George Bush. It is factual to say that former Governor Ann Richards supported this. I stand here with a letter from Lieutenant Governor Bob Bullock, I stand here with a letter from Mickey LeMater of the M.D. Anderson Cancer Institute talking about the need for Congress to move forward.

Is there a benefit to the State? The answer is absolutely. That if the State of Texas had not itself moved forward, then Texas would have been subject to becoming the dumping ground for the rest of the country. We would not have had the ability or have the ability to pass laws restricting the low-level nuclear waste coming in to our particular State. This is a decision that has been made by Texans for Texans in the best interest of our particular State. I urge all of my colleagues to support this piece of legislation.

PARLIAMENTARY INQUIRY

Mr. COLEMAN. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. FOLEY). The gentleman will state it.

Mr. COLEMAN. Mr. Speaker, it has been some time since I have done a suspension on the floor and I am unsure how we can assure a record vote. At what time should that request be made?

The SPEAKER pro tempore. We will have that in just a moment.

The question is on the motion offered by the gentleman from Colorado [Mr. SCHAEFER] that the House suspend the rules and pass the bill, H.R. 558.

The question was taken.

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

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

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. SCHAEFER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 558, the bill just considered.

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

Mr. COLEMAN. Reserving the right to object, Mr. Speaker, not on that issue but only to make sure that we have in fact ensured that we will have a vote. I thought we needed to ask for the yeas and nays. If that was done in dissimilar fashion, that is fine, but I just was inquiring.

The SPEAKER pro tempore. The yeas and nays have not been ordered on that motion. It would be put to a vote tomorrow afternoon at some point.

Mr. COLEMAN. I thank the Speaker, and I withdraw my reservation of objection.

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

There was no objection.

PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TOMORROW, TUESDAY, SEPTEMBER 19, 1995, DURING THE 5-MINUTE RULE

Mr. BONILLA. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit tomorrow while the House is meeting in the Committee of the Whole House under the 5-minute rule.

The Committee on Banking and Financial Services; the Committee on Commerce; the Committee on Government Reform and Oversight; the Committee on International Relations; the Committee on the Judiciary; and the Committee on Resources.

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 Texas?

□ 1815

Mr. PALLONE. Mr. Speaker, reserving the right to object, the Democratic leadership has been consulted and we have no objection to these requests.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

POINT OF ORDER

Mr. BRYANT of Texas. Mr. Speaker, I rise to make a point of order.

The SPEAKER pro tempore (Mr. FOLEY). The gentleman from Texas will state his point of order.

Mr. BRYANT of Texas. Mr. Speaker, we made very clear our intention to ask for a record vote on that. At the time the gentleman from Texas [Mr. BONILLA] stood up on the compact commission matter, he raised a point of order that a quorum was not present and that did not lock in a record vote. The gentleman from Texas [Mr. COLEMAN] specifically asked what action he was supposed to take to lock in a record vote.

Mr. Speaker, I would ask the Chair to grant us our motion for the yeas and nays to be ordered on H.R. 558.

Mr. BONILLA. Mr. Speaker, I ask unanimous consent to revise my point that I made earlier and ask for the yeas and nays.

The SPEAKER pro tempore. Without objection, the yeas and nays are ordered.

There was no objection.

The SPEAKER pro tempore. Pursuant to clause 5 of rule 1, further proceedings on this motion will be postponed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1617, CONSOLIDATED AND REFORMED EDUCATION, EMPLOYMENT, AND REHABILITATION SYSTEMS ACT (CAREERS ACT)

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 104–249) on the resolution (H. Res. 222) providing for the consideration of the bill (H.R. 1617) to consolidate and reform work force development and literacy programs, and for other purposes, which was referred to the House Calendar and ordered printed.

FISHERY CONSERVATION AND MANAGEMENT AMENDMENTS OF 1995

The SPEAKER pro tempore (Mr. FOLEY). Pursuant to the order of the House of today and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 39.

□ 1816

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. 39) to amend the Magnuson Fishery Conservation and Management Act to improve fisheries management, with Mr. GOODLATTE in the chair.

The CHAIRMAN. Pursuant to the order of the House of today, the bill is considered as having been read the first time.

The gentleman from Alaska [Mr. YOUNG] will be recognized for 30 minutes and the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a unique period of time that we are faced with during this session. We have a bill that has been heard by the committee and we have worked on this bill for approximately 3½ years now. It is H.R. 39, the Fisheries Conservation and Management Amendments of 1995, which I sponsored, along with my good friend, the gentleman from Massachusetts [Mr. STUDDS].

Mr. Chairman, I rise in strong support of H.R. 39, the Fishery Conservation and Management Amendments of 1995, which I sponsored.

Mr. Chairman, this legislation, as you will see, enjoys broad, bipartisan support from members of the Resources Committee and those members from coastal districts with fishing interests. For this bill to have come this far shows the bipartisan effort involved in the development of the bill. I want to thank Subcommittee Chairman SAXTON, GERRY STUDDS, and GEORGE MILLER for their leadership in addressing the difficult issues in this important legislation.

This reauthorization of the Magnuson Fishery Conservation and Management Act of 1976 is crucial to continuing the sound management of this Nation's fishery resources. If Members take nothing else away from this debate, remember, this legislation is supported by Members on both sides of the aisle, by the fishing industry, and by the environmental community.

This has been no small feat, and while some may not be entirely happy with the legislation, reauthorization of this act is very important to us all.

Mr. Chairman, during the 103d and 104th Congresses, 10 hearings on reauthorization issues were held. This legislation represents an attempt to address the concerns raised at these hearings. This legislation may not be perfect; however, fisheries management is a complicated balancing act. We have attempted to address the concerns raised by commercial fishermen, recreational and charter boat fishermen, environmental organizations, fishing communities, fish processors, and other interested groups.

The Magnuson Act was enacted in 1976 in direct response to the depletion

of U.S. fishery resources by foreign vessels. The Magnuson Act expanded U.S. jurisdiction over fishery resources to 200 miles. The act also included provisions intended to encourage the development of a domestic fishing industry.

The act created eight Regional Fishery Management Councils to manage the fishery resources within their geographic area. The Councils were charged with determining the appropriate level of harvest to maximize the benefit to the Nation while still protecting the long-term sustainability of the stocks.

This means the Councils must balance the often competing interests of commercial and recreational fishermen, and the often competing gear groups within the commercial industry.

It is important to note that the committee continues to strongly support the current Regional Fishery Management Councils system. This legislation includes some reforms of the Council process and requires new disclosure rules to deal with the perception of conflict of interest on the Councils.

While this legislation deals with the fishing industry, it is environment friendly. In fact, you have probably received or will receive letters of support from many of the national environmental groups. We think that we have crafted a bill which will allow fishermen to make a living from the sea while also making them better stewards of the resources they rely on for their livelihood.

Three major areas needed to be addressed in this reauthorization to maintain healthy fisheries and healthy fishing communities. For the domestic fishery resource to remain healthy, fishery managers must take steps to reduce bycatch and the mortality of discards in the fisheries, to prevent the overfishing of stocks and rebuild those stocks which are already overfished, and, finally, to protect habitat essential for the continued renewal of the fisheries.

The reduction of bycatch in our fisheries is one of the most crucial challenges facing fisheries managers today. In the North Pacific groundfish fishery alone, more than 740 million pounds of fish were discarded in 1993. That represents 16 percent of the total catch of the fishery. Much of that discard is of prohibited species. It is clear that this is unacceptable. We hope that the requirements of this bill will help Councils address the problem of bycatch, and we hope that fishermen will respond with innovative methods of reducing bycatch.

In particular, this legislation requires the Regional Fishery Management Councils to amend all existing fishery management plans to reduce bycatch to the maximum extent practicable. It also provides the Councils with the ability to offer incentives to fishermen to reduce their bycatch.

A second area of concern is the protection of essential habitat. This has been a tough issue to wrestle with. We do not want to over-regulate the fishing industry; however, the Councils and the National Marine Fisheries Service should include in their Fishery Management Plans a description of what habitat is essential for the continued health of the fishery.

The third area of change is to address the problem of those stocks which are already overfished or may be in danger of overfishing. This legislation requires the Secretary to report to Councils if any stock is approaching a condition of being overfished. This proactive identification of overexploited stocks will enable the Councils to take steps to keep the stocks from crashing. The bill also requires that Councils implement a rebuilding plan for any stock which is already overfished. If the Council is not able to implement a plan within one year, the Secretary is then required to implement a plan.

Mr. Chairman, one of the most contentious issues that we have worked on this year has been the use of a limited access management system known as Individual Transferable Quotas [ITQ's]. This type of management system allocates a percentage of the harvest to vessels based on past history in the fishery, current level of harvest, and several other criteria. Since 1990, three fisheries have already turned to ITQ's as the preferable management option, the latest being the halibut/sablefish plan in the North Pacific.

The use of ITQ's has been hotly debated at the Council level and now at the national level. I believe that there are many issues yet to be resolved on the use of ITQ's as a management tool.

There are those who argue that this bill kills any chance of ever enacting another Individual Transferable Quota [ITQ] plan. It does not. It puts the brakes on the headlong rush to enact ITQ plans for all fisheries without examining other limited access options. I have heard of movements to manage a number of fisheries under ITQ plans including: Pacific crab stocks, Bering Sea groundfish, New England lobster, Gulf of Mexico red snapper, Atlantic bluefin tuna, and swordfish. I believe that there are those at the National Marine Fisheries Service who have been advocating the use of ITQ's for all fisheries and I think this should stop.

This bill makes it clear that ITQ's are a tool that the Councils can use, but clarifies that the quota shares are not property rights and do not convey a permanent right to the resource.

Some ITQ proponents do not like the guidelines we have put in this legislation. This debate has been going on for more than 2 years and will probably continue after this bill is passed by the House and the debate turns to the Senate, which is currently working to move similar reauthorization legislation.

I think these guidelines bring some rationality to ITQ management systems.

Mr. Chairman, the problem of overcapitalization is another issue which has been debated by many of our Members for years. You will hear the phrase that "there are too many boats chasing too few fish" quite a bit today. It is especially true in some areas of the country like New England.

We have worked hard to create a vessel buy-out program which does not require huge expenditures of taxpayer money. This program is a delicate compromise that I want to thank GERRY STUDDS and his staff for working on so diligently. The program allows a buy-out fund to be initially capitalized from already appropriated Federal programs such as fisheries disaster programs. The fund will then be used to bring the size of fishing fleets to a rational number. Those vessels which remain in the fishery and benefit from the reduction in fishing effort will then repay the fund over a 15-year period. This is a compromise which works, and which will not bankrupt the Federal Government nor the fishing industry.

Mr. Chairman, this is a good bill, and one that has taken 3 years to develop. It is full of compromise, yet does not compromise on maintaining the health of the resource—which should be the goal of everyone here.

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

Mr. STUDDS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, hard as it may be to believe, given the youthfulness and vigor of the gentleman from Alaska [Mr. YOUNG] and myself, it was 20 years ago on the floor of this House that the gentleman and I, and others, fought for passage of the original act to secure U.S. jurisdiction and management authority over fisheries within 200 miles of our shores. Today, we continue that battle to save our fisheries.

Mr. Chairman, the problem we faced then was that foreign fisherman were decimating our stocks from Maine to Alaska, leaving little if any fish for our own industry. We sought to push those fishermen out, promote the development of the U.S. capacity to harvest these valuable fisheries and establish a responsible conservation and management regime that would ensure the long-term sustainability of the resources and our industry.

American fishermen now have the technology and the capacity to harvest every fish available in U.S. waters. This advanced technology, overcapitalization, and the lack of political will to make tough management decisions have caused many stocks to face crises similar to the situation in the 1970's that spurred the passage of the original act. This time, however, there are no foreign fleets to blame.

In New England for example, years of overfishing have pushed groundfish

landings to an all-time low—even lower than when we were competing with foreign fleets. Haddock is commercially extinct; cod and yellowtail are close behind. A $200 million industry is on the verge of collapse and with it will go tens of thousands of jobs. Yet, unbelievably, the New England Fishery Management Council last week chose no action as one of the five options it will consider to address this tragedy. Serious action must be taken, and soon, or we will save neither the fish nor the fishermen.

While the situation in New England is the most severe, it is not unique. The National Marine Fisheries Service tells us that 40 percent of the fisheries for which we have data are being harvested at a biologically unsustainable rate, and another 43 percent are fully exploited. We must act now, and assert without reservation that no action is not an acceptable alternative. Otherwise, we may force other fisheries around the country into their own New England-style crisis. That would mean the collapse of an industry that pumps $50 billion into the national economy and creates hundreds of thousands of jobs.

The bill we are considering today takes many significant actions to strengthen the Magnuson Act. First, and, perhaps most importantly, it seeks to bring an end to overfishing. No fishery should be harvested at a biologically unsustainable rate. The bill requires the regional Fishery Management Councils to establish baselines by which to measure overfishing. In cases where stocks are in decline, timelines for action by the Councils are explicitly spelled out; no action will no longer be an alternative. If the Councils still fail to act, the Secretary of Commerce will be required to do so. At the appropriate time the gentleman from Maryland [Mr. GILCHREST] will offer an amendment to strengthen this provision even further. I plan to support the amendment, and I urge other Members to do the same.

Second, the bill seeks to reduce the bycatch and waste of economically undesirable or prohibited species which account for the mortality of hundreds of millions of pounds of fish each year—fish that one person may want to discard but another may intend to harvest. For every management plan, the Councils will be required to adopt measures that minimize bycatch, such as gear restrictions, time and area closures, and incentives for fishermen to avoid nontarget fish. We can not afford to overfish the species we intend to catch, and we must also reduce the incidental take of these nontarget species.

Third, the bill seeks to improve the habitats that are essential to the productivity of more than 75 percent of our fish and shellfish landings. Even if we address overfishing, the environmental community and the fishing industry agree that continued habitat loss could be catastrophic. The bill requires fishery managers to identify areas that are important fish habitat to ensure that they are protected. In addition, it encourages Councils to promote fishing practices that minimize habitat damage.

The bill also establishes a mechanism to allow a fishing industry to reduce the overcapitalization of its fleet, reduce pressure on fisheries stocks and make remaining boats more profitable. The chairman and I worked together on this effort, which is essentially a loan program for the fishing industry paid for by those in the fleet who remain and benefit from a healthier resource. This program will be an important part of the recovery effort in New England, and I thank the chairman for his support.

Finally, the bill represents something that is so rare in these Chambers of late—a bipartisan effort to protect our natural resources, and in turn benefit our economy. Without healthy fisheries, communities around the country that depend on them will soon face the economic hardships I see now in my district. For that reason, I urge Members to support this bill and oppose any efforts to weaken it. That will help us keep our fish and shellfish bountiful and self-sustaining, and hold out some hope of keeping family fishermen productive and prosperous, and alive and well.

□ 1830

I thank the gentleman from Alaska. It is a pleasure to work with him for an embarrassing number of years.

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

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

May I suggest nothing has been embarrassing. We have worked well over these years, and only the length of time that he and I have served.

May I suggest that his area has been hardest hit. We thought we were doing great things in 1976, and we did. We worked to try to Americanize our fleet. Unfortunately, along the line, we did some things, or they did some things, that have damaged our fishing areas around our Nation very harmfully, "they" being our ownselves. So we have to address this legislation. This is a step in the right direction.

Mr. STUDDS. If the gentleman will yield, would the gentleman agree with me, if we are successful in strengthening the act, we should consider renaming it?

Mr. YOUNG of Alaska. No.

Mr. STUDDS. The gentleman still does not like the "Young-Studds?"

Mr. YOUNG of Alaska. I do believe the gentleman from Guam would like to enter a colloquy before we get in trouble.

Mr. STUDDS. Mr. Chairman, I yield 2 minutes to the gentleman from Guam [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Chairman, I would like to engage the chairman of the Committee on Resources in a colloquy. Mr. Chairman, during the committee markup of H.R. 39 in the Committee on Resources, I had prepared an amendment that I had voluntarily withdrawn that would have assisted the insular territories in developing their fishery resources. My amendment would allow the licensing of foreign fishing vessels to allow fishing within the 200-mile exclusive economic zones surrounding the insular areas. The funds derived from the licensing fees would be used to assist the territories in conserving and managing these fishery resources. I had withdrawn this amendment in order to allow time for the majority and minority to work collaboratively to find areas of agreement. Mr. Chairman, during the committee markup you stated your commitment to assisting the territories in developing their fishery resources and you also stated your support of an amendment that would return the benefits of this development to the territorial governments. We have been working with the majority and minority staffs to craft an acceptable compromise amendment. Would the chairman support an amendment along these lines?

Mr. YOUNG of Alaska. If the gentleman will yield, I am pleased to restate my commitment to the gentleman from Guam in support of his efforts to allow some development of the territory's fisheries resources and allow any benefits from the licensing of foreign fishing vessels to accrue to the territories for conservation and management of the fisheries resources. I understand this amendment is being worked through the committee, with my staff and your staff, and, hopefully, we will arrive at a conclusion that will be beneficial to both of them. The merits of his amendment are strongly supported by the chairman.

The one reservation we have, we will have to make sure of how the license fees will be utilized for the territory, and we are attempting now to work it out where it goes to the fisheries improvement area.

I have been in your area, and I have seen some of the actions by some of the foreign countries which you get no benefit from. I think that goes totally contrary to the Magnuson Act. I would support it with work on the amendment.

Mr. UNDERWOOD. I appreciate the gentleman's sensitivity on that.

Mr. METCALF. Mr. Chairman, I rise in opposition to H.R. 39, the Fisheries Conservation and Management Act.

This legislation would reauthorize and amend the Magnuson Act, which provides for the conservation and management of U.S.

fishery resources and the development of U.S. domestic fisheries.

I am rather familiar with the gentleman for whom much of this Nation's fishing law is named, former Senator Magnuson. I ran against him when he was reelected to the U.S. Senate in 1968 and 1974. We were adversaries then, but we might have had similar opinions on these proposed changes to fisheries law.

Mr. Chairman, this is a bad bill. It's bad for the State of Washington, it's bad for fisheries conservation and it's bad for the working men and women who make their living from the resources of the sea. I strongly believe these family wage jobs must be protected.

Mr. Chairman, many of my constituents are alarmed at the potential impact of this legislation. Their voices must be heard. Thus, I would like to submit for the RECORD, immediately following my statement, some of their concerns. The first attachment is a critique prepared by members of the fishing community who will be directly affected by this flawed legislation. The second attachment is a report that examines the IFQ program for halibut and sablefish and its record in regards to crew safety and bycatch utilization issues.

These issues deserve careful consideration as Congress debates the future of fishing law. The livelihoods of fishing families depend on the outcome of these deliberations.

H.R. 39—A CRITIQUE

H.R. 39, the Fishery Conservation and Management Act Amendments of 1995, is bad legislation. The bill does not provide fisheries managers with the tools that are needed to resolve the most fundamental challenges to the sustainability of our nation's fisheries. The enactment of H.R. 39 would ensure that excessive harvesting and processing capacity, waste of target and non-target species, misallocation of resources among user groups, and severe risks to life and property at sea would continue to plague our fisheries.

INDIVIDUAL TRANSFERABLE QUOTAS

The legislative scheme proposed by H.R. 39 establishes unwarranted, unprecedented, and probably insuperable, procedural and substantive hurdles to the establishment and maintenance of ITQs, but not to the viability of any other limited entry systems or fishery management measures. The scheme would not only make promising new individual quota systems highly improbable, but also effectively destroy the successful, existing programs. For many fisheries, including crab and groundfish of the Bering Sea/Aleutian Islands, ITQs represent the single most effective means of reducing excessive fishing capacity, thus ending the wasteful and deadly race for fish, and greatly improving conservation, saving lives, and increasing the economic return for fishermen and their communities.

Provisions of H.R. 39 that work against individual quotas are as follows:

1. A new national "review panel" is to be established to provide recommendations to the Secretary of Commerce. Based on those recommendations, new regulations would have to be promulgated, before any new ITQ program could be implemented. This scheme requires a new layer of bureaucracy and a new set of regulatory burdens, dilutes the role of local industry and the regional approach to fisheries management, and delays the implementation of new ITQs. At the earliest, ITQ regulations would not be promulgated until September 30, 1998. Page 53, line 1-page 57, line 2.[1]

The national review panel should be deleted.

2. The Secretary of Commerce is provided unique authority, unilaterally and without reference to identified procedures and rational standards, to revoke or limit any individual quota (not only for violations, but also for other reasons as determined by the Secretary), and to limit or terminate any ITQ system, "at any time". This invites arbitrary, politically-motivated actions by the Secretary and bypasses the scheme of regional management. No other management measures are subjected to such a scheme. Under current law, fishing permits can only be revoked for violations, and only after established procedures have been followed; management programs can be amended or terminated, but only by action of the Councils, with the approval of the Secretary (except for highly migratory species). Page 48, lines 9–14; page 50, lines 7–12.

The provision for revocation of limitation of individual quotas should be limited to enforcement actions and should be subject to prevailing procedural safeguards.

The provision to terminate individual quota systems should be subject to the normal process by which fishery management plans are amended.

No later than 7 years after its implementation, any individual quota implemented following the date of enactment of H.R. 39 must automatically terminate, unless affirmatively renewed. This reverses the administrative process established by the Magnuson Act for all other management measures—they remain effective, unless they are time-limited by regulation or further action is taken to terminate or amend them. Page 48, line 21–page 49, line 6.

The sunset provision would introduce a unique, new element of uncertainly into ITQ programs. It would jeopardize the rationalization of the fisheries—one of the principal benefits of ITQs—by preventing quota shares from being freely traded, particularly in the out years, as the termination date approaches. The sunset provision would also make it difficult or impossible to secure much-needed loans with ITQs, Notably, this scheme would not apply to the State of Alaska salmon and herring limited entry permits, which are fully marketable personal assets worth almost $1 billion to individual holders.

The sunset provisions should be deleted.

