HOUSE OF REPRESENTATIVES—*Tuesday, December 12, 1995*

The House met at 10 a.m.

The Reverend Dr. Ronald F. Christian, Office of the Bishop, Evangelical Lutheran Church in America, Washington, DC, offered the following prayer:

Almighty God, we acknowledge this day as always that You are the one who is worthy to be held in reverence by all the people, from the least of us to the greatest, and so, we pray, kindle within each of us the spark of Your love so that all of Your children may know of Your goodness and gracious care. We pray, guide and direct those who are called and selected to be leaders of others, so that choices and decisions will always be based on what will bring dignity and honor to Your people. We pray, show us the great waste of our wrath and our rage, and give us O God, good will to all and peace in our time, peace among nations, and peace in our hearts. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Michigan [Mr. KILDEE] come forward and lead the House in the Pledge of Allegiance.

Mr. KILDEE 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.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to make an announcement.

After consultation with the majority and minority leaders, and with their consent and approval, the Chair announces that during the joint meeting to hear an address by His Excellency Shimon Peres, only the doors immediately opposite the Speaker, and those on his right and left will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Due to the large attendance which is anticipated, the Chair feels that the rule regarding the privilege of the floor must be strictly adhered to.

Childen of Members will not be permitted on the floor, and the cooperation of all Members is requested.

RECESS

The SPEAKER. Pursuant to the order of the House of Thursday, December 7, 1995, the House will stand in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 4 minutes a.m.), the House stood in recess subject to the call of the Chair.

During the recess, beginning at about 10 o'clock and 53 minutes a.m., the following proceedings were had:

□ 1052

JOINT MEETING OF THE HOUSE AND SENATE TO HEAR AN ADDRESS BY HIS EXCELLENCY SHIMON PERES, PRIME MINISTER OF THE STATE OF ISRAEL

The Speaker of the House presided.

The Assistant to the Sergeant at Arms, Richard Wilson, announced the Vice President and Members of the U.S. Senate, who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. On the part of the House, the Chair appoints as members of the committee to escort the Prime Minister of the State of Israel into the Chamber: the gentleman from Texas [Mr. ARMEY]; the gentleman from Texas [Mr. DELAY]; the gentleman from Ohio [Mr. BOEHNER]; the gentleman from New York [Mr. GILMAN]; the gentleman from Louisiana [Mr. LIVINGSTON]; the gentleman from New York [Mr. SOLOMON]; the gentleman from Indiana [Mr. BURTON]; the gentleman from Alabama [Mr. CALLAHAN]; the gentleman from New Mexico [Mr. SCHIFF]; the gentleman from New York [Mr. LAZIO]; the gentleman from Missouri [Mr. GEPHARDT]; the gentleman from Michigan [Mr. BONIOR]; the gentleman from California [Mr. FAZIO]; the gentlewoman from Connecticut [Mrs. KENNELLY]; the gentleman from Indiana [Mr. HAMILTON]; the gentleman from Illinois [Mr. YATES]; the gentleman from Wisconsin [Mr. OBEY]; the gentleman from Texas [Mr. FROST]; the gentleman from California [Mr. BERMAN]; and the gentleman from Florida [Mr. HASTINGS].

The VICE PRESIDENT. The President of the Senate, at the direction of that body, appoints the following Senators as a committee on the part of the Senate to escort the Prime Minister of the State of Israel into the Chamber: the Senator from Kansas [Mr. DOLE]; the Senator from Mississippi [Mr. LOTT]; the Senator from Oklahoma [Mr. NICKLES]; the Senator from Mississippi [Mr. COCHRAN]; the Senator from Florida [Mr. MACK]; the Senator from South Carolina [Mr. THURMOND]; the Senator from New York [Mr. D'AMATO]; the Senator from South Dakota [Mr. DASCHLE]; the Senator from Kentucky [Mr. FORD]; the Senator from Maryland [Ms. MIKULSKI]; the Senator from Rhode Island [Mr. PELL]; the Senator from Vermont [Mr. LEAHY]; the Senator from Michigan [Mr. LEVIN]; the Senator from California [Mrs. FEINSTEIN]; and the Senator from California [Mrs. BOXER].

The Assistant to the Sergeant at Arms announced the Ambassadors, Ministers, and Chargés d'Affaires of foreign governments.

The Ambassadors, Ministers, and Chargés d'Affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

The Assistant to the Sergeant at Arms announced the Associate Justices of the Supreme Court of the United States.