3. New fees would be established for ITQs, but not for other limited entry permits or other management measures. There would be a fee of 4% of the value of the harvested or processed fish annually. In addition, upon first issuance of quotas, there would be a fee of 1% on the value of the fish authorized to be harvested or processed. A further fee of 1% would be applied to each subsequent transfer of quotas. These fee would be prohibitively high. Moreover, it would be unfair to require payment of a fee based on the amount of fish authorized for harvest, not on the amount of fish actually landed and sold. The provision in H.R. 39 to delay implementation of these exactions for 5 years in the case of the existing quota programs does not address the basic economic problem. Page 50, line 23–page 52, line 24.

In the context of the fisheries of the North Pacific, it is important to take note of the fact that the State of Alaska receives raw fish taxes (3–5% of landed value, one-half of which goes to coastal ports) and borough taxes (2% of landed value) from the fisheries in the federal exclusive economic zone. There is also an observer fee of 2% of the value of the catch. The set-asides of special quotas from the federal exclusive economic zone for certain communities in Alaska represent an additional cost to the industry at large, in the form of lost fishing opportunities and revenues. These set-asides, called community development quotas (CDQs) are described below in detail. However, it is noted here that the North Pacific Council has approved CDQs for all groundfish and crab fisheries in the Bering Sea/Aleutian Islands area of the federal exclusive economic zone in the amount of 7.5% of the total allowable catch. Therefore, in the case of the North Pacific fisheries, the enactment of H.R. 39 would increase the cost to industry at large, in the form of fees and lost revenues, to a level of approximately 20% , before any profits are made or federal income taxes are paid.

New fees should be capped at 2% and should be calculated on the basis of the unprocessed value of the fish harvested and sold annually. This level should be more than sufficient to cover any incremental additional fisheries management costs attributable to individual quotas.

4. The "negative social and economic impacts" of ITQs on local coastal communities must be "minimized". This is a standard that is not applied to any other management measures and could be impossible to satisfy. Page 47, lines 16–19.

This standard should be deleted. Any negative social and economic impact on any communities, not solely those that are local to the fisheries, should be "considered", as are other relevant factors in the management process under prevailing law.

5. Unlimited portions of the total allowable catches could be set aside from any ITQ system in order to provide for entry-level fishermen, small vessel owners, and crewmen who do not qualify for ITQs. Page 50, lines 3–6. These set-asides could result in the establishment of parallel and inconsistent management systems, one for ITQs and one for open access derbies, and would certainly increase the cost of management. In addition, if implemented, this approach would further compress the already overcapitalized large-vessel fisheries. It should be noted that the Commercial Fisheries Loan Program of the State of Alaska specializes in loans to commercial fishermen to purchase vessels, limited entry permits, and even ITQs. $11 million is reported to be available at this time for loans to fishermen who would not qualify for commercial lending on the open market.

This provision should be substantially modified to provide a different approach to providing for entry-level fishermen, small boat owners, and crew, or should be deleted. For example, fees on holders of individual quotas could serve as a source of funding to facilitate the entry of fishermen into the management system. Fees would not have to exceed the suggested maximum of 2% to achieve this purpose.

6. The ITQ scheme in H.R. 39 would not effectively grandfather existing quota programs in order to avoid further, time-consuming, expensive, and uncertain administrative action that could lead to renewed litigation. Notably, the halibut/sablefish quota program was developed over a 10-year period, adopted by the North Pacific Council, approved by the Secretary, and confirmed by

[1] The page and line references are keyed to House Legislative Counsel Document F/HAS/RES1/H39.REP, May 30, 1995 (1:23 p.m.)

the Federal District Court in Alaska. H.R. 39 would merely exempt the existing quota programs from the 7-year termination requirement, but not from other destructive provisions. Page 48, line 21–page 49, line 2. The application of new criteria to old programs could greatly delay and otherwise hinder the development of new ITQ systems.

New criteria should not be applied retroactively to existing quota systems.

It bears emphasizing that the State of Alaska salmon and herring limited entry permit programs, which are successful, are subject to none of the conditions and restrictions proposed for ITQs. As noted above, the salmon and herring limited access permits are currently worth to their holders almost $1 billion. This represents collateral for loans to facilitate entry into other fisheries and provides economic stability for local communities. H.R. 39 would establish an entirely unfair and unwarranted double standard to the detriment of fishermen who would benefit from ITQ systems.

COMMUNITY DEVELOPMENT QUOTAS

The bill requires the establishment of community development quotas for all Bering Sea fisheries as permanent entitlements. Page 43, line 12–page 44, line 24. There is no limit on the newly mandated CDQ entitlements, which represent simply a form of government economic and social engineering, the cost of which is to be borne, not by society, at large, but by the fishing industry, alone.

There are already CDQs in the amount of 7.5% of the pollock total allowable catch in the Bering Sea. Based on recent prices, these CDQs are worth $30 million annually (and are reportedly being made tax exempt through the establishment of foundations, and thus are being removed from the general tax base).

There are also, at present, CDQs in the amounts of 15% and 20% of the total allowable catches of sablefish and halibut, respectively, in the Bering Sea/Aleutian Islands. At current prices, the ex vessel values of these CDQs are $3.4 million for sablefish and $2.36 million for halibut, annually.

The Alaska-dominated North Pacific Council has recently decided to establish CDQs at the level of 7.5% for all groundfish and crab fisheries of the federal exclusive economic zone of the Bering Sea/Aleutian Islands area. This will yield an income transfer to the favored Bering Sea Alaskan coastal communities from historical fishermen of approximately $80 million per year, according to the Draft Environmental Assessment/Regulatory Impact Review for License Limitation Alternatives for the Groundfish and Crab Fisheries in the Gulf of Alaska and Bering Sea/Aleutian Islands, dated September 18, 1994. This will be in addition to halibut and sablefish CDQs. At present there are 52 participating Alaskan CDQ communities, with a total population of 21,000. This translates to a perpetual annual transfer of $4,938 for every man, woman, and child in those communities, in terms of the value of the fish reserved to the CDQ program. In the case of the 1034 historical crab and groundfish vessels that will be licensed to operate in the Bering Sea/Aleutian Islands, the lost fishing opportunity will be valued at $77,000 per vessel, based on recent prices. There is no precedent for a federal agency, with or without express statutory authority, reallocating private sector income for the purpose of redistributing economic wealth in so radical a manner.

There must be a statutory limit on these direct income transfers. Alaska natives have already received over $1.3 billion in federal payments under the Alaska Native Claims Settlement Act and related sales of net operating losses under special provisions of the tax laws.

It should be remembered that the communities that are accorded privileged treatment under H.R. 39 could have long ago applied federal funds to the development of Bering Sea fisheries on a very substantial scale. Rather, those communities chose to apply the federal funds primarily to other purposes. In point of fact, these communities have never been excluded from—nor been in any manner dependent upon—the major fisheries of the federal exclusive economic zone in the North Pacific.

It should also be remembered that CDQs do not apply to limited access permits for salmon and herring in Alaska.

The CDQ provisions of H.R. 39 should be amended to limit CDQs to a maximum of 3% of each affected fishery, and should be subject to criteria that would ensure these income transfers from historical fishermen are dedicated to those communities that are most in need of assistance.

SAFETY OF LIFE AND PROPERTY AT SEA

H.R. 39 has only weak provisions relating to the safety of life and property at sea. Page 22, lines 4–5; page 25, lines 13–17.

In view of the fundamental importance of reducing injuries and losses of life in the fisheries, there should be a national standard requiring that conservation and management measures promote safety. It should be noted that crab fishing in the Bering Sea is the most dangerous profession in the United States, according to the National Institute of Occupational Safety and Health.

There should be a national standard that requires fishery conservation and management measures to promote safety of life and property at sea.

CONCLUSION

H.R. 39 contains provisions that are extremely damaging. Positive elements of H.R. 39 fall far short outweighing the negative provisions of the bill. H.R. 39 should be amended to reflect the suggested changes with respect to ITQs, CDQs, and safety, or the measure should be defeated.

MARINE SAFETY RESERVE,
Seattle, WA, July 18, 1995.

To: The Alaska and Washington State Congressional Delegation.

The following report on safety by the Marine Safety Reserve is an examination of the effects that the IFQ program for halibut and sablefish is having on crew injuries. The Marine Safety Reserve was formed in 1954 as a crew liability pool to indemnify vessel owners for Jones Act liability claims. The members of the Reserve are primarily from Washington State and Alaska with membership from all the West Coast states. The Reserve has specialized in longline fishing operation since its inception and has had a consistent number of longline vessels that it has covered. This examination attempts to look at the rate of longline claims through mid-season July 17, from 1980 to the present and rationalize the difference in accident rates.

The following is a composite of our claims in the longline fleet through July 17, 1995 and July 17th for the last 16 years since 1980. The number of longline vessels in the Reserve has remained constant through the period examined. Approximately 70 of the Reserve member vessels have been dedicated to longline activities during the years examined. The vessels typically covered are vessels with 4 to 6 person crews that deliver and sell dressed fish.

Year	Number of claims thru July 17	Total claims for the year	Fishing days available	Injuries per fishing days
1995	9	.....	123	.073
1994	14	33	14	2.36
1993	8	25	22	1.14
1992	21	41	27	1.51
1991	22	36	36	1.00
1990	24	40	62	.65
1989	23	40	61	.66
1988	21	44	77	.57
1987	19	35	62.5	.56
1986	11	25	61	.41
1985	12	26	155	.17
1984	7	21	260	.081
1983	9	18	365	.05
1982	11	26	365	.07
1981	11	24	365	.07
1980	5	18	365	.05

The number of fishable days for the ice boat fleet for halibut and sablefish was figured using the GOA fishable days for halibut, plus the time available in the Kodiak Central area for sablefish. Some vessels fished in the western district of the GOA and those seasons were somewhat longer than the Kodiak seasons. Some vessels fished only the southeast districts of the GOA, which were shorter seasons than the Kodiak area. It is the Reserve's opinion that the Central Kodiak area for sablefish represented an industry norm for available fishable days.

CONCLUSIONS

1. In 1984, the sablefish fishery was Americanized and had its first closure date other than December 31. The number of injury claims between 1980 and 1984 were fairly constant, averaging 21.4 per year.

2. Between 1980 and 1984, the accident rate per fishable day was .064 per day.

3. The 1985 season represented the first year that the fleet knew before the season started that the sablefish season would not be unlimited. The number of injuries increased 18.7 percent between 1985 and the previous 5 year average. However, the rate per number of fishing days available to the fleet increased 265 percent. The fleet was down to 155 days of operation between halibut and sablefish seasons.

4. By the 1986 season, the fleet had realized that they were in a race for fish, the fishing time reduced from 155 days in 1985 to 61 days in 1986. The number of injury claims remained about the same as the previous year, 25 versus 26. But once again, the injury rate per day increased this time by 241 percent from the year before. The injury rate per day was now 650 percent above the rate per day between 1980 and 1984.

5. By the end of the 1986 season, a fisherman was 6.4 times more likely to be injured during a halibut or sablefish opening than during the time period between 1980 and 1984 when unlimited sablefish opportunities were available.

6. The last year of derby fishing for either halibut or sablefish in 1994 recorded 33 claims which represent 2.36 claims per fishable day in the Gulf of Alaska. This reflects that you were 36.8 times more likely to be injured per fishable day than during the 1980 to 1984 time frame.

7. The nature of injuries became more severe as fishing gear was hauled faster. Prior to the race for fish, injuries usually included an occasional hook in the hand, broken ribs and hernias, injuries that people healed up from. By the time the Council voted approval of the plan, the 1992 season saw 12 lives lost in the halibut derbies. The September 1994 halibut opener for 24 hours saw 5 vessels lost and one death. These two fisheries had become killers.

8. The amount of hooks hauled and baited by hand prior to 1990 may have been between 10,000 to 12,000 hooks a day for a 5 to 6 man crew vessel and this increased to 17,000 to 19,000 hooks per day by 1994 for the same size crew. Crews recalibrated their work days to 28 and 30 hour days, as a result, new injury lawsuits of sleep deprivation emerged in the courts. After conducting interviews, it appears that the average vessel has reduced the amount of gear being set per day by 30 to 40 percent under the IFQ program.

9. The derby fishery forced out of business the majority of crew persons over 45 years old. The pace of the fishery was burning up crew members by the age of 40 with bad backs, stress and fatigue. A typical 24 hour halibut opening meant the crew was up 12 hours before the opening getting gear ready to set and 12 to 20 hours after a season cleaning fish and taking fish out of the holds. The pace of the fishery under the IFQ program has slowed down as there are no time limits to stop a vessels' fishing activity.

10. Even with all the good safety training now required by Congress with the Safety Act of 1986, the injuries per fishable day increased 570 percent per fishable day between 1986 and 1994 following enactment of the Safety Act.

11. The injuries per day of fishing opportunity in the first 123 days of fishing in 1995 under the IFQ program has fallen 323 percent to .073 injuries per day. This is comparable to rates experienced between 1980 and 1984.

12. No amount of safety training and new safety laws can have as much affect as the luxury of additional time to avoid bad weather and not be forced to harvest against a set closing date.

13. The IFQ program, by taking the race out of the Halibut and sablefish fishery, may well have had more positive aspects for human safety than all the new Congressional requirements required by law, and yet there are those who refuse to support having human safety as a new National Standard to the Magnuson Act for which regulations would be judged against.

The conclusions for the 1995 season are still waiting to be fully examined but as of July 17, 1995, the number of claims and rate per day of claims which we have had recorded have not been this low since the 1983 season when there was unlimited fishing time for sablefish and the halibut fishery in the Gulf of Alaska consisted of one 16-day season and one 4-day season. This report is intended to inform you of our perspective of the on-going IFQ program.

FISHERIES INFORMATION SERVICES,
Juneau, AK, July 20, 1995.

To: Bob Alverson, FVOA.
From: Janet Smoker, FIS.

Here is the revised table showing discards of sablefish and other groundfish in the Gulf of Alaska sablefish fishery. As noted before, I choose to use straight observer data because the process of estimating discards in the IFQ fisheries is a very complicated one that will not be thoroughly developed (by a joint effort of IFHC and NMFS staff) until this fall, and the bycatch extrapolation model used by NMFS in past years is thus obsolete.

I was unable to prepare a similar table for the halibut fishery. Groundfish bycatch and discards in the halibut directed fishery have not been thoroughly documented. Discards of halibut in the halibut IFQ fishery in 1995 have not yet been estimated by IPHC.

Conclusions to be drawn from the table follow.

1. The percent of groundfish discarded decreased from more than 24% in 1994 to less than 10% so far this year. This suggests that fishermen are better able to avoid unwanted species in the IFQ fishery.

2. The complementary conclusion, that fishermen are better able to target on sablefish, is show by the fact that the percent of sablefish of all groundfish taken in the sablefish target fishery increased from 70% to 84%.

3. The percent of sablefish discarded decreased from over 3% in 1994 to under 2% in 1995, suggesting that fewer unwanted (e.g. undersized) sablefish are being taken.

4. The percent of other groundfish that are discarded in the sablefish fishery has decreased from 74% to 51%, suggesting that fishermen are better able to use incidental take of other groundfish in the IFQ fishery.

5. The amount of groundfish sampled this year already exceeds that of 1994, even though only 60% of quota has been taken; IFQ fishery allows greater observer coverage and better data collection.

6. Last but not least, the halibut rate has decreased from almost 42% to 22% this year.

FIG. 1.—GULF OF ALASKA LONGLINE SABLEFISH TARGET CATCH, BYCATCH AND DISCARD DATA (MT)

	1994			1995			1995/1994
		Percent			Percent		Percent
All groundfish:							
Retained	1949	76		2374	90		
Discarded	631	24		251	10		39
Total	2579			2624			102
Sablefish:							
Retained	1751	97		2173	98		
Discarded	58	3		39	2		55
Total	1809	70	+	2212	84	+	120
Other groundfish:							
Retained	197	26		201	49		
Discarded	573	74		212	51		69
Total	770	30	+	412	16	+	53
Halibut	1073	42	*	578	22	*	53

+Proportion of all groundfish.
*Proportion halibut to total groundfish.

Notes: Source: NMFS observer program in-season data. Preliminary data, observed vessels only; (not extrapolated to fleet).

Mr. SAXTON. Mr. Chairman, I rise in support of H.R. 39, the Magnuson Fishery Conservation and Management Act, and ask to revise and extend my remarks. Congress enacted the Magnuson Act and created the 200-mile fishery conservation zone—now called the exclusive economic zone—in direct response to a dramatic rise in foreign fishing off the coasts of the United States in the early 1970s. One undisputed success of the Magnuson Act has been the virtual elimination of foreign fishing within the exclusive economic zone.

According to some environmental groups, the Magnuson Act succeeded in getting rid of foreign overfishing only to replace it with domestic overfishing.

Our fisheries resources are facing an acknowledged crisis. The National Marine Fisheries Service reports that some of the Nation's most historically important fisheries are in serious decline, including several key species of Northeast groundfish, many Pacific coast salmon runs, and Gulf of Mexico shrimp.

During this year's reauthorization, the Magnuson Act must provide a framework for the recovery of diminished stocks. One of the issues that will have to be addressed is "overfishing." The original Magnuson Act did not define overfishing and the time has come to do so. Our fisheries resources are too valuable to squander away.

The Magnuson Act in its current draft is not perfect, but it is comprehensive and does address the problems I mentioned. One area that I may offer an amendment on is in the definition of bycatch. Recreational fishermen are concerned that the bill's definition of bycatch and the new language regarding this definition will cause the "catch and release" fisheries to be closed down by regional councils. I may offer an amendment to make clear that "catch and release" fisheries cannot be eliminated by regional management councils to minimize bycatch.

In closing, I compliment the chairman of the Resources Committee, DON YOUNG, and the ranking minority member of the Subcommittee on Fisheries, Wildlife and Oceans, which I chair, GERRY STUDDS, for their bipartisanship during the drafting process of this bill.

Mr. MILLER of California. Mr. Chairman, in a clear demonstration of the fact that fish truly do not know political boundaries, I find myself on the same side of an resource management issue as the gentleman from Alaska, Mr. YOUNG and rise in support of H.R. 39, the Fishery Conservation and Management Amendments of 1995.

As many Members have mentioned here, our fisheries, and in turn our family fishermen, are in trouble. In northern California, the salmon fishermen have seen their season remain closed two years in row, the stocks devastated by habitat loss. In New England, overfishing of cod and haddock have closed significant areas of the once teeming waters of Georges Bank. In the Gulf of Mexico and the North Pacific, some fisheries are in decline or must be shut down early as a result of high bycatch of these species by fishermen who are targeting totally different fish.

When we harvest our fish at an unsustainable rate, when we decimate the habitat that fish depend on for reproduction and growth, and when we continue to discard non-target species at unchecked rates, everybody loses. The resource, the fishermen that depend on it to make a living, and the consumers that face higher prices due to limited supplies. Overfishing, habitat loss, and bycatch are just a few of the problems that face our fisheries, severe economic impacts to our coastal fishing communities is the result.

Last week, there was yet another news article documenting the plight of the fishing industry. "'Fisheries going the way of the family farm" was the title of the story which detailed the challenges the small independent operators face today, driving many out of business. To stem this tide, we must act now if we want to preserve the fish and the fishermen and protect fishermen's jobs, instead of short term investors' profits. We must act now if we want to maintain an industry that encourages small independent owner-operators and holds the promise for crew members that invest their hearts and souls in the fishery that their hard work will enable them to fulfill the dream of owning their own vessel and fishing just as their fathers and grandfathers did.

The bill before us today represents a bipartisan effort to improve our fisheries management system and maintain this way of life. I

congratulate the Chairman and the gentlemen from Massachusetts and New Jersey for their efforts to bring this legislation to the floor. At the appropriate time I will be offering an amendment that I believe takes us even closer to what I hope would be our goal for the future of the fishing industry. In total, however, this is a good bill and I urge Members to support it.

Mrs. SMITH of Washington. Mr. Chairman, I want to take this opportunity during general debate of H.R. 39 to point out the importance of fisheries to my district.

The Magnuson Act is vitally important to the people of fishery dependent communities in southwest Washington. The action we take in this legislation impacts among others, crab fishermen in places like Grayland, Chinook and Tokeland, and shoreside processors in places like Westport. These are some of the hardest working people I have ever seen, and all they want from the Federal fisheries program is an opportunity to make a living.

I also want to point out that during consideration of H.R. 39 in the House Resources Committee I offered an amendment to establish a pilot program that starts a process to contract out fish stock surveys to the private sector. This will allow fishermen to conduct fish surveys and keep the catch as a way to defer costs for the use of their boats. This will allow fishermen in my State to have a better idea of what stocks are available.

More than anyone, fishermen have a stake in making sure that we have the best information available about the quantity and quality of fish stocks. I would like to thank the West Coast Seafood Processors and Fisherman Marketing Association for their support of my amendment.

I look forward to working with the Chairman and my colleagues in the Senate as we work toward reauthorizing this important Act. The hardworking people of my State deserve nothing less.

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

Mr. YOUNG of Alaska. Mr. Chairman, I have no further requests for time. I urge a "yes" vote when this bill finally gets to the floor on the Magnuson Act, the renewal of the fisheries conservation bill.

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

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. GOODLATTE, 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. 39) to amend the Magnuson Fishery Conservation and Management Act to improve fisheries management, had come to no resolution thereon.

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO THE NATIONAL UNION FOR THE TOTAL INDEPENDENCE OF ANGOLA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. 104–116)

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

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the emergency declared with respect to the National Union for the Total Independence of Angola ("UNITA") is to continue in effect beyond September 26, 1995, to the Federal Register for publication.

The circumstances that led to the declaration on September 26, 1993, of a national emergency have not been resolved. United Nations Security Council Resolution 864 (1993) continues to oblige all Member States to maintain sanctions. Discontinuation of the sanctions would have a prejudicial effect on the Angolan peace process. For these reasons, I have determined that it is necessary to maintain in force the broad authorities necessary to apply economic pressure to UNITA.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 18, 1995.*

REPORT ON DEVELOPMENTS CONCERNING NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. 104–117)

The Speaker pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

I hereby report to the Congress on developments concerning the national emergency with respect to Iran that was declared in Executive Order No. 12957 on March 15, 1995, and matters relating to Executive Order No. 12959 of May 6, 1995. This report is submitted pursuant to section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c) (IEEPA), and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa–9(c). This report discusses only matters concerning the national emergency with respect to Iran that was declared in Executive Order No. 12957 and matters relating to Executive Order No. 12959.

1. On March 15, 1995, I issued Executive Order No. 12957 (60 Fed. Reg. 14615, March 17, 1995) to declare a national emergency with respect to Iran pursuant to IEEPA, and to prohibit the financing, management, or supervision by United States persons of the development of Iranian petroleum resources. This action was in response to actions and policies of the Government of Iran, including support for international terrorism, efforts to undermine the Middle East peace process, and the acquisition of weapons of mass destruction and the means to deliver them. A copy of the order was provided to the Congress by message dated March 15, 1995.

Following the imposition of these restrictions with regard to the development of Iranian petroleum resources, Iran continued to engage in activities that represent a threat to the peace and security of all nations, including Iran's continuing support for international terrorism, its support for acts that undermine the Middle East peace process, and its intensified efforts to acquire weapons of mass destruction. On May 6, 1995, I issued Executive Order No. 12959 to further respond to the Iranian threat to the national security, foreign policy, and economy of the United States.

Executive Order No. 12959 (60 Fed. Reg. 24757, May 9, 1995) (1) prohibits exportation from the United States to Iran or to the Government of Iran of goods, technology, or services; (2) prohibits the reexportation of certain U.S. goods and technology to Iran from third countries; (3) prohibits transactions such as brokering and other dealing by United States persons in goods and services of Iranian origin or owned or controlled by the Government of Iran; (4) prohibits new investments by United States persons in Iran or in property owned or controlled by the Government of Iran; (5) prohibits U.S. companies and other United States persons from approving, facilitating, or financing performance by a foreign subsidiary or other entity owned or controlled by a United States person of transactions that a United States person is prohibited from performing; (6) continues the 1987 prohibition on the importation into the United States of goods and services of Iranian origin; (7) prohibits any transaction by any United States person or within the United States that evades or avoids or attempts to violate any prohibition of the order; and (8) allowed U.S. companies a 30-day period in which to perform trade transactions

pursuant to contracts predating the Executive order.

In Executive Order No. 12959, I directed the Secretary of the Treasury to authorize through licensing certain transactions, including transactions by United States persons related to the Iran-United States Claims Tribunal in The Hague, established pursuant to the Algiers Accords, and other international obligations and United States Government functions. Such transactions also include the export of agricultural commodities pursuant to preexisting contracts consistent with section 5712(c) of title 7, United States Code. I also directed the Secretary of the Treasury, in consultation with the Secretary of State, to consider authorizing United States persons through specific licensing to participate in market-based swaps of crude oil from the Caspian Sea area for Iranian crude oil in support of energy projects in Azerbaijan, Kazahkstan, and Turkemenistan.

Executive Order No. 12959 revokes sections 1 and 2 of Executive Order No. 12613 of October 29, 1987, and sections 1 and 2 of Executive Order No. 12957 of March 15, 1995, to the extent they are inconsistent with it. A copy of Executive Order No. 12959 was transmitted to the President of the Senate and Speaker of the House by letter dated May 6, 1995.

2. In its implementation of the sanctions imposed against Iran pursuant to Executive Order No. 12959, the Office of Foreign Assets Control (FAC) of the Department of the Treasury has issued 12 general licenses and 2 general notices authorizing various transactions otherwise prohibited by the Executive order or providing statements of licensing policy. In order to ensure the widest dissemination of the general licenses and general notices in advance of promulgation of amended regulations, FAC published them in the Federal Register on August 10, 1995 (60 Fed. Reg. 40881). In addition, FAC disseminated this information by its traditional methods such as electronic bulletin boards, FAX, and mail. Copies of these general licenses and general notices are attached to this report.

General License No. 1 described those transactions which were authorized in connection with the June 6, 1995 delayed effective date contained in Executive Order No. 12959 for trade transactions related to pre-May 7 trade contracts. General License No. 2 authorized payments to or from Iran under certain circumstances and certain dollar clearing transactions involving Iran by U.S. financial institutions. General License No. 3 authorized the exportation of certain services by U.S. financial institutions with respect to accounts held for persons in Iran, the Government of Iran, or entities owned or controlled by the Government of Iran. General License No. 3 also contained an annex identifying 13 Iranian banks and 62 of their branches, agencies, representative offices, regional offices, and subsidiaries as owned or controlled by the Government of Iran. General License No. 4 authorized (1) domestic transactions involving Iranian-origin goods already within the United States except for transactions involving the Government of Iran or an entity owned or controlled by the Government of Iran, and (2) transactions by United States persons necessary to effect the disposition of Iranian-origin goods or services located or to be performed outside the United States, provided that they were acquired by that United States person in transactions not prohibited by the order or by 31 C.F.R. Part 560, that such disposition does not result in the importation of these goods or services into the United States, and that such transactions are completed prior to August 6, 1995. General License No. 5 authorized the importation into the United States of information and informational materials, confirmed the exemption of such information from the ban on exportation from the United States, and set forth a licensing policy for the exportation of equipment necessary to establish news wire feeds or other transmissions of information. General License No. 6 authorized the importation into the United States and the exportation to Iran of diplomatic pouches and their contents. General License No. 7 provided a statement of licensing policy for consideration, on a case-by-case basis, to authorize the establishment and operation of news organization offices in Iran by U.S. organizations whose primary purpose is the gathering and dissemination of news to the general public. General License No. 8 authorized transactions in connection with the exportation of agricultural commodities pursuant to pre-May 7 trade contracts provided that the terms of such contract require delivery of the commodity prior to February 2, 1996. General License No. 9 authorized import, export, and service transactions necessary to the conduct of official business by the missions of the Government of Iran to international organizations and the Iranian Interests Section of the Embassy of Pakistan in the United States. General License No. 10 provided a statement of licensing policy with respect to transactions incident to the resolution of disputes between the United States or U.S. nationals and the Government of Iran in international tribunals and domestic courts in the United States and abroad. General License No. 11 authorized the exportation of household goods and personal effects for persons departing from the United States to relocate in Iran. General License No. 12 authorized the provision of certain legal services to the Government of Iran or to a person in Iran and the receipt of payment therefor under certain circumstances.

General Notice No. 1 described information required in connection with an application for a specific license to complete the performance of pre-May 7 trade contracts prior to August 6, 1995 (except with respect to agricultural commodities as provided by General License No. 8). General Notice No. 2 indicated that the Department of the Treasury had authorized the U.S. agencies of Iranian banks to complete, through December 29, 1995, transactions for U.S. exporters involving letters of credit, which they issued, confirmed, or advised prior to June 6, 1995, provided that the underlying export was completed in accordance with the terms of General License No. 1 or a specific license issued to the exporter by FAC. General Notice No. 2 also noted that the U.S. agencies of the Iranian banks were authorized to offer discounted advance payments on deferred payment letters of credit, which they issued, conformed, or advised, provided that the same criteria are met.

3. The Iranian Transactions Regulations, 31 CFR Part 560 (the "ITR"), have been comprehensively amended to implement the provisions of Executive Orders No. 12957 and No. 12959. The amended ITR were issued by FAC on September 11, 1995 (60 *Fed. Reg.* 47061–74) and incorporate, with some modifications, the General Licenses cited above. A copy of the amended regulations is attached to this report.

4. In consultation with the Department of State, FAC reviewed applications for specific licenses to permit continued performance of trade contracts entered into prior to May 7, 1995. It issued more than 100 such licenses allowing performance to continue up to August 6, 1995.

5. The expenses incurred by the Federal Government in the 6-month period from March 15 through September 14, 1995, that are directly attributable to the exercise of powers and authorities conferred by the declaration of a national emergency with respect to Iran are approximately $875,000, most of which represents wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the Customs Service, the Office of the Under Secretary for Enforcement, and the Office of the General Counsel), the Department of State (particularly the Bureau of Economic and Business Affairs, the Bureau of Near Eastern Affairs, the Bureau of Politico-Military Affairs, and the Office of the Legal Adviser), and the Department of Commerce (the Bureau of Export Administration and the General Counsel's Office).

6. The situation reviewed above continues to involve important diplomatic, financial, and legal interests of the United States and its nationals and presents an extraordinary and unusual

threat to the national security, foreign policy, and economy of the United States. The declaration of the national emergency with respect to Iran contained in Executive Order No. 12957 and the comprehensive economic sanctions imposed by Executive Order No. 12959 underscore the United States Government's opposition to the action and policies of the Government of Iran, particularly its support of international terrorism and its efforts to acquire weapons of mass destruction and the means to deliver them. The Iranian Transactions Regulations issued pursuant to Executive Orders No. 12957 and No. 12959 continue to advance important objectives in promoting the nonproliferation and antiterrorism policies of the United States. I shall exercise the powers at my disposal to deal with these problems and will report periodically to the Congress on significant developments.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 18, 1995.*

REPORT ON DEVELOPMENTS CONCERNING NATIONAL EMERGENCY WITH RESPECT TO ANGOLA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. 104–118)

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

To the Congress of the United States:

I hereby report to the Congress on the developments since March 26, 1995, concerning the national emergency with respect to Angola that was declared in Executive Order No. 12865 of September 26, 1993. This report is submitted pursuant to section 401(c) of the National Emergencies Act, (50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c).

On September 26, 1993, I declared a national emergency with respect to Angola, invoking the authority, inter alia, of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) and the United Nations Participation Act of 1945 (22 U.S.C. 287c). Consistent with United Nations Security Council Resolution 864, dated September 15, 1993, the order prohibited the sale or supply by United States persons or from the United States, or using U.S.-registered vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles, equipment and spare parts, and petroleum and petroleum products to the territory of Angola other than through designated points of entry. The order also prohibited such sale or supply to the National Union for the Total Independence of Angola ("UNITA"). United States persons are prohibited from activities that promote or are calculated to promote such sales or supplies, or from attempted violations, or from evasion or avoidance or transactions that have the purpose of evasion or avoidance, of the stated prohibitions. The order authorized the Secretary of the Treasury, in consultation with the Secretary of State, to take such actions, including the promulgation of rules and regulations, as might be necessary to carry out the purposes of the order.

1. On December 10, 1993, the Treasury Department's Office of Foreign Assets Control ("FAC") issued the UNITA (Angola) Sanctions Regulations (the "Regulations") (58 Fed. Reg. 64904) to implement the President's declaration of a national emergency and imposition of sanctions against Angola (UNITA). There have been no amendments to the Regulations since my report of March 27, 1995.

The Regulations prohibit the sale or supply by United States persons or from the United States, or using U.S.-registered vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles, equipment and spare parts, and petroleum and petroleum products to UNITA or to the territory of Angola other than through designated points. United States persons are also prohibited from activities that promote or are calculated to promote such sales or supplies to UNITA or Angola, or from any transaction by any United States persons that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions set forth in the Executive order. Also prohibited are transactions by United States persons, or involving the use of U.S.-registered vessels or aircraft, relating to transportation to Angola or UNITA of goods the exportation of which is prohibited.

The Government of Angola has designated the following points of entry as points in Angola to which the articles otherwise prohibited by the Regulations may be shipped: *Airports:* Luanda and Katumbela, Benguela Province; *Ports:* Luanda and Lobito, Benguela Province; and Namibe, Namibe Province; and *Entry Points:* Malongo, Cabinda Province. Although no specific license is required by the Department of the Treasury for shipments to these designated points of entry (unless the item is destined for UNITA), any such exports remain subject to the licensing requirements of the Departments of State and/or Commerce.

2. The FAC has worked closely with the U.S. financial community to assure a heightened awareness of the sanctions against UNITA—through the dissemination of publications, seminars, and notices to electronic bulletin boards. This educational effort has resulted in frequent calls from banks to assure that they are not routing funds in violation of these prohibitions. United States exporters have also been notified of the sanctions through a variety of media, including special fliers and computer bulletin board information initiated by FAC and posted through the Department of Commerce and the Government Printing Office. There have been no license applications under the program.

3. The expenses incurred by the Federal Government in the 6-month period from March 25, 1995, through September 25, 1995, that are directly attributable to the exercise of powers and authorities conferred by the declaration of a national emergency with respect to Angola (UNITA) are reported to be about $170,000, most of which represents wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the Customs Service, the Office of the Under Secretary for Enforcement, and the Office of the General Counsel) and the Department of State (particularly the Office of Southern African Affairs).

I will continue to report periodically to the Congress on significant developments, pursuant to 50 U.S.C. 1703(c).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 18, 1995.*

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 will be recognized for 5 minutes each.

THE FUTURE OF MEDICARE IN THE UNITED STATES

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Texas [Mr. DOGGETT] is recognized for 60 minutes as the designee of the minority leader.

Mr. DOGGETT. Mr. Speaker, during the next hour, on behalf of the Democrats, I want to discuss the future of Medicare in this country. It is a very serious matter that affects literally millions of Americans, not only American seniors but several million Americans who are disabled, people with disability who rely on Medicare, and on all of us who care for an individual who is beneficiary of Medicare, who might someday be on Medicare ourselves if we are fortune enough and who care about what is happening to health care for some of the most vulnerable people in our society.

This particular discussion and other discussions we will have during this special order period of Congress this week are very important because of the fact that there is an effort in this Congress to rush through a destruction of

the Medicare system, at least the beginning of the destruction of that system, to rush it through without adequate consideration by this Congress or adequate opportunity for the American people to know exactly what is about to befall them.

We are at a time near the dinner hour here in Washington when many Members will be pursuing other matters. So, for any who are unable to participate in all of these deliberations tonight, I think I can sum up the hour in pretty short terms, and that is that now that we have the Republican Medicare plan before us, we know that it is a plan that essentially says to the people of America that you will be able to pay more and get less. That is what this plan is all about, and we will be talking about the details of that plan and fleshing out what it is about.

In nature, scientists have theorized that there is a natural phenomenon known as a black hole. It is a fitting symbol for this Republican pay-more-yet-less plan, a black hole. A star may shine very brightly and then implode upon itself, and the gravitational forces become so severe, so strained that finally matter is compacted in and on top of itself, it is theorized, to such an extent that even light cannot escape.

That is what is really occurring with this so-called Republican Medicare plan, the Republican star having glowed so brightly in the early days of this session of Congress, now imploding and falling in on itself so that when we talk about Medicare and the pay-more-get-less plan, it is difficult for even light to escape concerning the details of this plan.

The Republican leadership, of course, has a longstanding ideological opposition to both Social Security and to Medicare.

□ 1845

Individual leaders have not been the least bit bashful until recent days in voicing their strong opposition to Medicare and to Social Security. They have spoken out against it again and again and again to anyone who was listening. They have been clear in their purposes. They have not hid their light under a bushel. They have made it clear that they are opposed to the basic premise upon which Social Security and Medicare depend.

Indeed, their forbearers in this Congress were equally clear about their objectives. When my colleague of years back, a great leader, a central Texan, Lyndon B. Johnson signed into law, Medicare, 30 years ago, over 90 percent, over 9 out of every 10 Republican Members of this Congress, House and Senate, opposed what President Johnson was doing, opposed setting up Medicare in the first place.

The current majority leader of the Republican Party, the gentleman from Texas [Mr. ARMEY] has been quite clear in his sentiments on the subject. In 1984 he said that Social Security was a bad retirement and a rotten trick on the American People. A few years later, in fact, a decade later, last September, he said, "I would never have created the Social Security system." And speaking in my home State of Texas in the summer of this year, July 1995, the Houston Chronicle reported on his comments under the title, "For now, Armey keeping lid on Medicare reform."

"It is risky to debate in public," he says. He was quoted as saying, "I resent the fact that when I am 65, I must enroll in Medicare. I deeply and profoundly resent that," he said. "It is an imposition on my life."

Mr. Speaker, it is that kind of philosophy that has generated the Republican Medicare plan, the pay more, get less plan. It is the kind of philosophy that begins in weakening the Medicare system and will eventually affect Social Security itself. Indeed, we have a further indication of the commitment of this Republican Party with reference to Social Security itself in a very interesting article from the Progress and Freedom Foundation newspaper called "American Civilization." In February of this year, this is 1995, not 1935, in February of this year, the lead editorial is called, "For Freedom's Sake, Eliminate Social Security." It talks about the importance of slaying the Social Security dragon, of privatizing Social Security.

Mr. Speaker, it is this goal to privatize and to destroy Medicare, and the Social Security system, that is at the heart of what is happening during this point in the life of this particular Congress. It is essential that the American people understand that this is not a matter of short-term political debate, but it is a part of a long-range, highly ideological strategy to go to the heart of Medicare and to go to the heart of the Social Security system itself.

We know that there is therefore, as the heading in the Houston Chronicle story of this summer indicates, very little interest in debating in public this particular proposal. Indeed, last week, we had a great build-up to a performance that was going to occur here in the Congress. When the day arrived on Thursday after announcements in the national news media, on Meet The Press, and in other forum around the country, we had all of these Republican bright lights and not-so-bright lights assembled, the luminaries, supporting this Medicare plan, and when all was said and done, we knew about as little at the end of the day as we did before the performance ever occurred.

It was as if they had forgotten the lines to their play or their song or whatever you will with reference to Medicare reform, because, as Congress Daily reported after that great performance, they said, "It is clear the proposal is more of a wish list than a finished product." The Wall Street Journal, never known for its particular dislike of the Republican party said, "The plan lacked many important details." Indeed, we have few details other than that it is a pay more, get less plan for American seniors after the program had been completely unveiled.

Mr. Speaker, the interesting thing, and perhaps one of the most interesting comments, came not from any Democrat or from any commentator, but from a Republican Member of the U.S. Senate who happened to chair the Medicare working group. He was quoted in The New York Times of last week as saying, "We do not know exactly what is going to be in it but we think we can get it approved by September 22.".

Is that not really the heart of the problem, that a plan developed in secret, that we know only a few details about, having leaked out through a staff memorandum here, or through a particularly able investigative reporter there, a few details come out regarding the plan, and the members, though, say that they are ready, like the star that implodes on itself and gets packed in in a packed kind of mentality, to go out and support a plan that they really do not even have the details on.

In fact, as recent as this morning, in this morning's Washington Times, we find the black hole symbol has another meaning with reference to this plan, and that is a giant hole in the plan itself, and the fact that they have taken a number, $270 billion, out of the Medicare system, and they are not sure where the numbers are going to come from to yield that $270 billion. Today's Washington Times leads off, "The Republican budget experts are nervous that their emerging Medicare reform plan could fall as much as one-third." That is $1 out of every $3 that they have promised, off the targeted $270 billion in savings, and be dismissed as gimmickry, and indeed, there is a good bit of gimmickry here. It says that the backup plan that they are considering does not yet spell out which payments will be cut. It only lists a menu of services, such as home health care. That is the kind of health care that allows people who are as independent-minded as some of the people that I represent down in Texas are and who want to have the alternative of staying in their own home instead of going into a nursing home, allows them to do that. But that is one of the ones that is on what they call the menu of services, along with medical laboratories, to be targeted.

The article goes on to describe the great concern over the gimmickry of announcing a plan without announcing the details, or explaining how it is that the changes being proposed can ever lead to $270 billion in savings.

There are a good many other things that I want to say about this plan, but I see that among the most forceful and eloquent opponents of this plan, several have arrived here who I know want to join in explaining the ramifications of this plan, not only for those of us who live in Texas, but for people across this country.

Mr. Speaker, I would yield at this point to the gentlewoman from Connecticut [Ms. DELAURO], my colleague and a distinguished Member of Congress, for observations that she might have on this matter.

Ms. DELAURO. I want to thank my colleague for taking the time this evening to engage in this debate, which I view as the most serious public policy issue that we are going to have in this body over the next several months. I just want to pick up on what you were saying from the newspapers, or from the commentary today.

One comment that I have is that it looks as if the Republicans are cooking the books on their Medicare plan, and it is really America's seniors who are getting burned.

You will recall that last week the Speaker of the House had to be corrected by staff members after he underestimated how much more seniors will pay under his party's Medicare proposal. But let me just say that the Speaker is not the only one that is confused about the GOP's sketchy plan to save Medicare.

Just as you were saying, the headline in the Washington Times today, the quote is, "GOP's Medicare savings doubted." Who was the article referring to? Not Democrats, but the chief skeptic in the article is none other, is none other than the Republican chairman of the House Budget Committee. That is who is doubting this plan.

Again, as you pointed out, the Democrats last week pointed out that $80 billion in the GOP plan, that there was going to be there, this $80 billion, a black hole. Now the leading budgetary expert in the Republican Party agrees that the numbers just do not add up, and that he is concerned, as are others, that the plan is going to be dismissed as gimmickry.

Paranoia about the public knowing that the numbers do not add up truly has caused the Republicans to back down from their promise to release that plan last week, and it is no wonder that they are skittish about the plan. It is sketchy, and it appears that even the Chairman of the Budget Committee is questioning the Speaker's new math.

But I will tell you that one of the other pieces in this article today confirms seniors' worst fears about the GOP Medicare proposal, and that is, in fact, that the worst, that the very worst is yet to come. Two weeks ago when they made reference to the $80 billion hole in their plan as "future unspecified cuts," apparently this was much too descriptive a phrase, "future unspecified cuts."

So now what the Republican leadership is calling the $80 billion shortfall is this look-back provision. In other words, if they fall short of the projected savings, they can look back and they can make more cuts. This is buying a pig in a poke. And what we ought to do is to rename the look-back to is the reach-back provision, because it is nothing short of a license to reach back into the pockets of seniors.

One other comment on this article, because I think the article is very interesting. The article also lists the gentleman from Connecticut [Mr. SHAYS], who is a colleague of mine, someone who is very well respected in this body, as also being critical of the GOP Medicare plan. He says that he is concerned that the plan will not meet savings projections because only high-end beneficiaries will have reason to stay in the Medicare system, while young, healthy beneficiaries are going to leave.

The gentleman from Connecticut is right to be concerned, and his concern brings us to the crux of what is wrong with the Medicare proposal.

The cost of Medicare is rising because the cost of medical care continues to rise in this country.