The Associate Justices of the Supreme Court of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

The Assistant to the Sergeant at Arms announced the Cabinet of the President of the United States.

The Members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 11 o'clock and 9 minutes a.m., the Assistant to the Sergeant at Arms announced the Prime Minister of the State of Israel.

The Prime Minister of the State of Israel, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Members of the Congress, it is my great privilege, and I deem it a high honor and a personal pleasure to present to you His Excellency Shimon Peres, the Prime Minister of Israel.

[Applause, the Members rising.]

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

ADDRESS BY HIS EXCELLENCY, SHIMON PERES, PRIME MINISTER OF THE STATE OF ISRAEL

Prime Minister PERES. Mr. Speaker, Mr. Vice President, Members of Congress, my very dear friends, I stand before you stunned and humbled. It was but a year ago that on this very podium there stood before you, in a partnership of hope, King Hussein and Prime Minister Yitzhak Rabin. And Rabin is no more.

It was only 2 years ago that President Bill Clinton hosted Chairman Arafat and Prime Minister Yitzhak Rabin, and we all witnessed a historic handshake. And Yitzhak has gone.

Two weeks and twenty years ago Lyndon Baines Johnson stood on this very spot and said, "All I have, I would have given gladly not to be standing here today."

Mr. Speaker, all I have, I would have given gladly not to be standing here today. My senior partner is gone.

Now, he belongs to the ages. He will enter them as a great leader, as a great soldier, a captain of peace who was assassinated because he was right. That was the reason.

I shared with him days of worry and grief. I shared with him hours of reflection and decision. We complemented each other in a determined pursuit of the only objective worthy of the task bestowed upon us by the people of Israel: to carve a new era of security in peace, to build bridges across an Arab-Israeli divide, an impossible divide. And he, the captain, is no more.

You, dear friends, have honored him in life with an intimate, bipartisan friendship to the man, to the land, to the cause he represented. You have honored him in death with your unprecedented presence which moved our hearts.

May I tell you that the fact that the President, two former Presidents, a Secretary of State, two former Secretaries of State, the leaders of the Senate and the House and many of the Members came on this very sad day to stand at our side is an unforgettable experience in our life. We really thank you. It was great on your part; it will be unforgettable in our history.

Hence, I stand before you with one assignment: In the shadowy light of those candles, in the tearful eyes of our young generation, I heard their appeal, nay, the order, "Carry on. Carry on."

This is my task.

I stand before you with one overriding commitment: to yield to no threats, to stop at no obstacle in negotiating the hurdles ahead, in seeking security for our people, peace for our land and tranquility for our region. And in so doing, I ask you, ladies and gentlemen, for your support, and first and foremost, your moral support. That is what counts mostly.

Nothing but your own conscience is your guide. Your faith in the Almighty and the moral imperative that guides you.

Yitzhak and I were always firm believers in the greatness of America, in the ethic and generosity inherent in your history, in your people. For us, the United States of America is a commitment to values before an expression of might.

For us, the vast discovery of America is its Constitution even more than its continent, the Constitution enriched by its biblical foundation.

From our school days we remembered the proposal of John Adams that the imagery of ancient Israel captivated the Constitutional Congress in 1776.

We recalled Benjamin Franklin's idea to incorporate in the Great Seal of the new Confederation the image of Moses raising his staff, dividing the Red Sea.

We remembered Thomas Jefferson suggesting that the image of the children of Israel struggling through the wilderness, led by a pillar of cloud by day, by a pillar of fire by night, that this image be the symbol of the young Republic, to become the Great Republic.

History did not stop there. The cloud and the fire have accompanied the human experience in this, the most difficult century in the annals of mankind.

As the end of the 20th century is nearing, it could verily be described as the American century, yes, the century of America.

America nurtured a way of life that has made competitive creativeness the engine of economic development practically in every corner of the world. The United States has built strength, has used strength to save the globe from three of its greatest menaces: the Nazi tyranny, the Japanese militarism, and the Communist challenge.

You did it. You brought freedom. You defended it.

Even in this very day, as Bosnia reels in agony, you offered a compass and a lamp to a confused situation like in the Middle East. Nobody else was able or was ready to do it.

You enabled many nations to save their democracies even as you strive now to assist nations to free themselves from their nondemocratic past.