Mr. DOGGETT. If I might just make a further observation on that part of the article, because I think it is important. I noticed just in advance of the portion you were quoting your colleague from Connecticut, the article says that seniors are unlikely to want to leave the existing program, that is the Medicare we have known for 30 years, if it remains so inexpensive. And one Republican Member is quoted as saying, "It is too good a deal. Seniors are shielded from the cost."

Is not part of the problem here just a basic premise on the part of our Republican colleagues that seniors do not pay enough for their health care, that they are getting off too cheap, that just having to pay 21 percent of their income out of their annual income for health care is just simply not enough, and that we need to hike the cost of health care for seniors.

Ms. DELAURO. That is absolutely accurate, because assuming that seniors are getting well taken care of and that we ought to curtail what benefits that they have been getting and that they ought to pay more and it is not just a question of taking a look at upper income seniors, but all seniors, the benefits is this great largesse of benefits and we somehow ought to bring them back and particularly bring them back to pay for tax breaks for the wealthiest Americans, cut off the seniors and pay for this tax break.

What they fail to realize is that most seniors in this Nation are living on fixed incomes. These are folks who have worked all of their lives and they are entitled to retire with dignity.

I met a whole bunch of folks this weekend, I was out all weekend, and people just kept coming up to me and saying do not let them cut our Medicare. Do not do that. One woman said to me yesterday, she said, if it was not for Medicare, I would not be here today.

□ 1900

We all can see the game that is being played here, and particularly seniors are getting the message that there is a scam being perpetrated on them.

Ms. EDDIE BERNICE JOHNSON of Texas. You know, I have done a lot of visiting as well, but I did not find anyone who felt that they were paying too little. Many of them are just barely getting by with the cost of it now because these, many of these people, are persons who worked some years ago, looking out for this day when they would be on a fixed income. They did not make that much money, and so even to say to them about the savings account is a joke because they do not have that money. They barely have enough to pay any co-payment now. So, if it goes up any, it is simply eliminating care for them.

Mr. DOGGETT. I noticed that there are, according to reports, some 11 million elderly women in this country who have incomes below $8,500 per year, and I am wondering, based on not only your service here in the Congress, but your experience in the health care professions, if you represent some of those people and what impact you think it will have on them if they are suddenly faced with this new Republican Medicare plan which requires them, out of that little bit of income, to pay more and get less.

Ms. EDDIE BERNICE JOHNSON of Texas. Well, let me tell you it means not being able to buy groceries for a month, or not being able to pay a light bill, or some kind of energy or fuel bill, or doing without prescription medications. They do not have the money, and to get less normally means not having a choice of who their health care providers are, and we are talking about people who have been with the same physician for a number of years, and all of us know that the mental health and the mental state of one has more to do with the healing or as much to do with it as any medication, and, when you simply shift suddenly someone to another provider under the guise of getting cheaper care, then you actually getting much less because all decisions are removed.

It is like all of a sudden these people have become just a number to shift away to someone, anybody, that will come by now and then write a prescription, or the gimmick now is not to write a prescription, but to send them to the over-the-counter medications and just double the medicine so they would not have to have pay and they

can afford it. It is a game, it is a gimmick, and it is totally unnecessary. If it was absolutely necessary to keep the system going, I think that people would try their best, as they would do anyway, to make it. But it is totally unnecessary because all of us know that this system is not in that kind of trouble.

This is being done to the persons they consider powerless so that they can give this tax break to the wealthy. It is not fair to them. If we have been a part of paying into a system that has afforded the research, that afforded the ways to make the health status better and cause people to live longer, is this what they are looking forward to just because they live longer? Is a system who refuses to do what it has promised, the real contract that was made for persons who worked, paid into the system, and now that they need it, and perhaps live past 75; they are saying, "No more. Take it this way or no way at all."

It is not fair to them.

Mr. DOGGETT. Well, you used the word "gimmick," and I noticed in looking at it, and I hope my colleague from Connecticut will hold or point to that Washington Times in the way that our many colleagues who are watching this in their office on television can see; that is the word that Republican staffers, there in the Washington Times, are using; it is not, Congresswoman DELAURO?

Ms. DELAURO. In couple of areas—actually the chair of the Budget Committee is fearful that the plan that has been currently proposed falls so far short of the mark that it will be dismissed as gimmickry; that is the chairman's commentary. And the lockback provision further is regarded as the queasiness, I quote, the queasiness we have is that it might be perceived as a gimmick of some sort.

Let me tell you it is not only being perceived as a gimmick of some sort, it is a gimmick that is precisely what they have done here, and I will tell you that seniors are beginning to recognize this all over this country, that that is what is being done.

Mr. DOGGETT. And this whole approach of trying to create the appearance that, unless we rush something through here in a single day of hearings, suddenly the system will go bankrupt, and people will be without their Medicare. That is all a gimmick; is it not?

Ms. DELAURO. That is right, and it is as if we understand that you can make changes in Medicare and you can make it a better system. That does not—fixing it is not destroying it, and to pick up on what my colleague from Texas was saying as well, it is that if you—if you want to control the cost of health care, you must do it in all areas of health care. You must not make a determination that you are doing to control the cost of Medicare, leaving everything else in the health care system going up and thereby utilizing the Medicare trust fund as a piggy bank to be able to take care of particularly a tax break, but using Medicare as the scapegoat on trying to hold down the costs of health care, overall health care costs in general, and the way we try to do in the last session of Congress, to overall health care reform. So that your chart, pay more and getting less, is what this is all about.

Mr. DOGGETT. And I know this pay-more, get-less Republican Medicare plan is going to have severe consequences in North Carolina, and I see our colleague from North Carolina here to comment on the impact of people in her State.

Mrs. CLAYTON. I want to commend you for having this special order on this very important session and my colleagues both who have commented on health care.

Let me say to the Speaker and to my colleagues who are listening that the proposed cut in Medicare and Medicaid is the most important health issue facing this Congress and the American people, and for that reason there should be a rational discussion, there should be full hearing, there should be bipartisan support, to do what? To protect Medicare. The majority, however, propose to cut the Medicare Program by some $270 billion over a period of 7 years. That cut is roughly three times higher than any other proposed plan to protect Medicare has been.

Now we do not know fully where those cuts will come because only last Friday did they begin to give some sketchy details over a 4-page summary which is now being discussed in the papers as not being fully forthright and coming forward. The proposed cut will cut overall some 25 percent of Medicare. If you take the $270 billion over a period of 7 years, that will reduce it by some 25 percent. And what will that do to North Carolina? It will have a devastating effect on the many, many people who depend only on Medicare, but also those who depend on Medicare and some of their insurance, Medicare and Medicaid.

For instance, 999,000 people, Medicare beneficiaries in North Carolina, will increase over a period of 7 years by some $2,400 over that period of time, and, when Medicare cuts are combined with Medicaid cuts, we will lose in North Carolina some $14 billion. That would have a devastating effect on those people who are dependent, not only the people themselves, but the communities, the providers, and the hospitals as well.

The Medicaid cuts in North Carolina affect all ages, the elderly, especially children, the disabled, and the poor. There are some 985,000 Medicaid recipients in the State of North Carolina, and we do know the reason now given for the cuts. We do not know how they were cut. We do know the reason why they were cut.

Why must we make such large cuts? We must make such large cuts because we want to give what, $245 billion to the well off. If we did not have that on the table, we would not have to cut so deeply. We would not have to cause such large pain.

Last Sunday Speaker GINGRICH's recall said the American people would only probably suffer increase by some $7. Now, and that was before the summary was made. In 2 days later, the next Tuesday, he came out and said only maybe about $32 a month, and again that was before the summary was made, so those figures are not known by the people who are proposing the cuts, and they are saying to the American people this is not going to be very painful, trust us.

But mind you, I tell you these are the same people who also said, "Trust us," when Medicare was being—formally in 1965. They has this same mindset, and that indeed was to deny those who had retired and worked most of their life for the comfort of their retirement.

Mr. DOGGETT. So these are people that have opposed Medicare——

Mrs. CLAYTON. Consistently.

Mr. DOGGETT. In statements all over the country, have voted against it, have told their neighbors they are against it, perhaps at times have written against it, have been on television against it, have been on radio against it, and now they are saying, "We won't give you the details of our pay-more, get-less plan, but please trust us, because, even though we have been against Medicare all our lives and don't really want Medicare to be here and think it's an imposition on our freedom," as my colleague from Texas [Mr. ARMEY] said, the Republican majority leader, "it imposes on us, but trust us because we are going to preserve and protect it from bankruptcy."

Mrs. CLAYTON. Well, we would ask the question, sir, where were they when they tried to protect, and save, and reform Medicare last year. You remember the reconciliation bill of 1993? We had some modest cost adjustment, and because that modest cost adjustment was there we strengthened that program, and, as a result, we extended the time of proposed bankruptcy or any fiscal instability from 5 to 7 years. And we could not get them. I maintain we do need the Republicans joining the Democrats and Democrats joining Republicans to protect Medicare, to protect Medicare. And Medicare needs reforming. Health care needs reforming. That is not anything that Republicans or Democrats can run away from. We should not be standing up here saying nothing is wrong with Medicare. We are saying:

Yes, Medicare needs reforming. We knew that last year; we know it this year. But it does not need wrecking.

We are saying the only reason why you need a $270 billion cut over a period of 7 years is because you have a $245 billion tax cut. If you took that off of the table, you could reform it with less.

What would be some of those reforms? Some of those reforms would be fraud, making sure that people were paying no more than they should pay for their service and their Medicaid. Others, make sure that people who were abusing the system, and I would say to you, if the Republicans were sincere about the fraud, they would have put more inspectors in it and we would invite them to join us in fighting the fraud by putting the capacity there to investigate hospitals, to investigate providers, but those provisions are not there.

We do need to work to save Medicare.

Mr. DOGGETT. On that point, in fact when the appropriations bill was here on the floor of the House only a few weeks ago, they actually cut the money available for enforcement of fraud; did they not?

Mrs. CLAYTON. Absolutely right, they did, and I think that was an opportunity they had to demonstrate to the American people that they were sincere in retching down the costs by making sure those costs that were illegal, those costs were abusive, that they would go after that, but, rather than do that what are they doing? They are saying to the poor, the beneficiaries themselves, you must bear that burden.

Mr. Speaker, the issue of the proposed cuts in Medicare and Medicaid is the most important health care issue currently confronting the Congress and the American people.

We should have rational discussions, full hearings and bipartisan support to protect Medicare and Medicaid.

The majority proposes to cut the Medicare Program by $270 billion. That cut is roughly three times higher than any previous plan.

We do not know fully where and how they will cut. It was only last week, on Friday, that Republicans began to give out details of their plan in a brief, 4-page summary.

The proposed cut will reduce the overall size of the Medicare Program by 25 percent—raising the cost of premiums and copayments to each of North Carolina's 999,000 Medicare beneficiaries by as much as $2,400, over the next 7 years.

When the Medicare cuts are combined with the cuts in the Medicaid Program, Federal health care dollars coming into North Carolina will be reduced by $14 billion.

The Medicaid cuts affect North Carolinians of all ages—the elderly, children, the disabled, the poor.

There are some 985,000 Medicaid recipients in the State of North Carolina.

We do know the reason they must make such a large cut—to give the well-off a tax break totaling $245 billion.

We do know that last Sunday, before the release of the summary, Speaker GINGRICH assured the American people that Medicare beneficiaries should expect their premiums to increase by only $7 a month.

However, by last Tuesday, 2 days later, even before the release of the summary, the Speaker had admitted that the increase would be at least $32 a month.

Medicare is a very important program that benefits millions of Americans and should have support on a bipartisan basis.

We would be forced to eliminate coverage for almost half of the Medicaid recipients in North Carolina.

Some 455,000, many of whom are nursing home residents and home care recipients, could be denied further help.

These are not just numbers. These are people.

These are families, struggling to survive in an ailing economy.

There are neighbors. People I know. People you know.

The Medicare cuts will be especially painful, since nearly 83 percent of all Medicare benefits go to senior citizens with incomes of $25,000 or less.

When Democrats raise concerns and ask questions about the fate of the people when such drastic cuts are proposed, we are called alarmists or accused of scaring senior citizens. What we are trying to do is get answers to important questions, to have full hearings on a very serious issue of providing health care to seniors.

Some who are pushing this current plan of extreme cuts are of the same view as those who fought the very creation of Medicare in 1965, and now, in 1995, are seeking to do what they failed to do in 1965—deny the comfort of retirement from our senior citizens.

They should not be trusted.

It has been estimated that these plans will cost North Carolinians a loss of over $3,000 for each Medicare recipient in North Carolina between now and the year 2002, and a loss of some $900 for each recipient each year thereafter.

Most of the so-called savings that proponents say will come from Medicare will actually be paid out of the seniors' pockets.

Medicare is in need of reform—that fact is something that we cannot ignore. Democrats and Republicans, together, must work for reasonable reform.

This is not a problem, however, that we Democrats just discovered.

The Omnibus Budget Reconciliation Act of 1993 addressed Medicare reform—with cost adjustments—which strengthened the trust fund significantly and pushed the date back further from 5 to 7 years when we should be concerned about insolvency.

But, during the last Congress, many of the very people who now seek the trust of the American people in their Medicare cutting plan rejected every initiative that would have strengthened the Medicare trust fund even further.

The fact is that they are using the trust fund solvency issue as a smokescreen—they do not want to truly address the issue at hand, but instead they want to use the Medicare Program as a bank for the wealthy so that they can fulfill their campaign promise—a tax cut for the wealthy.

If they dropped the idea of a tax cut for the wealthy, they would not need to make such deep cuts in the Medicare Program.

The so-called looming Medicare bankruptcy is more fiction than fact.

Consider this history.

In 1970, it was reported that the Medicare trust fund would go broke by 1972. In 1972, it was reported that the fund would go broke by 1976. In 1982, it was reported that the fund would go broke by 1987. In 1993, the fund, it was reported, was expected to go broke by 1999. Now, those who would rob the poor by cutting Medicare to give a tax break to the wealthy, want us to believe that the Medicare trust fund will go broke by the year 2002.

It is a very convenient myth, but it is not reality.

For every $4 now spent on Medicare, $1 will be cut. Medicaid services some 4 million senior citizens. The Medicaid cut over 7 years will be a 30-percent cut.

Mr. Speaker, before America or this Congress buys into the proposal to cut Medicare, there are many questions that should be asked and that must be answered.

The first question is what exactly is the proposal? What are the details of the proposed cuts?

How can anyone support something that they know nothing about?

We should also ask, how they expect poor seniors, those on fixed income, to pay for the increases they must bear?

Will Medicare beneficiaries be able to choose their own doctors?

Where will the $90 billion in "unspecified savings" come from?

How will hospital closings be prevented, especially in rural communities?

Why is it that none of the funds from increased Medicare premiums will be contribution to the Medicare trust fund?

Why is it necessary to insist on a tax break for the wealthy, while cutting Medicare for those least able to absorb those cuts?

These and others are important questions, Mr. Speaker. They deserve frank answers.

Mr. DOGGETT. In other words, if you want to really strengthen, and preserve, and improve the Medicare system, Democrats and Republicans come together in bipartisan partnership, not by grabbing some figure like $270 billion out of the air in order to provide tax breaks for the privileged few, but coming together to preserve and improve the Medicare system by doing things, as you suggested, like fighting fraud and abuse in creative ways.

Ms. DELAURO. Mr. Speaker, I just want to add to the gentlewoman's point. It is interesting that the increase that seniors are going to face in premiums, deductibles, and copayments, none of that money will go to address the issue of dealing with what our colleagues on the other side of the aisle say is the problem with the trust fund. That money is going into the general fund. As you have pointed out, it goes into the general fund in order to pay for the tax break. If you truly want

to, as you pointed out, deal with the issue of trying to help to fix Medicare, is then take it out of the budget debate, take the tax package off the table, and let us talk about a bipartisan group of people sitting down the way we did with Social Security some years back and make the changes. This notion that the $270 billion is money that is going to go into this trust fund to, quote, save it is erroneous. That is not what is going to happen. The money, whatever increases are there, are going into a general fund in an effort to pay for the tax cut.

Ms. EDDIE BERNICE JOHNSON of Texas. You know, another factor is that one of the ways that has been traditionally used to cut health care costs is early discharge from hospitals.

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And when we see early discharge, we also see people a little bit sicker going home. When they go home, they will need Meals on Wheels, they will need an aide perhaps coming in. Saving the Medicare dollar we would think would put a focus on how important it is not to cut Medicaid so severely. Medicaid takes care of the Meals on Wheels, it assists them in transportation for the handy-rise to get to the doctors' offices so they can remain at home and not be institutionalized, and it also provides for the Meals on Wheels, and often the only hot meal that the ones confined to their home get a day. But that too is being cut.

All of us know that at least 67 to 70 percent of the Medicaid dollar goes for those senior citizens for long-term care. That is all a part of it. So, really, it is a gimmick. It is not a method to offer the care. It is a method to turn the care away. It is a gimmick to force seniors out of hospital care, out of home care, just to say they are saving the program.

This is not saving the program. To subject people to a system, the best health care in the world available, to not having it is not saving the system. It is simply ignoring the fact that almost 20 percent of this population needs this care on a day-to-day basis, and they have said we do not need this population to get these dollars, we must give it to the rich. Those are the ones that are more likely to show that they are getting it.

It is not popular, it seems, to help the poor, to help the elderly, to help the shut-in. It is much more popular to say I promised a tax cut to the wealthy and I am going to deliver it. I do not think this is America.

Ms. DELAURO. Mr. Speaker, I want to add one point. I know we have some other colleagues on the floor and we want to get everyone into this debate, but the gentlewoman said something that was incredibly important, and that is the issue of Medicaid.

In my State of Connecticut, 60 percent of seniors who are in nursing homes are covered under Medicaid. Most seniors in this Nation who are in nursing homes are covered by Medicaid. Few people understand that that is going to see a $182 billion cut. What happens to the senior who was in the nursing home, and by the way, they will do away with standards for nursing homes. That is also a part of this effort. What happens to the individual who is in the nursing home? What happens to the family who, after going through the trauma of putting an aging parent or a relative in a nursing home, who is then going to be thrown out and not find themselves with the wherewithal for that young family to be able to provide that kind of help and assistance to that relative and are going to have to pick up the cost themselves?

Mr. MILLER of California. Mr. Speaker, if the gentlewoman would yield on that point?

Ms. DELAURO. I yield to the gentleman.

Mr. MILLER of California. And I want to thank my colleagues for taking this time.

I would commend to them an article in the National Journal that came to our offices this afternoon which goes to exactly the point the gentlewoman made. People believe that huge amounts of money can be saved in Medicaid by throwing low-income people off of the rolls. As the gentlewoman correctly points out, over 60 percent of all the money in Medicaid goes to long-term health and nursing home care.

In the State of California, the State of California several years ago, in 1982, cut Medicaid spending by 18 percent. The Republicans are proposing a 30-percent cut. With an 18-percent cut, what the State of California, and this is a study that has just recently been completed, almost 300,000 people were knocked off of the rolls. Then the State transferred that responsibility to the counties, and in the first year the State gave the counties 70 percent of what they were giving them before. And then the State got into more financial trouble, and it gave the counties 55 percent. By 1991, it was less than 35 percent. So now the counties are knocking people off of the rolls.

What happened? They started reimbursing the doctors less and less. It went from 91 percent reimbursement to now 70 percent. They would pay the doctors 70 percent of what those doctors got in the private market to cover Medicaid recipients. No wonder nobody will take a Medicaid recipient in California. No wonder these people cannot get care.

Now, on top of those cuts that have already been enacted in the State of California that I represent, and in many other States, along come the Republicans and say we want to put a 30 percent cut, $180 billion, on top of that.

What this article goes on to show all of my colleagues is that, in fact, now we are into competition between nursing homes. Home health care, so that a family can continue to work and take care of their parents in their own home or in the home of the children, that will be slashed. And so what we are really seeing here is a huge, huge threat and assault on nursing home care and long-term care for people who find themselves in that situation.

That impacts not only the elderly but, as we all know, in talking to our constituents and to Members of Congress, it impacts the children who are trying to educate their children, who are trying to pay their mortgage and trying to work it all out. Now, without that help of Medicaid, they are saddled. So California is a case study for how we start that downward spiral.

I noticed the gentlewoman has the article from the Washington Times that talks about the $80 billion gap, hole, or whatever it is in the budget that they are presenting. Now it will be a look-back. Let me tell Members, if California is an example, seniors will be looking back in fear and looking back in anger, because not only will all of these cuts have taken place, but then we find out, and, as this article in the National Journal, a nonpartisan organization, goes on to say, most of the savings they contemplate will not achieve what they say they will.

The governors admit it. The private people admit it. That $80 billion will grow and it will grow, and then will come year 3 of a 7-year budget, which means all of those savings then have to be achieved in a 4-year period of time. So we are really talking about reaching in and grabbing the health care system for the elderly right by the throat here.

I just wanted to tell Members, we will look back and they will look back and say why did we not know this before we voted. Remember, the look-back provision? It must be automatic to be scored. No contingencies, no buts, no ifs, ands, or ables. This must be automatic. And that is the price we are taking from the seniors, with no knowledge of the size of that cut or the impact of that cut.

I thank the gentlewoman for yielding.

Mr. DOGGETT. Mr. Speaker, if the gentleman would yield on that point.

Of necessity, we talk here in Washington of billions and millions of people, but let me give the gentleman just one example of the same thing happening even under our current Medicare system in my hometown, Austin, TX. It is the experience of a 72-year-old retiree, Marjorie Greenhall, who moved down to Austin from Mineral Wells, up near Dallas, where Congresswoman JOHNSON serves so ably, to live with her daughter. She got down there and she reports her aggravation at being refused by the receptionists in 24 different physicians' offices because they do not take Medicare.

Now, if on top of the existing problem, we have this look-back provision and we come in after a year is over and there is this black hole or black gap in the Republican plan, and they start cutting those providers back even further than now, what will happen to someone like Marjorie Greenhall, whether she lives in Austin, TX, or in California?

Mr. MILLER of California. Well, Mr. Speaker, I think today Medicare reimbursement is about 80 percent of what doctors get in the private market. There is that reluctance. We are now seeing that that same process that drove medicine out of Medicaid, that drove doctors away from taking care of those patients, now comes into play in Medicare.

I was at a neighborhood party the other night and a woman came up to me, Rose Quantamatteo, and she said I want you to tell Speaker GINGRICH that there is a woman in your hometown Martinez that every night gets down and prays and thanks God for Medicare, for what it meant for me and my husband, Tony, who, unfortunately, passed away a couple of years ago. She said we would never have been able to survive the financial hardships, our children would not have been able to survive the financial hardships. She says just let him understand that this is what it means to our generation.

I think it is typical of the person the gentleman described and of people we have all met who want to know the facts. They want to know where Medicare is going to be tonight, tomorrow, after we vote on Thursday, and 3 years from now when we look back. That is what they want to know, and they want to know what kind of changes we are talking about, and the Republicans do not come forward with that.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, if the gentleman would yield for just a moment. With all we heard from our constituents, and from my experience of knowing what has happened, why is it we cannot be heard here?

I understand there is going to be 1 day of hearings to dismantle a program that many thousands of people have paid into the system for them to have available health care at the time at which they retire and are no longer able to work. In 1 day the dismantling will occur. We have had weeks of hearings on Waco and Ruby Ridge.

Mr. DOGGETT. Mr. Speaker, we had 28 on Whitewater, did we not? We had 28 days of hearings.

Ms. DELAURO. Mr. Speaker, we had months on Whitewater.

Mr. MILLER of California. Mr. Speaker, we can have hearings as long as any chairman wants to hold hearings. They are capable of holding hearings. This is a leadership decision.

If the gentlewoman would continue to yield. This is a leadership decision by the Speaker and the majority leader, Mr. GINGRICH and Mr. ARMEY, to ram this through before the American public and, mainly the seniors and their families, can find out about it.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I do not think they know about it. From what I understand, they do not even know about it.

Mr. DURBIN. Mr. Speaker, if the gentleman would yield, I wish to thank him for this special order and thank my colleagues for coming this evening.

I have just returned from my district and lost my voice in the process, but traveling through the city of Chicago and all through southern Illinois this is the No. 1 issue on people's minds, and they say, Congressman DURBIN, what are they proposing in terms of changes for Medicare? I am embarrassed to tell them I do not know. What we have are rumors and suggestions.

They say to me, well, time and again, when it gets to a program this basic to American families and their future, Members are surely not going to vote on something until they have had at least some hearings to determine what the impact will be. Well, the simple fact of the matter is, we will not have those hearings. The decision has been made by the Republican leadership to move this bill through, this magical, mystery, Medicare massacre through without the hearings, without an opportunity for the public to hear about it.

People will remember 2 years ago when President Clinton had a health care plan. The Republicans, then in the minority, screamed bloody murder. We need the plan. We need it in detail. We want to go ahead and analyze it, do not take a step until we do. Now that the Republicans are in control, now that they have their mitts on Medicare and Medicaid, they are going to push this thing through without a hearing.

I tell my colleagues what is disastrous about it. In my part of the world, downstate Illinois and many rural communities, we will see hospitals close. This Gingrich-Dole plan is for closing hospitals. Hospitals dependent on Medicare and Medicaid will not have the resources to stay open.

We will see kids in this country denied health care. That is just not some political exaggeration. That is a fact. Twenty-four percent of the kids in America live in poverty. They depend on Medicaid for the basic health care to keep them alive and healthy. When we cut $180 billion, let me tell my colleagues there will be real losers among those kids.

Tell me what the sick kid is going to mean to the future of this country? For his family and our Nation it is a tragedy. A group often overlooked on Medicaid is the disabled community. We say Medicaid, that is just for poor people. No, it is for seniors and disabled folks, too. Disabled people who literally survive, literally physically survive because of a Medicaid payment that picks up a home health care service so that they can literally stay alive from day-to-day and week-to-week.

With that much at stake, it is unconscionable, unconscionable that we would move this bill through without even seeing the details; that there would be some $80 or $90 billion that we do not know about. It is like a meatloaf. We will stick everything in there. Here it is, the middle of the week, and we will go ahead and serve it up.

It is much more serious, and I thank the gentleman for this special order, and I hope a lot of people listening who have a stake in this Medicare and Medicaid, as every family in America does, will tune into what is happening in Washington. This is not good government at work, this is politics at work. It is a cut in Medicare-Medicaid to pay for a tax cut for wealthy people. That is it. This is not saving Medicare, this is saving the skins of the fat cats and the profitable corporations.

Mr. Speaker, I believe Americans had better tune in, get on the phone and call their Congressman and Senator and say slow this train down, we want to know what Congress is doing to Medicare, we want to know what Congress is doing to our families.

I thank the gentleman from Texas [Mr. DOGGETT] for his special order.

Mr. DOGGETT. Mr. Speaker, I thank the gentleman for those observations. Indeed, it is a total contradiction for the same Republicans who were complaining last year that they needed more time to study health care to now say that the only time the American people need to see the details of the plans with the far-reaching consequences that the gentleman identified with 30 years' experience will be reviewed in 1 day in this Congress, and it is an outrage.

Ms. DELAURO. Mr. Speaker, just to add, if the gentleman would yield 1 second. That $80 or $90 billion that my colleague from Illinois talked about, that is amorphous at the moment. Who knows what that is. They are asking the public, they are asking people here to vote on $80 billion of unspecified cuts.

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I said earlier, it is buying a pig in a poke. And they are saying, "trust me." And it is wrong.

Mr. MILLER of California. The $80 billion that we see the Republicans now starting to talk about is assuming that all of their numbers work. And we see one organization after another, whether it is the hospitals, whether it is the doctors, whether it is the States, questioning whether or not their numbers will work. If their numbers do not work, 80 becomes 85, becomes 90, becomes $100 billion.

So this black hole, like the hole in the ozone, will grow every year, because these numbers, just for example, Arizona is the only State in the Union that has its entire Medicaid caseload in managed care. It continues to grow at a 7-percent rate. Under the Republican resolution, the maximum is 4 percent. Arizona, the model on which they are basing, is growing twice what they will allow. That adds to the 80 billion gap in this budget that the gentleman has pointed out.

Mr. PALLONE. I just wanted to stop by tonight when I listened to what you were all saying, because I think it is really crucial. We in New Jersey once again on Friday had a Medicare forum, which was attended by a number of the Democratic Congressmen, specifically myself and my colleague, the gentleman from New Jersey [Mr. ANDREWS]. And it was amazing to me how more confused senior citizens become every day because of the manner in which the Republican leadership is essentially gradually leaking out information about what they might have in mind for these Medicare cuts and these significant changes in Medicare.

The overwhelming feeling was exactly what you have on that placard up there: The GOP Medicare plan, you pay more and you get less. People are beginning to understand, I think, that essentially what this is, is nothing but budget driven, a way to try to take a lot of money out of the Medicare program and provide less services for senior citizens.

But I agree with you, I heard what you said about the article that was in the Washington Times today, and the criticism that the gentleman from Ohio [Mr. KASICH] and others are giving them. I commend the gentleman from Ohio for doing that, because it is absolutely the truth: We really do not have a plan here. The way the plan has been set up already, there is absolutely no way that this level of cuts can be implemented based on the details they have given us.

The problem I see here is this is going to be a total stealth effort. By next Thursday or whenever, we are going to get a few more details. At the time when we actually vote on this, we are still not going to know exactly what it will mean for senior citizens. All we will know is the Medicare program cannot absorb this level of cuts without providing less services and costing significantly more dollars out of pocket.

I have to tell you, one of the things I disagreed with in the Washington Times article is where it suggested that somehow seniors were going to be able to afford those part B premium increases. The seniors I met with in Gloucester Township, NJ on Friday with Congressman ANDREWS, they were complaining about the level of those premium increases. We are talking about the doubling of the part B premium in the next 7 years the way I understand it. You are talking about senior citizens in many cases that cannot afford any kind of increase at all. Their budget is to the point where they budget every dollar on a monthly basis. To talk to them about doubling the amount of money that they have to pay out of pocket for part B to pay for the doctor bills is absolutely outrageous.

The other thing I have to address, and I know you have already said it, is the providers. The hospitals are scared to death, because the way this huge hole, if you will, has been created here, what the Republicans are saying is that wait a few years and we will see how this works out. If it does not, we will have to start making more significant cuts. The hospitals are saying that any significant cuts, even the ones they are experiencing now, are causing many of them to close or downsize or not provide the community services or the clinical services that they provided in the past in various communities. They cannot absorb this level of cuts. There is no way for the Republicans to implement this level of cuts in Medicare without severe effects on the hospitals, on the quality of care, and also on senior citizens having to pay more out of pocket.

It is incumbent upon us, I know that is what you are doing, the gentleman from Texas, the gentlewoman from Connecticut, the gentleman from California, we have to keep making the point that we have to let the public in to see what is going on here. We cannot let 1 day of hearings before the Committee on Ways and Means be the only contribution that the public ever sees before we vote only this plan. We have to continue to press, as I know we will, that we have to have the full plan and we have to have several weeks, if not at least a month, to look it over, to bring in the senior citizens, to bring in the hospitals, to bring in the people that are going to be directly impacted by this, so we know what the Republicans have in mind.

It is still remarkably something that we do not have the details about, and we cannot plan about. But what we know, we know is going to have a devastating effect because we cannot absorb, the program cannot absorb that level of cuts. I want to commend the two of you again for putting together this special order.

Mr. DOGGETT. I thank the gentleman for his observations and leadership on this critical issue.

Ms. DELAURO. I wanted to add one point. You have just laid out the kinds and numbers of hospitals that are going to be in difficulty.

I would like to add one more category of hospital, and that is the teaching hospitals. I represent in New Haven, CT, Yale University, one of the finest teaching hospitals in the world. What will happen is not too many people know about the connection of Medicare and teaching hospitals and medical education.

One of the hue and cries that we all heard throughout the health care debate in the last session of Congress and in this session of Congress is that the fact of the matter is that the United States has the very best quality of health care in the world, bar none. Folks from all over the world come here to get the benefit of our technology, our know-how, in medical care.

If we begin to eat away at our teaching hospitals and our medical education, not only is the level of servicing going down, the quality of medical care that we stand on so proudly in this nation is going to be eroded. And I think that we cannot let it be forgotten in the litany the providers and hospitals that are going to get hurt and how ultimately this may look like a cut to a provider, but in fact the recipients, all of us in this Nation, are going to be hurt because the quality of our medical care is going to be eroded.

Mr. PALLONE. If I could say very quickly, I think the gentlewoman from Connecticut is absolutely right. What she is pointing out even more so in the general sense is that this does not just effect senior citizens. Obviously we are very concerned about seniors; otherwise we would not be here.

This affects the entire health care system and impacts everyone, not only because the quality of care is going to go down and you will have hospital closures, but you will have less community service, and that means that people just will not have access to quality medical care the way they do now.

In addition, you have so many other people, I know you were mentioning about Medicaid before and how something like 70 percent, I know in my home State of New Jersey, 71 percent of the money from Medicaid pays for nursing home care. If there are cuts in Medicaid, just as there are significant cuts in Medicare, then what is going to happen is a lot of the senior citizens are not going to be able to pay for the nursing home care, and you are going to see their own children or grandchildren having to kick in more.

So the costs of all this are going to end up ultimately, and the downgrading of our health quality and health care system, is going to impact everyone. There is no way this is just a senior citizen issue.

Mr. DOGGETT. That is so very true. You know, we have had important observations like yours from a number of our Democratic colleagues, and I am sure there are people across this country that are wondering, where are the Republicans? Why are they not out discussing this plan?

Not just tonight, but, you know, it is September 18 in the evening. We are

approaching the end of this Federal fiscal year, less than 2 weeks away. And yet to this very moment, we have yet to have one Republican colleague tonight or at any other time take the floor of this House and outline how deep it is they are going to reach into the pockets of senior citizens across this country, how big the cuts are going to be.

I do not know whether it is because they do not know, as this morning's Washington Times says, and they have a black hole or a giant gap in their plan, and they are just committed to whacking $270 billion out of Medicare; or they are afraid to say how they are going to do this. But they have refused to come and stand on the floor of this Congress tonight or at any other time and level with the American people and tell them how hard the hit is going to be, how much more are they going to have to pay, and how much less are they going to have to get.

Tonight, as we conclude this special order, I think it is important to remember that the same group that gave us the Contract With America, Lunz & Associates, advised our Republican colleagues not on how to reform Medicare, but how to sell what they were going to do. They said, "Keep in mind that seniors are very pack oriented and are susceptible to following one very dominant person's lead. Do not talk about improving Medicare."

Well, indeed they are not improving it. They think the seniors of America will be quiet. They think people all across this land will not listen, will not care; that they can sneak this through in a single day of hearings, can run it through here at the end of the fiscal year, and that, before you know it, the cost is up, the benefits are down, in New Jersey, in Connecticut, in California and Illinois, across this land, with seniors having been affected in a very dramatic way that they will not speak out. But just as with your experience in New Jersey, when I had a meeting last week in Texas, if our seniors know about this and they speak out, they can make a difference.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SISISKY (at the request of Mr. GEPHARDT), for today and the balance of the week, 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. DOGGETT) to revise and extend their remarks and include extraneous material:)

Mrs. COLLINS of Illinois, for 5 minutes, today.

Ms. EDDIE BERNICE JOHNSON of Texas, for 5 minutes, today.

Mr. MILLER of California, for 5 minutes, today.

Mr. SPRATT, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Ms. KAPTUR, 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. DOGGETT) and to include extraneous matter:)

Mr. BONIOR.

Mr. COLEMAN.

Mr. MENENDEZ in two instances.

Mr. FARR.

(The following Members (at the request of Mr. GOODLATTE) and to include extraneous matter:)

Mr. RADANOVICH.

Mr. GOODLING.

Mr. DOOLITTLE.

Mr. GEKAS.

Mr. GILMAN.

Mr. BLILEY.

Mr. SHUSTER.

ADJOURNMENT

Mr. DOGGETT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 40 minutes p.m.), under its previous order, the House adjourned until Tuesday, September 19, 1995, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1433. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification to the Congress of additional program proposals for purposes of Nonproliferation and Disarmament Fund [NDF] activities, pursuant to 22 U.S.C. 5858; to the Committee on Appropriations.

1434. A letter from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of September 1, 1995, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 104–115); to the Committee on Appropriations and ordered to be printed.

1435. A letter from the Director (Test, Systems Engineering & Evaluation), Department of Defense, Transmitting notification of the intent to obligate funds for fiscal year 1996 Foreign Comparative Testing [FCT] Program, pursuant to 10 U.S.C. 2350a(g); to the Committee on National Security.

1436. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting a copy of the Corporation's annual report for calendar year 1994, pursuant to 12 U.S.C. 1827(a); to the Committee on Banking and Financial Services.

1437. A letter from the Secretary of Education, transmitting Final Regulations—Standards for the Conduct and Evaluation of Activities Carried out by the Office of Educational Research and Improvement [OERI]—Evaluation of Applications for Grants and Cooperative Agreements and Proposals for Contracts, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Economic and Educational Opportunities.

1438. A letter from the Secretary of Health and Human Services, transmitting the National Center on Child Abuse and Neglect's report on efforts to bring about coordination of goals, objectives, and activities of agencies and organizations which have responsibilities for programs related to child abuse and neglect for fiscal years 1991–92, pursuant to 42 U.S.C. 5106f; to the Committee on Economic and Educational Opportunities.

1439. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to the United Kingdom for defense articles and services (Transmittal No. 95–39), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

1440. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report to Congress on the program recommendations of the Karachi Accountability Review Board, pursuant to 22 U.S.C. 4834(d)(1); to the Committee on International Relations.

1441. A letter from the Secretary of Housing and Urban Development, transmitting the Federal Housing Administration's [FHA] annual management report for the fiscal year 1994, pursuant to Public Law 101–576, Section 306(a) (104 Stat. 2854); to the Committee on Government Reform and Oversight.

1442. A letter from the Chairman, National Transportation Safety Board, transmitting the Board's response to OMB's request for information regarding agency operations in the absence of appropriations, pursuant to 49 U.S.C. app. 1903(b)(7); to the Committee on Transportation and Infrastructure.

1443. A letter from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation entitled the "Department of Veterans Affairs Improvement and Reinvention Act of 1995"; to the Committee on Veterans' Affairs.

1444. Secretary of Energy, transmitting a copy of the Energy Efficiency Commercialization Ventures Program plan, pursuant to Public Law 103–138, title II (107 Stat. 1407); jointly, to the Committees on Appropriations and Commerce.

1445. Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that the President intends to exercise his authority under section 610(a) of the Foreign Assistance Act in order to authorize the furnishing of $2.8 million to El Salvador, pursuant to 22 U.S.C. 2411; jointly, to the Committees on International Relations and Appropriations.

1446. Railroad Retirement Board, transmitting the Board's budget request for fiscal year 1997, pursuant to 45 U.S.C. 231f; jointly, to the Committees on Appropriations, Transportation and Infrastructure, and Ways and Means.

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. GOODLING: Committee on Economic and Educational Opportunities. H.R. 743. A bill to amend the National Labor Relations Act to allow labor management cooperative efforts that improve economic competitiveness in the United States to continue to thrive, and for other purposes; with an amendment (Rept. 104-248). Referred to the Committee of the Whole House on the state of the Union.

Mrs. WALDHOLTZ: Committee on Rules. House Resolution 222. Resolution providing for the consideration of the bill (H.R. 1617) to consolidate and reform workforce development and literacy programs, and for other purposes (Rept. 104-249). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BURTON of Indiana:

H.R. 2347. A bill to seek international sanctions against the Castro government in Cuba, to plan for support of a transition government leading to a democratically elected government in Cuba, and for other purposes; to the Committee on International Relations, and in addition to the Committees on Ways and Means, Banking and Financial Services, the Judiciary, and 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. GILMAN:

H.R. 2348. A bill to authorize the transfer of naval vessels to certain foreign countries; to the Committee on International Relations.

By Mr. SHUSTER (for himself, Mr. PETRI, Mr. MINETA, Mr. RAHALL, and Mr. OBERSTAR):

H.R. 2349. A bill to amend title 23, United States Code, to designate the National Highway System, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. COBURN:

H.R. 2350. A bill to amend title XVIII of the Social Security Act to provide protections for Medicare beneficiaries who enroll in Medicare managed care plans; to the Committee on Ways and Means, and in addition to the Committee on Commerce, 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.

MEMORIALS

Under clause 4 of rule XXII memorials were presented and referred as follows:

159. By the SPEAKER: Memorial of the Senate of the State of Alaska, relative to the conversion of the Naval Air Facility in Adak, AK; to the Committee on National Security.

160. Also, memorial of the Senate of the State of Alaska, relative to requesting the Congress to clarify that the Reindeer Industry Act of 1937 no longer applies in the State of Alaska; to the Committee on Resources.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 60: Mr. MOORHEAD.

H.R. 387: Mr. MOORHEAD.

H.R. 528: Mr. PICKETT, Mr. BLILEY, Mr. BEVILL, Mr. WATTS of Oklahoma, Mr. FOX, and Mr. JONES.

H.R. 530: Mr. POMBO.

H.R. 632: Mr. FIELDS of Texas.

H.R. 743: Mr. BROWNBACK, Mrs. WALDHOLTZ, and Mrs. LINCOLN.

H.R. 783: Mr. RAMSTAD, Mr. THORNTON, and Mr. DOOLITTLE.

H.R. 784: Mr. NORWOOD, Mr. JONES, Mr. COOLEY, Mr. BARR, Mr. FOX, Mr. HUNTER, Mr. BUNN of Oregon, Mr. HASTINGS of Washington, Mr. STOCKMAN, Mr. BRYANT of Tennessee, Mr. BAKER of California, and Mrs. KELLY.

H.R. 1161: Mr. LINDER and Mr. STEARNS.

H.R. 1221: Mr. HORN.

H.R. 1226: Mr. KNOLLENBERG.

H.R. 1227: Mr. ENGEL and Mrs. MEYERS of Kansas.

H.R. 1264: Mr. MFUME.

H.R. 1506: Mr. BLILEY.

H.R. 1589: Mr. BURR and Mr. RIGGS.

H.R. 1651: Mr. LOBIONDO.

H.R. 1692: Mr. PETRI.

H.R. 1693: Mr. PETRI and Mr. HAMILTON.

H.R. 1694: Mr. PETRI.

H.R. 1715: Mr. BRYANT of Tennessee, Mr. CHAMBLISS, Mr. COOLEY, Mr. CRAPO, Mr. EWING, Mr. GOODLATTE, Mr. HASTINGS of Washington, Mr. HERGER, Mr. LIGHTFOOT, Mr. RADANOVICH, Mr. ROBERTS, Ms. PRYCE, Mr. SPENCE, and Mr. WOLF.

H.R. 1733: Mr. BISHOP.

H.R. 1744: Mr. BRYANT of Tennessee.

H.R. 1764: Mr. HANCOCK and Mrs. CHENOWETH.

H.R. 1965: Mr. CASTLE, Mr. MATSUI, Mr. TORRICELLI, Ms. HARMAN, Mr. DIXON, Mr. DEUTSCH, Mr. PETERSON of Florida, Mr. STEARNS, Mr. LIPINSKI, and Mr. LONGLEY.

H.R. 1975: Mr. EHRLICH.

H.R. 2006: Mrs. MORELLA.

H.R. 2066: Mr. DORNAN.

H.R. 2143: Mr. MFUME.

H.R. 2179: Mr. LIPINSKI.

H.R. 2249: Ms. RIVERS.

H.R. 2265: Mr. HANCOCK, Mr. ROBERTS, and Mr. CALLAHAN.

H.R. 2331: Mr. ZELIFF and Mr. CHRYSLER.

H.J. Res: 61: Mr. TALENT.