Your sons and daughters fought many wars. Your great armies won many victories. Yet wars did not cause you to lose heart, just as triumphs did not corrupt your system.

America remains unspoiled because she has rejected the spoils of victory.

You have a great Constitution, a vast land, a pluralistic civilization. Israel is a small land, 47 years young, 4,000 years deep.

Thanks to the support you have given and to the aid you have rendered, we have been able to overcome wars and tragedies thrust upon us and feel today strong enough to take measured risks to wage a campaign for peace together with you.

Let me assure you that never shall we ask your sons and daughters to fight instead of us, just as we have never asked you to do so in the past. We shall do our task; we shall enjoy your support.

Indeed, even as I speak before you now, Israeli troops are parting from Palestinian towns and villages in a historic departure, intending never to return there as occupiers. We do not want to occupy anybody.

This, for us, is a victory of moral commitment and for the Palestinians a victory of self-respect. For the first time, they are governing themselves and we are governing ourselves too.

Nobody forced us to do so. Nobody forced us to take these measures, and Israel is neither weak nor afraid. Our choice was freely made.

What we have accomplished, in resonance of your own tradition, we have given, like you, preference to a biblical ethic. We are true to the old pages.

Yet like you, we have rejected the temptation to rule over another people, even though we possess the force to do so.

Before coming here, I visited King Hussein, a real friend of the United States. We discussed the possibilities of transforming the Jordan Rift Valley, which is in fact an elongated, extended desert, into a Tennessee Valley. We learned from you again.

In a single bold sweep, we are and remain resolved to turn back the desert, to stop the war, and to end the hatred once and forever.

I then met with President Mubarak in a highly congenial atmosphere. We agreed to put aside certain bitter memories and to postpone certain disputed issues for a future date. We have time in the future to disagree; now we have to agree.

Then I met Chairman Arafat, and his expression of condolence had the ring of a sincere desire for peace. May I tell you that nothing convinced the Israeli people about the sincerity of the Arabs seeking peace more than the sympathy and condolence they expressed when they learned about the assassination of Rabin, a sad event, a revealing sentiment.

Arafat is engaged in the new realities of his people and he has conveyed to me the solemn promise to intensify his fight against terror, which is, today, as much a danger to him as it is to the peace we are committed together to achieve.

I, on my part, have promised to release prisoners in our custody, as we did agree, so as to enable them to participate in free elections scheduled for the first time in history, to take place on January 20, 1996.

As far as we are concerned, democracy, and that includes Palestinian democracy, is the best and probably the only guarantee for a real and durable peace. Freedom supports this.

I believe in this prospect. Three years ago, such a prospect would have been considered a fantasy; that was part of the accusation against me. Now reality is on our side.

All this would hardly have been attainable were it not for the American involvement and the support of those efforts. President Clinton and his administration, the leadership and the Members of the Congress, practically all of them, the American people at large, have made possible the dawn of peace to rise again over the ancient horizon, over the ancient skies of the Promised Land, to bring promise again to the land.

And by so doing, you have removed the terrifying prospect of evil hands grabbing hold of unconventional weapons.

Mr. Speaker, Members of Congress, international terrorism is a threat to us all. Fundamentalism with a nuclear bomb is the nightmare of our age. We have to stop it.

We understood that in order to ready ourselves to confront the new dangers, we would have to put a stop to the enmity with our neighbors. In our time, more than there are new enemies, there are new dangers. The dangers of our days are not confined to borders; they are common to all of us, Moslems, Christians, and Jews alike. Therefore, we have to try to achieve a comprehensive peace.

Peace with Syria and Lebanon, the two remaining adversaries on our borders, may well prove to be the greatest contribution to the construction of a new Middle East, of a new era in the Middle East.

I must admit that the hurdles are many. We have to negotiate mountains of suspicion. We have to traverse chasms of prejudice. We have to find solutions to an array of genuinely conflicting interests. They are not artificial.

Israel, for its part, is ready to go, to try and do it.

In October next year Israel will go to elections. I here declare that the decision to strive for peace shall be pursued regardless of it. To win peace is more important than to win elections.

We shall try wholeheartedly, we shall try to forge the peace with Syria and Lebanon expeditiously so that before the curtain of the 20th century shall fall, we shall see, all of us, the emergence of a Middle East of peace.

Mr. Speaker, with your permission, therefore, I would like to use this podium, with your permission, ladies and gentlemen, to turn to President Assad of Syria and say to him:

"Without forgetting the past, let us not look back. Let fingertips touch a new untested hope."