H. Con. Res. 51: Mr. DAVIS, Mr. SHAYS, Mr. FRANKS of Connecticut, Mr. DURBIN, Mr. LIPINSKI, and Mr. ROHRABACHER.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 927

OFFERED BY: MR. STEARNS

(Amendment to the Amendment Offered by Mr. Burton of Indiana)

AMENDMENT NO. 2: Add at the end of title I the following:

SEC. 112. CONGRESSIONAL NOTIFICATION OF CONTACTS WITH CUBAN GOVERNMENT OFFICIALS.

(a) ADVANCED NOTIFICATION REQUIRED.—No funds made available under any provision of law may be used for the costs and expenses of negotiations, meetings, discussions, or contacts between United States Government officials or representatives and officials or representatives of the Cuban Government relating to normalization of relations between the United States and Cuba unless 15 days in advance the President has notified the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate in accordance with procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961.

(b) REPORTS.—Within 15 days of any negotiations, meetings, discussions, or contacts between individuals described in subsection (a), with respect to any matter, the President shall submit a report to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate detailing the individuals involved, the matters discussed, and any agreements made, including agreements to conduct future negotiations, meetings, discussions, or contacts.

H.R. 1323

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 1: At the end of the bill, insert the following new section:

SEC. 24. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available under this Act should be American-made.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Administrator, to the greatest extent practicable, shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

H.R. 1617

OFFERED BY: MR. BAKER OF LOUISIANA

AMENDMENT NO. 3: Strike title V of the bill and insert the following:

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. EFFECT ON REHABILITATION ACT OF 1973.

Notwithstanding any other provision of this Act, this Act does not have any legal effect on any program under the Rehabilitation Act of 1973.

H.R. 1617

OFFERED BY: MR. BECERRA

AMENDMENT NO. 3: Page 77, line 11, insert after the comma the following: "and disaggregated by demographic characteristics, where feasible,".

Page 78, line 6, after "aggregate data" insert the following: ", and disaggregated data by demographic characteristics, where feasible,".

H.R. 1617

OFFERED BY: MR. BECERRA

AMENDMENT NO. 4: Page 91, after line 18, add the following:

SEC. 143. REPRESENTATION.

The membership of any board or council established pursuant to this Act at the local, State, or national level shall reflect the demographic characteristics, respectively—

(1) of the local workforce area;

(2) of the population of the State; or

(3) of the population of the United States.

H.R. 1617

OFFERED BY: MR. BECERRA

AMENDMENT NO. 5: Page 98, after line 4, add the following

SEC. 203. PRIORITY.

A national, State, or local program that receives funds under this title, shall establish a process that gives priority to youth who must overcome barriers to complete an education program or to employment such as a lack of sufficient education or vocational

skills, economic disadvantages, disability or limited English proficiency.

H.R. 1617

OFFERED BY: MR. BECERRA

AMENDMENT NO. 6: Page 149, line 22, strike "less" and insert "greater".

H.R. 1617

OFFERED BY: MR. BECERRA

AMENDMENT NO. 7: Page 150, line 5 strike "to have the capacity to administer effectively" and insert "to have demonstrated effectiveness in administering".

H.R. 1617

OFFERED BY: MR. BECERRA

AMENDMENT NO. 8: Page 115, strike line 2 and insert the following:

(d) LIMITATIONS ON USE OF FUNDS.—

(1) OUT-OF-SCHOOL.—Not less than 50 percent of funds allocated to at-risk programs under section 212(a)(1)(B) shall be used for programs that provide services to out-of-school youth.

(2) ADMINISTRATIVE COSTS.—Not more than 10 percent of the funds provided under this chapter to a local workforce development board may be used for administrative purposes.

H.R. 1617

OFFERED BY: MR. GOODLING

AMENDMENT NO. 9: Page 2, in the matter of relating to section 108, strike "Education" and insert "education".

Page 2, in the matter relating to subtitle C, strike "Worker Rights" and insert "General Provisions".

Page 2, in the matter relating to section 141, strike "Requirements." and insert "Worker rights.".

Page 2, after the matter relating to section 141, insert the following:

Sec. 142. Transferability.

Page 2, strike the matter relating to section 224.

Page 3, strike the matter relating to section 316.

Page 3, strike the matter relating to section 434.

Page 4, in the matter relating to section 702, strike "Amendment to Higher Education Act" and insert "Eligible institutions.".

Page 18, line 15, strike "out-of-school".

Page 30, beginning on line 20, strike "organization representing parents".

Page 31, line 1, insert "and entity" after "agency".

Page 31, after line 22, insert the following:

(H) the State entity responsible for setting education policies, consistent with State law, on the date preceding the date of the enactment of this Act.

(3) representatives of the State legislature.

Page 32, after line 24, add the following:

(3) DISAGREEMENT.—The Governor shall accept and include with the State plan submitted under section 104, any disagreeing views submitted by a participant of the collaborative process if such views represent disagreement in the area in which such participant was selected for representation.

Page 36, strike lines 8 through 13.

Page 36, line 14, strike "(d)" and insert "(c)".

Page 38, after "including" insert "academic and vocational administrators, members of local schools boards, principals, teachers, postsecondary and other adult education administrators and instructors, including community colleges,".

Page 62, line 3, strike "customer" and insert "the".

Page 63, line 1, strike "will measure" and insert "must demonstrate".

Page 63, beginning on line 18, strike "appropriate" and all that follows through "among" on line 19.

Page 71, line 2, insert "by the Secretary of Labor or the Secretary of Education, as the case may be," after "disallowed".

Page 71, line 4, strike "this Act" and insert "chapter 2 of title II, title III,".

Page 71, line 5, strike "the" and insert "such chapter or title".

Page 72, line 25, strike the semicolon and insert ", which, to the extent practicable, shall be done through the private sector;".

Page 88, line 3, strike "elected".

Page 89, line 19, strike "**Provision**" and insert "**Provisions**".

Page 92, beginning on line 1, strike "skills" and all that follows through line 3 and insert "foundation and occupational skills needed to be successful in a competitive economy and to complete a high school diploma or general equivalency diploma;".

Page 99, after line 20, insert the following (and redesignate any subsequent paragraphs accordingly):

(4) FEDERAL FUNDS TO SUPPLEMENT, NOT SUPPLANT, NON-FEDERAL FUNDS.—Funds received under this title shall be used only to supplement the amount of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of youth participating in programs assisted under this title, and not to supplant such funds.

Page 139, line 15, insert "media" before "technology".

Page 140, line 25, insert "and" after the semicolon.

Page 141, strike lines 1 and 2.

Page 141, line 3, strike "(iii)" and insert "(ii)".

Page 148, line 8, strike "one quarter of one" and insert "4".

Page 149, line 21, strike "one quarter of one" and insert "4".

Page 222, strike line 10 and all that follows through page 225, line 13, and insert the following (and conform the table of contents on page 226, after line 14):

"SEC. 108. STATE OPTION REGARDING ALTERNATIVE DELIVERY SYSTEMS.

"(a) IN GENERAL.—In the case of the requirements referred to in subsection (b), a State may, in its discretion, elect to use alternative approaches for the implementation of any of the requirements if (subject to the other provisions of this section) the following conditions are met:

"(1) The Governor appoints a board to develop a proposed plan for the alternative approaches.

"(2) Individuals with disabilities who are not State officials or employees constitute a majority of the members of such board.

"(3) The membership of the board includes—

"(A) each State administrative agent designated pursuant to section 103(a); and

"(B) one or more individuals from private industry.

"(4) The State provides that the alternative approaches will be implemented in accordance with the plan developed by the board.

"(5) In the development of the plan, the public is afforded a reasonable opportunity to comment on the proposed alternative approaches.

"(6) The Governor submits to the Secretary a notice that the State is electing to use alternative approaches, and the notice is submitted to the Secretary not later than 60 days before the beginning of the first fiscal year to which the election applies.

"(b) ALTERNATIVES REGARDING STATE ADMINISTRATIVE STRUCTURE FOR DELIVERY OF SERVICES.—For purposes of subsection (a), a State may elect to implement alternative approaches to requirements in accordance with the following:

"(1) The allocation under section 102(a) (allocating amounts between State administrative agents and local workforce development boards) is in the discretion of the State, except that not more than 80 percent of a grant under section 101(a) for a fiscal year may be reserved for activities of local workforce development boards.

"(2) With respect to the requirements established in sections 103 and 104, the allocation between State administrative agents and local workforce development boards of responsibilities for carrying out the requirements is in the discretion of the State.

"(3) The selection of State officials who are to administer the requirements of section 103 is in the discretion of the State.

"(c) REVIEW AND REVISION OF ALTERNATIVE APPROACH.—An election under subsection (a) ceases to be effective after the third fiscal year of being in effect unless, during such third year, the plan under the election is reviewed. The plan may be reviewed and revised annually. This section applies to the review and revision of the plan to the same extent and in the same manner as this section applies to an original plan under subsection (a).

"(d) PERFORMANCE ACCOUNTABILITY SYSTEM.—An election under subsection (a) for a State does not, with respect to carrying out the program under this title in the State, affect the applicability to the State of section 110 of the Consolidated and Reformed Education, Employment, and Rehabilitation Systems Act.".

Page 236, line 10, strike "2003" and insert "2005".

At each of the following locations, strike "2007" and insert "2009": Page 237, line 16; page 242, line 21; page 243, line 19; and page 249, line 4.

Page 255, after line 21, insert the following new paragraph:

(3) LIMITATION ON OWNERSHIP OF STOCK.—Except as provided in subsection (d)(2) of this section, no stock of the Corporation may be sold or issued to an agency, instrumentality, or establishment of the United States Government, to a Government corporation or a Government controlled corporation (as such terms are defined in section 103 of title 5, United States Code), or to a Government sponsored enterprise (as such term is defined in section 622 of title 2, United States Code). The Student Loan Marketing Association shall not own any stock of the Corporation, except that it may retain the stock it owns on the date of enactment. The Student Loan Marketing Association shall not control the operation of the Corporation, except that the Student Loan Marketing Association may participate in the election of directors as a shareholder, and may continue to exercise its right to appoint directors under section 754 of the Higher Education Act of 1965 as long as that section is in effect. The Student Loan Marketing Association shall not provide financial support or guarantees to the Corporation. Notwithstanding the prohibitions in this subsection, the United States may pursue any remedy against a holder of the Corporation's stock to which it would otherwise be entitled.

Page 258, beginning on line 8, strike ", upon request of the Secretary of Education".

Page 258, lines 11 and 16, strike "voting common".

Page 258, beginning on line 12, strike "one year" and insert "6 months".

Page 258, beginning on line 18, strike "within" and all that follows through "shall purchase" on line 20 and insert ", the Corporation shall purchase, within the period specified in paragraph (1),".

H.R. 1617

OFFERED BY: MR. GENE GREEN OF TEXAS

AMENDMENT NO. 10: Strike title V of the bill and insert the following:

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. EFFECT ON REHABILITATION ACT OF 1973.

Notwithstanding any other provision of this Act, this Act does not have any legal effect on any program under the Rehabilitation Act of 1973.

H.R. 1617

OFFERED BY: MR. KILDEE

AMENDMENT NO. 11: Page 91, strike lines 12 through 18.

H.R. 1617

OFFERED BY: MR. KILDEE

AMENDMENT NO. 12: Page 100, after line 17, insert the following:

(e) FISCAL EFFORT.—

(1) IN GENERAL.—No payments shall be made under this title for any fiscal year to a State unless the Secretary determines that the combined fiscal effort per student or the aggregate expenditures of such State with respect to vocational education for the fiscal year preceding the fiscal year for which the determination is made was not less than 100 percent of such combined fiscal effort or aggregate expenditures for the second fiscal year preceding the fiscal year for which the determination is made.

(2) WAIVERS.—The Secretary may waive, for one fiscal year only, the requirements of this subsection if the Secretary determines that such a waiver would be equitable due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State.

H.R. 1617

OFFERED BY: MR. KLINK

AMENDMENT NO. 13: Page 27, after line 24, insert the following:

SECTION 7. SENSE OF CONGRESS.

It is the sense of Congress, that—

(1) to streamline and consolidate workforce preparation and development programs, eliminate unnecessary duplication and fragmentation in such programs as stated in section 3(a)(5)(A), and to provide maximum authority and responsibility to States and local communities for operation of State and local workforce preparation and development programs as stated in section 3(a)(5)(B), the Federal Government should transfer all of the functions of such programs to the States and local communities, including the responsibility to raise revenue to fund such programs; and

(2) Federal tax rates should be reduced by the amount saved by relinquishing Federal responsibility for workforce preparation and development programs.

H.R. 1617

OFFERED BY: MR. KLINK

AMENDMENT NO. 14: Page 275, after line 4, insert the following:

TITLE VIII—SENSE OF CONGRESS

SEC. 801. SENSE OF CONGRESS.

It is the sense of Congress, that—

(1) to streamline and consolidate workforce preparation and development programs, eliminate unnecessary duplication and fragmentation in such programs as stated in section 3(a)(5)(A), and to provide maximum authority and responsibility to States and local communities for operation of State and local workforce preparation and development programs as stated in section 3(a)(5)(B), the Federal Government should transfer all of the functions of such programs to the States and local communities, including the responsibility to raise revenue to fund such programs; and

(2) Federal tax rates should be reduced by the amount saved by relinquishing Federal responsibility for workforce preparation and development programs.

H.R. 1617

OFFERED BY: MRS. MINK OF HAWAII

AMENDMENT NO. 15: Page 105, after line 13 insert the following:

(5) a description of how the State will maintain programs for single parents, displaced homemakers, and single pregnant women and programs that promote the elimination of sex bias.

H.R. 1617

OFFERED BY: MRS. MORELLA

AMENDMENT NO. 16: Page 125, line 6, strike "and".

Page 125, line 9, strike the period and insert "; and".

Page 125, after line 9, insert the following:

(viii) implementation of innovative programs to increase the number of individuals trained and placed in nontraditional employment.

Page 127, line 19, before the period insert the following: "and individuals seeking to enter nontraditional employment".

H.R. 1617

OFFERED BY: MR. OWENS

AMENDMENT NO. 17: Page 71, strike line 1 and all that follows through line 9.

H.R. 1617

OFFERED BY: MR. OWENS

AMENDMENT NO. 18: Page 71, strike line 1 and all that follows through line 9 and insert the following:

SEC. 113. CRIMINAL PENALTIES.

Section 665 of title 18, United States Code, is amended by striking "or the Job Training Partnership Act" each place it appears and inserting ", the Job Training Partnership Act, or the Consolidated and Reformed Education, Employment, and Rehabilitation Systems Act".

H.R. 1617

OFFERED BY: MR. OWENS

AMENDMENT NO. 19: Page 128, line 11, strike "and".

Page 128, line 14, strike the period and insert "; and".

Page 128, line 14, insert the following:

(C) who are dislocated workers or who are economically disadvantaged individuals.

Page 130, line 13, strike "and".

Page 130, line 16, strike the period and insert "; and".

Page 130, after line 16, insert the following:

(D) who are dislocated workers or who are economically disadvantaged individuals.

Page 134, strike line 21 and all that follows through line 2 on page 135.

Page 135, line 3, strike "(f)" and insert "(e)".

Page 135, line 7, strike "(g)" and insert "(f)".

H.R. 1617

OFFERED BY: MR. ROEMER

AMENDMENT NO. 20: On page 10, line 4, add immediately before the semi-colon "and section 705(b)".

On page 267, line 21, add at the beginning thereof the subsection designation "(a)".

On page 267, after line 22, add the following new subsection:

"(b) In order to allow States that have received grants under Subtitle B of title II of the School-to-Work Opportunities Act of 1994 prior to its repeal to complete the development and implementation of their state-wide School-to-Work systems, the Secretary of Education and the Secretary of Labor are authorized to use not more than 10 percent of the funds appropriated under section 4(a)(1) of this Act for fiscal year 1997, 7.5 percent of such funds appropriated for fiscal year 1998, and 5 percent of such funds appropriated for fiscal year 1999 to make continuation awards to such States.".

H.R. 1617

OFFERED BY: MS. WATERS

AMENDMENT NO. 21: Page 275, after line 4, add the following new title:

TITLE VIII—SUMMER YOUTH EMPLOYMENT AND TRAINING PROGRAMS UNDER THE JOB TRAINING PARTNERSHIP ACT

SEC. 801. SUMMER YOUTH EMPLOYMENT AND TRAINING PROGRAMS.

(a) AUTHORIZATION OF APPROPRIATIONS FOR TITLE II.—Notwithstanding section 4(a)(1) of this Act, there are authorized to be appropriated for title II of this Act, $1,630,920,000 for fiscal year 1997 and such sums as may be necessary for each of the fiscal years 1998 through 2002 to carry out the programs under such title.

(b) 1996 ALLOTMENT PERCENTAGE FOR STATES UNDER TITLE II.—Notwithstanding section 211(b)(2)(B) of this Act, the allotment percentage of a State for fiscal year 1996 shall be the percentage of funds allotted to the State in fiscal year 1995 under—

(1) section 101 or 101A of the Carl D. Perkins Vocational and Applied Technology Education Act, as such Act was in effect on the day before the date of the enactment of this Act; and

(2) the funding allotted in fiscal year 1995 under section 262 of the Job Training Partnership Act, as such Act was in effect on the day before the date of the enactment of this Act.

(c) RETENTION OF SUMMER YOUTH EMPLOYMENT AND TRAINING PROGRAMS.—

(1) IN GENERAL.—Notwithstanding section 711(a) of this Act, the Job Training Partnership Act (29 U.S.C. 1501 et seq.), except section 1, sections 251 through 256 (relating to the Summer Youth Employment and Training Programs), sections 421 through 439 (relating to the Job Corps), and section 441 of such Act (relating to veterans' employment programs), is hereby repealed.

(2) AUTHORIZATION OF APPROPRIATIONS.—Notwithstanding section 711(b)(4) of this Act, the Job Training Partnership Act (29 U.S.C. 1501 et seq.), as amended by this subsection, is further amended by adding at the end the following new section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 23. (a) Except as provided in subsection (b), there are authorized to be appropriated such sums as are necessary to carry out this Act.

"(b) For fiscal year 1997, there are authorized to be appropriated $693,680,000 to carry out sections 251 through 256 of this Act (relating to Summer Youth Employment and Training Programs).".

H.R. 1617

OFFERED BY: MR. WELDON OF FLORIDA

AMENDMENT NO. 22: Page 70, line 24, before the period insert "or to meet federally funded or endorsed industry-recognized skill

standards or attain federally funded or endorsed skill certificates".

H.R. 1617

OFFERED BY: MR. WELDON OF FLORIDA

AMENDMENT NO. 23: Page 70, line 24, before the period insert "or to meet federally funded or endorsed industry-recognized skill standards or attain federally funded or endorsed skill certificates".

Page 100, line 15, before the period insert "or to attain a federally funded or endorsed skill certificate".

Page 110, line 19, insert "and parents" after "employers".

Page 113, line 10, insert "and parents" after "employers".

H.R. 1617

OFFERED BY: MR. WELDON OF FLORIDA

AMENDMENT NO. 24: Page 100, line 15, before the period insert "or to attain a federally funded or endorsed skill certificate".

Page 110, line 19, insert "and parents" after "employers".

Page 113, line 10, insert "and parents" after "employers".

H.R. 1617

OFFERED BY: MR. WILLIAMS

AMENDMENT NO. 25: Page 31, strike line 1 and insert the following:

(2) the lead State agency, entity, official, or officials

Page 31, line 4, after "(including" insert "the State entity responsible for setting education policies for activities under this Act, consistent with State law, on the day preceding the date of the enactment of this Act and".

Page 32, after line 16, insert the following:

(2) ACCEPTANCE OF CERTAIN RECOMMENDATIONS.—The recommendations of any State agency, State entity, or State public official described in subsection (b)(2) with respect to any portion of the State plan described in section 104 that affects programs that are under the jurisdiction of the agency, entity, or official shall be accepted by the Governor of the State and the other participants in the collaborative process, and shall be incorporated in the plan, unless the plan includes a finding by the Governor that the recommendations are inconsistent with the purpose of this Act.

Page 32, line 17, strike "(2)" and insert "(3)".

Page 36, after line 7, insert the following:

(11) A designation, consistent with State law, of the State agency or agencies to serve as administrative or fiscal agents for purposes of titles II and IV.

H.R. 1617

OFFERED BY: MR. WILLIAMS

AMENDMENT NO. 26: Page 246, after line 4, insert the following new subsection (and redesignate the succeeding subsections accordingly):

"(e) ADDITIONAL TRANSITION PROVISIONS IN THE EVENT OF NO REORGANIZATION.—In the event no reorganization is approved under this section, the following provisions shall apply beginning on the date which is 18 months after the date of enactment of this section:

"(1) TERMINATION PLAN.—No later than the date which is 24 months after the date of this section, the Association shall submit for the approval of the Secretary of the Treasury (hereinafter in this subsection referred to as the 'Secretary') a plan for the orderly winding up of its business which shall ensure that the Association will have adequate assets to transfer to a trust, as provided in subsection (e), to ensure payment of debt obligations of the Association that are outstanding as of December 31, 2004 (hereinafter in this subsection referred to as the 'remaining obligations'), in accordance with their terms.

"(2) PLAN REVIEW AND AMENDMENT.—The Secretary may require any amendments to the plan as the Secretary deems necessary or appropriate to ensure full payment of the remaining obligations. Once the plan or amended plan has been approved by the Secretary, the Secretary shall continue to review the plan and the financial condition of the Association no less than annually. After each review, the Secretary may require any additional amendments to the plan as are necessary to ensure full payment of the remaining obligations.

"(3) IMPLEMENTATION BY THE ASSOCIATION.—The Association shall promptly implement the plan or amended plan approved by the Secretary and shall promptly implement any subsequent amendments required based on the annual review.

"(4) PAYMENT OF DIVIDENDS.—Prior to the payment of any dividend, the Association shall certify to the Secretary that the Association is in full compliance with the termination plan then in effect, including subsequent amendments. The Association may not make any cash or non-cash distributions unless the Secretary has approved the termination plan, the Association is in full compliance with the plan as approved, including any subsequent amendments required by the Secretary, and the Secretary has approved the Association's certification of compliance.

Page 248, strike lines 20 through 25 and redesignate the succeeding subsections accordingly.

H.R. 1617

OFFERED BY: MS. WOOLSEY

AMENDMENT NO. 27: Page 5, line 15, strike "$2,324,600,000" and insert "$3,000,000,000".

H.R. 1617

OFFERED BY: MS. WOOLSEY

AMENDMENT NO. 28. Page 5, line 15, strike "$2,324,600,000" and insert "$3,000,000,000".

Page 5, line 19, strike "$2,183,000,000" and insert "$3,225,000,000".

Page 5, line 23, strike "$280,000,000" and insert "$597,000,000".

H.R. 2274

OFFERED BY: MRS. BARRETT OF NEBRASKA

AMENDMENT NO. 18. Page 96, after line 13, insert the following:

(4) DRIVERS OF UTILITY SERVICE VEHICLES.—Such regulations shall, in the case of a driver of a utility service vehicle, permit any period of 8 consecutive days to end with the beginning of an off-duty period of 24 or more consecutive hours for the purposes of determining maximum driving and on-duty time.

Page 96, line 14, strike "(4)" and insert "(5)".

Page 97, line 3, strike "(5)" and insert "(6)".

Page 99, after line 6, insert the following:

(6) UTILITY SERVICE VEHICLE.—The term "utility service vehicle" means any motor vehicle, regardless of gross weight—

(A) used on highways in interstate or intrastate commerce in the furtherance of building, repairing, expanding, improving, maintaining, or operating any structures, facilities, excavations, poles, lines, or any other physical feature necessary for the delivery of public utility services, including the furnishing of electric, water, sanitary sewer, telephone, and television cable or community antenna service;

(B) while engaged in any activity necessarily related to the ultimate delivery of such public utility services to consumers, including travel or movement to, from, upon, or between activity sites (including occasional travel or movement outside the service area necessitated by any utility emergency as determined by the utility provider); and

(C) except for any occasional emergency use, operated primarily within the service area of a utility's subscribers or consumers, without regard to whether the vehicle is owned, leased, or rented or otherwise contracted for by the utility.

EXTENSIONS OF REMARKS

TRIBUTE TO CONGRESSMAN NORMAN Y. MINETA

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 18, 1995

Mr. SHUSTER. Mr. Speaker, In 3 short weeks, Congress will lose one of its most valued Democrat Members and at the same time, I will say goodbye to one of my closest friends. After nearly 21 years in the House of Representatives, Congressman NORMAN Y. MINETA is leaving to take a job in the private sector. Today, I would like my House colleagues to pause a moment and remember this truly remarkable man.

In his remarks at the press conference announcing his retirement, NORM said something which simply but eloquently encapsulates his career in public service. He said, "It is fair to say that I have been a builder throughout my life."

NORM came to the Public Works and Transportation Committee in 1975 along with eight other Democrat freshmen; 18 years later, he became committee chairman. During the span of time, he chaired four of the panel's subcommittees, proving time and again a knack for understanding the details of committee jurisdiction as well as a grasp of the overall importance of infrastructure investment to the economy and well-being of this Nation.

In particular, he was a spokesman for urban America, having been, even at a tender age, a city father to San Jose, which rose from a sleepy South Bay community in the shadow of San Francisco to become the third-largest city in California. His experiences as a mayor helped him provide this committee with insight on the need for and development of mass transit systems.

No mention of NORM goes without recognition of his untiring advocacy on behalf of those of his ethnic heritage. Early on in his native San Jose, he was eyed as a prodigal son of the Japanese-American community. NORM unflinchingly assumed this responsibility, culminating in the passage of the Civil Liberties Act of 1988, which included reparations for Japanese-Americans interned by President Franklin D. Roosevelt and then-California Gov. Earl Warren during World War II.

As his career highlights demonstrate, NORM has not been bashful in standing up for his beliefs. I remember when he headed the Aviation Subcommittee during the 1980's and was such a strong advocate for taking the aviation trust fund out of the general fund budget. His persistence helped force a floor vote on the issue in October 1987, with supporters of the off-budget bill losing by a scant five votes. As I said then and now: That vote was held because NORM MINETA believed that stockpiling these balances to hide the deficit was a fraud on the America people. And the fight to take the transportation trust funds off budget continues today, thanks in no small part because of NORM's leadership.

But beyond the legislative give-and-take of issues, NORM and I were more than simply colleagues. For two decades, he and I have literally sat shoulder to shoulder in countless hearings and meetings. Together we have listened to thousands of witnesses, sat through hundreds of rollcall votes, and shared both victories and defeats. Ours is an uncommon friendship and I trust it will not end when he leaves Congress.

NORMAN Y. MINETA came to the Congress and the Public Works and Transportation Committee in 1975 and two decades later, he leaves, having contributed immeasurably to both. NORM was a positive influence on his colleagues and on their institution. He will be missed.

CELEBRATING THE 100TH ANNIVERSARY OF THE BOROUGH OF EAST NEWARK

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 18, 1995

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize the Borough of East Newark, which is this year celebrating its 100th anniversary. Although East Newark is small in size, the residents are known for their big hearts.

Once a part of Kearny, East Newark broke away in the spring of 1895 to become an independent borough. The vote was cast for incorporation on July 2, 1895, and the new borough, just 64 acres in area, became the smallest community in the State of New Jersey.

Two of the early industries in East Newark were the Clark Thread Co., and the Clark Mile End Spool Cotton Co., the largest thread mills in the United States at that time. The companies became Englehard Industries in the early 1930's, but since then, the area has been converted to the East Newark Industrial Center, which now houses over 80 corporations in the garment industry.

With its industries in place, East Newark began to build its community. The East Newark Volunteer Fire Department was organized in October 1895, and the East Newark Police Department was established 1 month later. Today, both are still in place, 100 years after they were first established to provide for the protection of life and property. East Newark's first public school was built in 1896, and still serves children from kindergarten through the eighth grade.

A bronze tablet located in front of borough hall proudly displays the names of the 175 brave men of East Newark who gave their lives to the American cause in World War I. The Albert Ettlin American Legion Post No. 36 was so named in honor of Mr. Ettlin, the first East Newark soldier killed in action at the Battle of Chateau Thierry. East Newark resident William F. Sawelson is said to have been hit by a sniper's bullet while carrying water to a wounded buddy in World War I and posthumously received the Congressional Medal of Honor.

The first church established in the borough was St. Anthony's Roman Catholic Church, the congregation originally founded in 1901 by Italians who moved from West Hoboken. While the original church was destroyed by fire in 1935, it was soon rebuilt and still serves the community today at the same site on Second Street.

In many ways, East Newark's history continues to influence the present. Current mayor, Joseph R. Smith, is a descendant of John C. Smith, one of the original petitioners in the effort to establish the borough. I would like to salute Mayor Smith, Council President Walter Roman, Councilman Hans Peter Lucas, Councilman William Lupkovich, Councilman Frank Madalena, Councilman Robert Rowe, and Councilman Charles Tighe for continuing a tradition of excellence in community service.

While the past century has seen monumental changes in the face of the community, East Newark remains an example of small-town pride and big-spirited determination. With a population of only 2,200, East Newark proves that you do not have to be big in size to make a big contribution. Please join me today in celebrating the 100th anniversary of this little metropolis, which continues to forge its own path on the road to a new century.

RESPONSE TO CHARGE OF STUDENT USE IN PHILLIP MORRIS STUDY

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 18, 1995

Mr. BLILEY. Mr. Speaker, I would like to bring to your attention and include in the CONGRESSIONAL RECORD the following response of the Chesterfield County Public Schools to recent congressional allegations that students in their school system were used in a study by Phillip Morris. Attached, please find a media advisory from the Chesterfield County Public Schools, which addresses this issue.

MEDIA ADVISORY

After an exhaustive search in an effort to respond to inquiries regarding information in the CONGRESSIONAL RECORD last week, the following are our findings:

1. We have determined that third grade teachers used a pupil rating scale questionnaire, not a pupil test, during the early 1970s.

The purpose was to help identify students in need of special education services. The school system had no evaluation instrument at that time to test students for hyperactivity. If teachers suspected hyperactivity, the common practice was to recommend parents take their child to a physician for a medical diagnosis.

2. This rating scale questionnaire was not a Phillip Morris study, nor was the rating scale completed in collaboration with Phillip Morris. It was a standard teacher observation scale used by educators.

3. The rating scale does resemble, however, the description of a teacher questionnaire in the July 25 CONGRESSIONAL RECORD in a two paragraph section alluding to a study of Chesterfield County Public School students.

4. No School Board employee we have located can confirm or recall any joint study or sharing of information with Phillip Morris. No School Board minutes from 1973–1978 reference Phillip Morris in any way. We cannot determine through any means that the results of the questionnaire were made available to anyone other than school officials.

5. The source of information cited in the CONGRESSIONAL RECORD was F. J. Ryan and "Smoker's Psychology Monthly Report," and we have no knowledge of either of these sources.

6. This concludes our good faith effort to respond to these inquiries. We are available for questions regarding current policies and procedures related to student evaluation.

SPECIAL SALUTE TO EUGENE PARKER: HONORING HIS CHARITABLE SERVICE TO THE ELDERLY

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 18, 1995

Mr. STOKES. Mr. Speaker, I am proud to rise today to salute a resident of my congressional district, Eugene Parker, who was recently profiled in the Cleveland Plain Dealer. The article, which is entitled "Paying With Good Looks", tells of Mr. Parker's unique contribution to the elderly people of his neighborhood. I want to share with my colleagues the details regarding the offerings outstanding individual.

Mr. Parker is the proprietor of Parker's Barber Shop in Cleveland, where he has been cutting hair for over 30 years. Every Thursday since June 1994, Mr. Parker has offered free haircuts to people over the age of 65. This is his way of giving back to his community. As Mr. Parker frequently says, he thinks that the money that these persons would spend for a haircut would be better spent on a loaf of bread. Through this act of charity, Mr. Parker demonstrates to the elderly of his neighborhood that someone is looking out for them.

Mr. Speaker, the reason that I highlight this act of individual charity is because this is exactly the type of contribution which has the potential to resuscitate drifting communities of our country. Eugene Parker has unselfishly given his time and talent in an effort to ease the financial burdens of the elderly of his community. I salute Mr. Parker for his neighborly contributions and ask my colleagues to join me in paying tribute to this caring indiviual. I also ask that this Cleveland Plain Dealer article be inserted into the Record.

[From the Cleveland Plain Dealer, Sept. 11, 1995]

PAYING WITH GOOD LOOKS

(By Ronald Rutti)

CLEVELAND.—They stand or sit six deep outside the barber shop at Kinsman Rd. and E. 143rd St. on Thursday mornings. It leads you to think the guys cutting inside either must be good or giving something away free. Turns out, you would be right on both counts.

Since June 1994, the elderly have been getting free haircuts on Thursdays at Parker's Barber Shop. Proprietor Eugene Parker closes the place to paying customers that day.

"I could hardly believe it," recalled John Thomas of E. 176th St., when he first came to the shop for a free cut. "He wouldn't even take a tip. He said, 'Then it would not be free.'"

Harry J. Walker, of Van Aken Blvd., a customer for more than 25 years, was sitting outside waiting for his number to be called. Knowing he would face a wait of about an hour, Walker had brought a radio and some Scripture readings.

"He's the best," Walker said of Parker. "I think it's wonderful what he is doing. God said if you give, you are going to receive hundredfold."

For a while it was hard to give. "The first three weeks, all total, I did not cut 20 heads," Parker recalled "Nobody believed it."

Now he cuts about 30 heads during his abbreviated Thursday hours 9 a.m. to noon. At least one of the four other barbers in his shop volunteers his off day on alternate Thursdays.

On this day, it is Andre Beard, 27, who has been cutting hair six years. Beard said he was a Cuyahoga Community College student in electrical engineering when his barber, Parker steered him into the grooming field.

Parker said Beard comes almost every Thursday to cut the older folks' hair. "I get the afternoon off, that's enough time for me," Beard said.

The give-away attracts both longtime customers and newcomers. Those who have known Parker for years are not surprised by his charity.

"He's always been a people lover," said Tom Carter, 78, of Stockbridge Ave. "He's a caring person." Carter has been a customer for 30 years.

Although he has not had a real vacation in 18 years, Parker said he gets one every week when he unlocks the shop door and already-waiting older folks file in.

He cannot wait to talk to his visitors, for they already have lived full lives.

"This gives me a chance to pick up a lot of knowledge," Parker said.

Parker, a barber more than 30 years, said he got the idea for free haircuts while sitting in his shop contemplating what he could do to give back to the community.

He decided older people would better use their limited funds for food.

The normal haircut charge at the shop is $9.

Parker, 56, gestures to the dozen or so people waiting their turn and says, "These people sitting here, they did all the legwork and all the suffering to get me where I am today. I think a loaf of bread is more important to them than a haircut.

"Hopefully other barbers will hear about this and do the same thing for seniors," he said.

The rule is a customer has to be 65 or older to get a free haircut, but Parker does not ask for proof of age. "I trust them," he said.

Parker's family moved to Cleveland from Birmingham, Ala., when he was 12. He has nine children of his own, 21 grandchildren and three great-grandchildren.

He said he became a barber because "I was tired of working hard." But he has found it is a job not suited to all.

"You've got to like people. It's a trip dealing with people. But it's a lot of fun," he said.

JOEL COOK DAY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 18, 1995

Mr. GILMAN. Mr. Speaker, I wish to call to the attention of our colleagues a remarkable man who led an incredible life of service to others. This coming Sunday, September 24, Joel's hometown of Walden, NY, will be paying tribute to him.

Joel Cook, a veteran of the Vietnam conflict, took the plight of our missing American heroes, and the families they left behind, to his heart. In 1977, at a time when most Americans wanted to forget about our involvement in Vietnam, and sweep the problems from that conflict under the rug, Joel founded the National Human Rights Committee for POW's and MIA's. As its national chairman, he helped light a fire under all of us, reminding us that it was important that we must not forsake those brave missing Americans.

Many veterans groups throughout the Nation came to depend upon Joel Cook and his organization for the information they provided, the suggestions they proffered, and the assistance they were always ready to give. In the year 1977, many Americans neither knew nor cared what the initials "POW" or "MIA" stood for. In good part, public awareness of the issue was heightened by Joel's tireless efforts.

In July 1992, as a result of the illness which Joel probably contracted or had exacerbated by his exposure to Agent Orange during his service in Southeast Asia, he retired as national chairman of the Human Rights Committee. We lost him about a year and a half later, on January 17, 1994.

However, his friends, loved ones, and the many lives he touched ensured that his hometown would not forget him.

This Sunday, Joel Cook Day in Walden, will be a commemoration—and a celebration—of this stellar veteran and the time and effort he devoted to helping others. His widow, Linda, his children, and other family members will be on hand to share in our appreciation of Joel Cook's works and deeds. On Sunday, which is the day before what would have been Joel Cook's 49th birthday, the American Legion Post No. 158 in Walden will officially change its name from the William Deakin Post No. 158 to the William Deakin-Joel Cook chapter. A duplicate of the new official American Legion charter indicating this name change will be presented to the Cook family at this time, with appropriate ceremonies.

Today, over two decades after the end of hostilities in Southeast Asia, 2,197 Americans

are still not accounted for. The National League of Families of POW's and MIA's pointed out to my office just this week that, if Joel Cook were alive today, he would be the first and the loudest to protest the rush toward normalization of relations with Vietnam with the fates of so many of our fellow citizens still undetermined.

Mr. Speaker, many of our colleagues have joined with me throughout the years to remind all of us in this Nation that our missing fellow Americans must never be forgotten. Joel Cook Day, coming only 9 days after our annual National POW-MIA Remembrance Day, is a suitable time to remember that many of us here at home have dedicated their lives to this worthy cause.

As is true of our missing service men and women, they deserve nothing less.

TRIBUTE TO REAR ADM. THOMAS A. MERCER, USN

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 18, 1995

Mr. FARR. Mr. Speaker, it is my great honor to rise today in salute of an outstanding individual, community and military leader. Mr. Speaker, Rear Adm. Thomas A. Mercer, who until recently commanded the Naval Postgraduate School, provided 33 years of service to the U.S. Navy and to my central coast community. His contributions will be remembered and sorely missed.

Graduating with distinction from the U.S. Naval Academy in 1962, Rear Admiral Mercer served a 3-year tour of duty in the U.S. Navy, including a Southeast Asia combat deployment. He later attended the Naval Postgraduate School in Monterey, CA and was awarded a master of science degree in aeronautical engineering in 1969.

Rear Admiral Mercer's remarkable career has been demonstrated by his assignments and duties throughout the country and the world. He has been awarded 17 medals and awards that recognize his distinguished service, including the Defense Distinguished Service Medal, Distinguished Service Medal and Defense Superior Service Medal. I am very pleased to commend Rear Admiral Mercer for his contributions to our country.

In addition, Rear Admiral Mercer significantly contributed to the Monterey Peninsula community. He has served as the superintendent of the Naval Postgraduate School, Monterey, CA since January 1993. His contributions there helped to retain the school in Monterey and he has worked with other institutions of higher education to make the region a center of excellence for education and research. Rear Admiral Mercer has also helped many organizations in the Monterey region, including outreach programs to schools, the American Legion, the Salinas Air Show and many more.

We are indeed fortunate to have a national resource like the Naval Postgraduate School in our community, but more so since Rear Admiral Mercer has been its superintendent for the past 2½ years. It is said that Rear Admiral Mercer left every command in better shape than when he arrived and I agree. The Naval Postgraduate School and the entire community have benefited from his leadership. On behalf of a grateful community and country, I wish him congratulations, and very best wishes for a happy and healthy retirement.

IN HONOR OF THE POLISH MARTYRS MEMORIALIZED AT THE KATYN MEMORIAL MONUMENT

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 18, 1995

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the Polish officers, citizens and prisoners of war who were massacred in 1940 by the Stalinist Soviet Government. The Katyn Forest Massacre Memorial Committee will have a memorial service on September 17, 1995 to honor the Polish victims. A mass will be celebrated at 12 noon at the monument site.

Many times throughout history, mankind has committed unspeakable crimes that have horrified the world. In April 1940 more than 25,000 people were rounded up by the Soviet Government. Their only crime was that they were born Polish and considered enemies of the state. Their hands were tied behind their backs and they were shot in the back of the head. Their bodies were burned and scattered throughout various locations such as Katyn Forest.

This year marks the 55th anniversary of the brutal Katyn Forest Massacre. The order to execute the Polish citizens was issued on March 5, 1940. The order is a reminder to us that we must remain ever vigilant against intolerance and inhumanity. Their massacre was a genocidal act and we must never forget their suffering and sacrifice.

A memorial was erected at Exchange Place in Jersey City. The monument commemorates the sacrifice of these innocent victims. The Katyn Forest Massacre was a crime against humanity. This elegant memorial serves as a reminder of man's cruelty to man.

I ask that my colleagues join me in honoring these Polish martyrs. They represent a lost generation of Polish citizens. Their memories live on at the Katyn Memorial Monument.

SPECIAL SALUTE TO MORT MANDEL, CLEVELAND PHILANTHROPIST

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 18, 1995

Mr. STOKES. Mr. Speaker, I rise today to pay tribute to an outstanding philanthropist of my congressional district. Mort Mandel is the chairman and CEO of Premier Industrial Corp. and has spent his life not just donating finances, but also finding innovative ways to improve the Cleveland area and the world. I want to share with my colleagues some of the contributions of this outstanding individual.

Foundations established by Mort Mandel and his family distribute grants for management training, neighborhood renewal, the arts, and health care. Mr. Mandel's Premier Industrial Corp. created a non-profit agency for improvement of the neighborhood in which it operates, and created a school for non-profit management at Case Western Reserve University. Mr. Mandel has also given extensively to the United Way, and has contributed to the creation of the Mandel School of Applied Social Sciences at Case Western Reserve University.

Mort Mandel has for a number of years been a strong supporter and financial contributor to the 11th Congressional District's Annual Christmas Party for poor residents of my district. These are people who would have no Christmas for themselves and their children if it were not for philanthropists such as Mort Mandel.

Mr. Speaker, I am proud to salute Mort Mandel today. Mort Mandel has given his time, ideas, and funding to creative philanthropy. He has used his success to increase opportunities for people's advancement and to implement neighborhood improvement. I ask my colleagues to join me in paying tribute to this exceptional individual.

GIVING LIVES OF TWO CLEVELAND PHILANTHROPISTS

(By Janet Beighle French)

Why people give has long intrigued those responsible for garnering support for privately funded organizations.

The lives of two Cleveland philanthropists, one present, one past, provide some answers. And, as is typical in Cleveland, their gifts were not only of money, but of time, too.

THE MANDEL TRADITION

"I want to light another candle or 10, maybe many candles, to help eliminate the nightmares around us," said Mort Mandel, chairman and CEO of Premier Industrial Corp.

Mandel's parents, Sam and Rose, set the example.

"They were not wealthy, but they always extended helping hands to others," said Mandel. "When they could hardly pay the rent, mother would squirrel away $11 for someone, perhaps for a wedding dress, a doctor bill, a refrigerator or stove.

"By the time I was 10 years old, I had internalized a sense that [compassionate, personal giving] was an obligation and an opportunity to help," said Mandel. "My brothers did, too. As we could, we began giving away money."

Along the way, their Premier Industrial Corp. became very successful.

Now, said Mandel, he uses that ability, giving systematically and effectively to stimulate new ideas that will help heal the world.

He and older brothers Jack and Joseph have established a foundation for each family, three private and one corporate, with total assets estimated in 1991 to be more than $160 million. That year, the four foundations distributed more than $2.5 million in grants.

Management training, neighborhood renewal, the arts and health care were among major beneficiaries. The Mandels also have given generously to Jewish causes; Mort Mandel is a past president of the Jewish Community Federation of Cleveland.

In 1993, the brothers hired Richard Shatten away from Cleveland Tomorrow (itself foundation-inspired) to operate their foundations. At the time, Mort Mandel said the

brothers intended to leave to charity a "very large" portion of their combined fortunes, then worth about $1.5 billion. The result could be a foundation that would join the Cleveland and Gund foundations as a major force in Cleveland philanthropy.

"We are more pro-active than other foundations," said Mandel. "We use our brains, contacts and money to improve, change, fill a vacuum. We work very hard at it and put in time."

Premier is located in the Midtown Corridor, on Cleveland's near East Side. It created a nonprofit agency to help improve the neighborhood, which Mandel cites as among his top accomplishments. "It's now an umbrella agency, called Neighborhood Progress Inc. The Cleveland and Gund Foundations supported it, too, but we were the largest funder.

"We also started the Mandel Center for Non-Profit Management [at Case Western Reserve University], to see if we could improve the quality of management for nonprofits, so they could do a better job.

"It's been 10 years now and the program has graduated many people. And now they run everything from museums to settlement houses."

Last week, the Mandels were recognized for their longstanding commitment to United Way Services, and their gift of $1.2 million toward the purchase of the agency's new headquarters on Euclid Ave. to be named the Mandel Community Building.

Mandel gifts have also helped in the creation of the Mandel School of Applied Sciences at Case Western Reserve University, and the Mandel Jewish Community Center in Beachwood.

Mandel's grown children are also very philanthropic, he said.

"That's probably the greatest gift Barbara and I have given our kids—their values," said Mandel.

MATHER RECYCLED MONEY

Samuel L. Mather was injured in an explosion at his father's mining company just as he was about to enter Harvard University. He spent three years as an invalid, perhaps inspiring his gifts to medicine and the arts.

But inherited religious conviction was more likely behind Mather's indefatigable giving, said his great-grandson Sterling "Ted" McMillen.

Mather's "core, prime passion," McMillen said, was the Episcopal Church, which he served in local, national and ecumenical capacities and as director of the Bethel and City Mission.

"Mather believed you earned money to recycle it and try to bring about God's pure vision," he said. "In New England, where the Mathers came from, religion called the shots."

Boston preacher Increase Mather was president of Harvard. His son Cotton was a preacher, author, mystic, politician and a founder of Yale.

Samuel Mather Jr. was one of the first 49 shareholders in the Connecticut Land Company, which bought the Western Reserve in 1792. By 1809, he owned four townships. Only he, of the 49, sent a descendant here.

Son Samuel Livingston Mather arrived in 1843 to set up a law practice and see to his father's interests. He founded Cleveland Iron Mining Co. (later Cleveland-Cliffs Co.) and fathered William Gwinn and Samuel.

The sons inherited the family propensity to make money and were ultimately credited with writing the book on the iron and steel business of their era. William took over Cleveland-Cliffs. Samuel helped found Pickands Mather Co. and built it into the region's second-largest iron ore company.

Samuel and Flora Stone Mather lived very well, in the most expensive house on Euclid Ave's Millionaires' Row. Mather died the state's richest man in 1931, even though he retired at age 50 and spent 30 years funding and directing nonprofit organizations.

But the Mathers gave time as well as money. He spent a half-century helping to support Lakeside/University Hospitals, 30 as chairman (thus the new Samuel L. Mather Pavilion). He helped rebuild the Cleveland Clinic after the disastrous 1929 explosion. He was an original trustee of the Cleveland Museum of Art, vice president of University School, and a trustee of Western Reserve University. He helped underwrite Kenyon College and the Library Association.

Flora funded three buildings for and underwrote Western Reserve University's College for Women, later renamed in her honor. She and her husband funded and led Hiram and Goodrich Houses, which offered social programs for immigrants. Some of these programs evolved into the social work school at the university, the Visiting Nurse Association and the Cleveland Society for the Blind.

Samuel Mather was president of the Children's Aid Society and the Home for Aged Women, on the board of the National Civic Federation and American Red Cross. When he began directing the Community Fund (later United Way), givers multiplied 10 times. He remained director and top contributor for 21 years.

Mather succeeded because he was passionate about everything he did, said McMillen. And he was directly involved. Contemporaries noted that he approached any task with enthusiasm, keen observation and analysis, a superb memory, and the ability to get to the point.

"Philanthropy is an incredibly fulfilling thing to do," McMillen said. "All of the family still have civic interests."

McMillen is a trustee of the art museum and of the $3.8-million S. Livingston Mather Charitable Trust which supports cultural programs, education, child welfare, social services and mental health, youth services and conservation. He also supports the Children's Aid Society.

TRIBUTE TO HOME HEALTH CARE WORKERS

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 18, 1995

Mr. COLEMAN. Mr. Speaker, I would like to take this opportunity today to extend my gratitude to all of the thousands of nurses, therapists, physicians, and home care aides who have devoted their lives to provide in-home health care.

Home care is a wonderful way to treat sick and disabled individuals without having to separate them from their familiar and comfortable surroundings. Because it is so popular, home care is the fastest growing sector of American health care delivery today. Between 1990 and 1994, the number of Medicare beneficiaries that received home health services almost doubled.

However, despite the fact that health care increase in services costs in general have risen at enormous rates, the cost of this service has been increasing at a rate far below that of the Consumer Price Index. In fact, Medicare payments for this service had leveled off in 1993 and were well below projected levels of spending in 1994.

Certainly, this is an economical and caring way to provide for our sick and disabled with health care that they can rely upon. It also benefits the families that live with the individuals who require home care by allowing them to have day to day contact with their loved ones.

I believe that home health care is the type of system we need to put more emphasis on when Congress structures its debate on health care reform.

TRIBUTE TO SHERIFF WILLIAM H. HACKEL

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 18, 1995

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to my good friend, Macomb County Sheriff, William H. Hackel. Sheriff Hackel was named as the winner of the 1995 Distinguished Citizen's Award by the Clinton Valley Council of the Boy Scouts of America. On September 14, 1995, Sheriff Hackel was honored by the Boy Scouts at an award dinner held at the Fern Hill Country Club in Clinton Township, MI.

Sheriff Hackel began his career with the Macomb County Sheriff's Department as a deputy over 30 years ago. In 1976, the people of Macomb elected him to serve as Sheriff. During these three decades, Sheriff Hackel has earned the well-deserved reputation as a tough and innovative crime fighter.

Sheriff Hackel has assumed leadership roles in many local, State, and national criminal justice organizations. He has served on the Advisory Committee of the Macomb Community College Criminal Justice Program and as a member of the Michigan Commission of Criminal Justice. Previous Michigan Governors William Milliken and James Blanchard both appointed him to serve on the Michigan Law Enforcement Officers' Training Council. In all of his roles, he has worked to see that the community he serves has the best trained and most professional law officers possible.

In addition to helping coordinate law enforcement officials from all levels of government, Sheriff Hackel has also placed a priority on crime prevention. It is not uncommon to see Sheriff Hackel at numerous community events. He is always working with groups and attending functions where he can reach out to the public, especially children. In the words of one of his deputies, a DARE officer, Sheriff Hackel has always made kids his number one priority. His support of the Boy Scouts, where he serves on the Friends of Scouting Committee, is just one of many examples. Sheriff Hackel is also responsible for bringing the first DARE program to Macomb County. He sponsors the Explorer Post at the Macomb County Sheriff's Office where young men and women have the chance to learn about law enforcement first hand. Annually, Sheriff Hackel participates in the March of Dimes Walk America,

the Easter Seal Telethon, the Torch Run for Special Olympics and many other community and charity organizations.

Taking an active role in one's community is a responsibility we all share, but few fulfill. Sheriff Hackel has dedicated much of his life to this endeavor. I deeply admire his strong values and outstanding example of civic involvement. His time, talents, and energy are appreciated by all of us. I thank Sheriff Hackel for his efforts and commend him for his good work.

I applaud the Boy Scouts of the Clinton Valley Council for recognizing Sheriff Hackel. He has provided outstanding leadership to our community and I know he is proud to be honored by the Scouts.

On behalf of the Boy Scouts of America, I urge my colleagues to join me in saluting Macomb County Sheriff Bill Hackel.

THE SOCIAL COST OF ADMINISTRATION POLICIES

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 18, 1995

Mr. DOOLITTLE. Mr. Speaker, I rise today to read into the RECORD two letters I received when I was in my district over the recess. Both letters touch upon how the policies being pursued by the Clinton administration are causing damage to the forests of northern California and inflicting pain and suffering on the residents of the region.

The first letter is from Michael and Sharlene Reed of Sonora. The letter reads:

REPRESENTATIVE DOOLITTLE: Due to the Forest Service interpretation of the Taylor Amendment and President Clinton's lack of concern for the working people we are recently unemployed. Our local plywood and sawmill operation has been closed. The Stanislaus National Forest will have no noticeable increase in timber sales in the foreseeable future.

My family has been in Tuolumne County for more than 100 years, in the cattle and timber fields. We care about the future of our county, our state and our nation. For now our future is unknown, and we may have to leave the place that has been our home for such a long time. There are no other job opportunities available in this area. We may also lose our home because there is little real estate market at this time. Clinton's "job retraining" would only work if there were jobs to be trained for.

While our future is uncertain, we hope your future as our Representative is secure. We will help any way we can.

Sincerely,

MICHAEL and SHARLENE REED,
Sonora, California.

The second letter I would like to share was sent to the California Spotted Owl Team in Sacramento by Pat Kaunert. Mr. Kaunert, who is also a resident of Sonora, gave me a copy of the letter at a recent townhall meeting.

His letter reads:

COMMENTS ON CALIFORNIA SPOTTED OWL DRAFTED PLAN

The following comments on the Draft California Owl Plan represent my personal opinion only, and are not intended to represent any other persons or agency.

I have reviewed the Draft Environmental Impact Statement for Management of the California Spotted Owl, a document which clearly states that "The California spotted owl appears to be abundant and well-distributed within the forests on the west slope of the Sierra Nevada." This tells me that the owls are currently living in paradise—not endangered, not threatened, and not all that sensitive. I'm not all that sensitive. I'm not worried about the owls. This document tells me they're doing just fine for now.

However, I am deeply concerned about the existence of several other species that remain unprotected by this plan—the American logger, the American rancher, the professional forester, the wildland firefighter, local forest families, and the critical rural habitat in which they all live and work. Together, they comprise an essential component of the forest ecosystem, and contribute to the strength of our nation. They are the human critters that they have the experience, training, and commitment to sustain the overall health and productivity of the forest.

Without immediate intervention it is likely they will go into dramatic decline, and possible extinction. Therefore, I recommend the following prescription as good medicine for these endangered human species, as well as for the western slope of the Sierras and its abundant wildlife:

Scrap the "cookie-cutter", one-size-fits-all" approach to managing forest vegetation. Return to individual Forest Plans that can provide a custom tailored fit to the specific local needs of rural communities, individual landscapes, and sustainable forests.

Depart from past harvest schedules to commence an aggressive increase in the volume of forest tree-thinning. This will reduce the growing catastrophic fire hazard in dense, choked, and over crowed timber stands. Cut some bigger trees to make way for the younger ones.

Step-up the reforestation effort on wildfire-burned forest land. This will reduce the brush field fire hazard, provide future jobs for rural communities, grow green forests in which Americans love to recreate, and provide habitat opportunities for a wider range of wildlife.

Continue the good work of introducing controlled, cool fire back into the landscape to maintain thinned stands of trees and improve browse for wildlife. Combine this work with tree thinning over entire landscapes as needed to get out front on the California fire problem.

Forests on the west slope of the Sierras are burning down faster than we can sustain them, resulting in big black clear cuts. Spotted owl nesting sites are torching off faster than the forest can grow them, and the owls are pretty mad about it. Let's protect the jobs of the people who can protect the owls.

Mr. Speaker, whether the issue is the California Spotted Owl or the timber salvage amendment passed in the 1995 recissions bill, the Clinton administration continues to ignore the human and social costs of its policies. We are witnessing the devastation of entire communities in the northwestern United States as a result of the President's efforts to placate extremists in the environmental movement.

These letters, Mr. Speaker, are representative of the thinking of the great majority of my constituents. They are beginning to speak out more forcefully against the current administration's destructive environmental policies and I have assured them that their voices will be heard in Washington. I am glad to share these two letters with my colleagues by including them in today's RECORD.

OBSERVANCE OF THE CHIROPRACTIC CENTENNIAL

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 18, 1995

Mr. RADANOVICH. Mr. Speaker, today is the centennial observance of the discovery of chiropractic on September 18, 1895 by Dr. D.D. Palmer in Davenport, IA. The name chiropractic was derived from the two Greek words of chiro meaning hand and praktos meaning done by hand. According to Webster's Dictionary, "Chiropractic is a system of healing holding that disease results from a lack of normal nerve function and employing manipulation and specific adjustment of body structures—as the spinal column."

Today, chiropractors are recognized by the Federal and State governments in licensure, education, continuing education, student financial aid programs, radiation certification, legal expert witnesses, hospital staff membership and insurance recognition as stated in the Occupational Outlook Handbook of the Bureau of Labor Statistics of the U.S. Department of Labor and other official sources.

Chiropractors also are recognized by the Federal and State governments as primary health care providers. The U.S. Public Health Service classifies doctor of chiropractic among medical specialists and practitioners and includes chiropractors in its Health Manpower Sourcebook, and includes a chapter covering chiropractic in Health Resources Statistics. The U.S. Department of Labor, Bureau of Labor Statistics, lists chiropractic in its Occupation Outlook Handbook as "Health Diagnosing and Treating Practitioners." Chiropractors are a listed occupation for purposes of taxation by the U.S. Internal Revenue Service and under the Internal Revenue Code, chiropractic care is a medical deduction.

Mr. Speaker, in saluting this chiropractic centennial, I take pleasure in including with my remarks a summary statement about the profession that was written at my request by my chiropractor constituent, Dr. Rita Schroeder of Fresno, and one of my California advisers, Dr. L. Ted Frigard of Beverly Hills.

CHIROPRACTIC, PAST, PRESENT AND FUTURE

On September 18, 1895, Mr. Harvey Lillard, who had been deaf for seventeen years sought the services of Dr. D.D. Palmer. Mr. Lillard stated that he was exerting himself in a cramped, stooping position and he felt something give way in his back and immediately became deaf. An examination revealed that a vertebra was twisted from its normal position. Dr. Palmer reasoned that if that vertebra was replaced, the man's hearing should be restored. With this object in view, Dr. Palmer maneuvered the vertebra into position using the spinous process as a lever and soon Mr. Lillard could hear as before. Thus the science and art of chiropractic were formed at that time.

Chiropractic was founded on anatomy: osteology, neurology and function of bones, nerves and the manifestation of impulses.

Chiropractic is a science, a knowledge of health and disease reduced to law and embodied into a system. A vertebral subluxation occludes an opening through which nerves pass, producing a pressure upon nerves causing interference with the transmission of a normal quantity of abstract force generated in the brain and expressed at the end of the nerve in physiological function.

EDUCATION

Chiropractic education is recognized by the Federal and State governments. The Commission on Accreditation the Council on Chiropractic Education (C.C.E.) is recognized by the United States Department (Office) of Education and by the Council on Postsecondary Accreditation

STUDENT FINANCIAL AID PROGRAMS

Chiropractic students qualify for financial aid programs for their chiropractic education. Financial aid programs consist primarily of Federal and State loans, grants and scholarships. Student aid programs for chiropractic students demonstrates that the Federal and State governments not only encourage education for chiropractic students but establish ways to finance that education.

LICENSURE

Chiropractors are licensed in all fifty states, U.S. Virgin Islands, Puerto Rico and the District of Columbia, by an Act of the United States Congress. Chiropractors must meet the individual State requirements and pass a State Board examination for licensure.

RADIATION CERTIFICATION

Chiropractors must meet the educational requirements and pass a State examination for certification for the supervision and use of radiation and x-ray machines.

EXPERT WITNESS

Chiropractors are accepted as expert witnesses within the lawful scope of the limited speciality of their practice in the County, State and Federal Court system.

INSURANCE RECOGNITION

The Congress of the United States, with Presidential approval, has authorized the provision of chiropractic services under federal law for all Americans in Medicare and Medicaid. Federal employees have chiropractic coverage in the Federal Employee Health Benefit Program and coverage in the Federal Employee Workers' Compensation program, and in leave approvals, for illness suffered by federal employees. Chiropractic health services are included in the Railroad Retirement Act, State MediCal (Medicaid) program, State Workers' Compensation Insurance program and virtually all insurance carriers in the United States provide policies covering chiropractic care. Chiropractors perform disability evaluation for the courts and workers' compensation insurance programs. Chiropractors perform physical examinations for school children and employment and insurance companies.

HOSPITAL STAFF MEMBERSHIP

Chiropractors are entitled to hospital staff membership by the Joint Commission on Accreditation of Hospitals (JCAH). The JCAH is a hospital standard setting organization which has the power to define and regulate the activities which take place in hospitals. In 1983, the American Medical Association, the American Hospital Association, the American College of Radiology and the American College of Surgeons participated in the revision of the Accreditation Standards for Hospitals with the JCAH. The 1983 revision liberalized the prior standards regarding admission to medical staffs or, and allowance of hospital privileges to limited practitioners which include chiropractors.

The chiropractic profession has an effective and valuable health care service to render humanity. We are sure that the profession has strived mightily over the last century to achieve the high standards that are now evident.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, September 19, 1995, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 20

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD–366

Labor and Human Resources

Business meeting, to consider recommendations which it will make to the Committee on the Budget with respect to spending reductions and revenue increases to meet reconciliation expenditures as imposed by H. Con. Res. 67, setting forth the Congressional Budget for the United States Government for fiscal years 1996, 1997, 1998, 1999, 2000, 2001, and 2002, to mark up H.R. 1180, to provide for health performance partnerships, and S. 1221, to authorize appropriations for the Legal Services Corporation, and to consider pending nominations.

SD–430

Indian Affairs

To hold oversight hearings on the implementation of Title III of the National Indian Forest Resources Management Act (P.L. 101–630); and to consider the nomination of Paul M. Homan, of the District of Columbia, to be Special Trustee, Office of Special Trustee for American Indians, Department of the Interior.

SR–485

Select on Intelligence

To hold hearings to examine intelligence roles and missions.

SD–G50

10:00 a.m.

Banking, Housing, and Urban Affairs

Business meeting, to consider recommendations which it will make to the Committee on the Budget with respect to spending reductions and revenue increases to meet reconciliation expenditures as imposed by H. Con. Res. 67, setting forth the congressional budget for the United States Government for fiscal years 1996, 1997, 1998, 1999, 2000, 2001, and 2002, and to mark up proposed legislation to authorize funds for the Export Import Bank's tied aid program.

SD–538

Judiciary

To hold hearings on S. 483, to amend Federal copyright provisions regarding preemption of laws concerning duration of copyrights.

SD–226

Veterans' Affairs

Business meeting, to consider recommendations which it will make to the Committee on the Budget with respect to spending reductions and revenue increases to meet reconciliation expenditures as imposed by H. Con. Res. 67, setting forth the Congressional Budget for the United States Government for fiscal years 1996, 1997, 1998, 1999, 2000, 2001, and 2002, and to consider other pending business.

SR–418

2:00 p.m.

Judiciary

Terrorism, Technology, and Government Information Subcommittee

To continue hearings to examine certain Federal law enforcement actions with regard to the 1992 incident at Ruby Ridge, Idaho.

SD–G50

2:30 p.m.

Small Business

To continue hearings to examine tax issues impacting small business.

SR–428A

SEPTEMBER 21

9:30 a.m.

Armed Services

To hold hearings on the nomination of Gen. John M. Shalikashvili, USA, for reappointment as Chairman of the Joint Chiefs of Staff.

SR–222

Commerce, Science, and Transportation

Business meeting, to consider recommendations which it will make to the Committee on the Budget with respect to spending reductions and revenue increases to meet reconciliation expenditures as imposed by H. Con. Res. 67, setting forth the congressional budget for the United States Government for fiscal years 1996, 1997, 1998, 1999, 2000, 2001, and 2002.

SR–253

10:00 a.m.

Banking, Housing, and Urban Affairs

International Finance Subcommittee

To hold oversight hearings on the dual use export control program.

SD–538

Judiciary

Business meeting, to consider pending calendar business.

SD–226

2:00 p.m.
Foreign Relations
African Affairs Subcommittee
To hold hearings to examine the situation in Liberia.
SD–419

Judiciary
Terrorism, Technology, and Government Information Subcommittee
To continue hearings to examine certain Federal law enforcement actions with regard to the 1992 incident at Ruby Ridge, Idaho.
SD–G50

SEPTEMBER 22

10:00 a.m.
Judiciary
Constitution, Federalism, and Property Rights Subcommittee
To resume hearings to examine the status and future of affirmative action, focusing on minority contracting.
SD–226

SEPTEMBER 26

9:30 a.m.
Commerce, Science, and Transportation
Oceans and Fisheries Subcommittee
To hold oversight hearings on the science of slow management and hatchery supplementation, focusing on the recovery of Snake River anadromous species.
SR–253

10:00 a.m.
Judiciary
To hold hearings to review the incident which occurred in Waco, Texas.
SD–106

SEPTEMBER 27

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD–366

Environment and Public Works
To hold hearings on the nomination of Kathleen A. McGinty, of Pennsylvania, to be a Member of the Council on Environmental Quality.
SD–406

10:00 a.m.
Judiciary
To continue hearings to review the incident which occurred in Waco, Texas.
SD–106

SEPTEMBER 28

1:30 p.m.
Judiciary
Immigration Subcommittee
To hold hearings to examine non-immigrant immigration issues.
SD–106

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD–226

SEPTEMBER 29

10:00 a.m.
Judiciary
To hold hearings to examine religious liberty in the United States.
SD–226

OCTOBER 25

10:00 a.m.
Veterans' Affairs
To hold hearings to examine veterans' employment issues.
SR–418

CANCELLATIONS

SEPTEMBER 19

9:30 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on proposed legislation relating to public housing reform.
SD–538

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD–366

POSTPONEMENTS

SEPTEMBER 19

9:00 a.m.
Agriculture, Nutrition, and Forestry
Business meeting, to consider recommendations which it will make to the Committee on the Budget with respect to spending reductions and revenue increases to meet reconciliation expenditures as imposed by H. Con. Res. 67, setting forth the congressional budget for the United States Government for fiscal years 1996, 1997, 1998, 1999, 2000, 2001, and 2002.
SR–328