Let each party yield to the other, each giving consideration to the respective needs of the other, mutually so, him to us, we to him. Without illusion, but with resolve, we shall stand ready to make demanding decisions if you are, if Assad is.

We shall negotiate relentlessly until all gaps are bridged, if you are, if Assad is.

I believe we face a historic opportunity, perhaps of galloping pace. If we shall find the language of peace between us, we can bring peace to all of us. Surely nothing would capture the imagination of young people everywhere more than a gathering of all of us standing together and declaring, and when I say all of us, I mean all of the leaders of the Middle East, all the 20 of them, not one-by-one, but together, and declaring the end of war, the end of conflict, carrying the message to our forefathers and to our grandchildren that we are again, all of us, the sons and daughters of Abraham, living in a tent of peace again. We shall tell them, together as partners, we are going to build a new Middle East, a prosperous economy, that we are going to raise the standard of living, not the standard of violence. We have enough violence, not enough the-right-way-to-live.

What we are going to introduce is light and hope to our people, to their destinies.

Mr. Speaker, permit me a personal word. In my country I have shouldered almost every responsibility. I have tasted almost every title. I have served almost in every position. Today I wish only one thing: to bear the burden of peacemaking.

In the last moment of his life, we stood together to the very last moment, his happiest moment of life, Yitzhak Rabin stood in the Tel Aviv square, me standing on his side and singing, he was singing the song of peace.

The singer, alas, is not with us. The song remains. You cannot kill the song of peace.

Now, distinguished Members of the Congress, I say it sincerely, that I have come here for your advice and consent. I hazard the thought that the world cannot permit itself to be without American leadership in these trying times. Not in the Middle East or in other places.

America, in my judgment, cannot escape what history has laid on your shoulders, on the shoulders of each of you. You cannot escape that which America alone can do. America alone can keep the world free and assist nations to assume the responsibility for their own fate.

Please continue. Go ahead and do it as you did for the whole century; the next century is awaiting your leadership was well.

In this spirit, I can do no better than quote what Yitzhak Rabin said to you when he stood on this rostrum a year ago and he said:

"No words can express our gratitude to you for the years of your generous support, understanding and cooperation which are all but beyond compare in modern history." And Then he said, "Thank you, America."

I, too, say it: Thank you, America, for what you are, for what you have been, for what you shall be. And in so doing, I shall conclude with a prayer:

May the Almighty spread His wings of loving kindness and His tabernacle of peace over the Land of Israel. May He grant His light and truth to all of the leaders of our region, to all of the leaders of America, to the leaders of our time. And You give peace in the land and eternal joy for its habitants.

Mr. Speaker, thank you very much.

[Applause, the Members rising.]

At 11 o'clock and 45 minutes a.m., the Prime Minister of Israel, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The assistant to the Sergeant at Arms escorted the invited guests from the Chamber in the following order:

The Members of the President's Cabinet.

The Associate Justices of the Supreme Court of the United States.

The Ambassadors, Ministers, and Chargés d'Affaires of foreign governments.

JOINT MEETING DISSOLVED

The SPEAKER. The purpose of the joint meeting having been completed, the Chair declares the joint meeting of the two Houses now dissolved.

The Members of the Senate retired to their Chamber.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The House will continue in recess until 1 p.m.

Accordingly (at 11 o'clock and 52 minutes a.m.), the House stood in recess until 1 p.m.

□ 1300

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. EWING) at 1 p.m.

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 leader and minority leader for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders, limited to 5 minutes.

THE TRAGEDY OF JIMMY RYCE

The SPEAKER pro tempore. Under the Speaker's announced policy of May

12, 1995, the gentleman from Florida [Mr. DIAZ-BALART] is recognized during morning business for 5 minutes.

Mr. DIAZ-BALART. Mr. Speaker, a child is always special. Children are the hope of the world, and every child is blessed with the love of God and the goodness of heaven.

In south Florida we have all, our entire community, has been deeply wounded by the tragedy suffered by one very special child—Jimmy Ryce. And by the suffering, the incalculable suffering, of his wonderful family.

As our prayers go out for Jimmy's family so that God may give them the strength to endure, we also pray for Jimmy in Heaven, with full confidence that he is now at peace in the presence of the Lord.

No one in south Florida will ever forget Jimmy Ryce and we join together as a community to grieve for him.

Jimmy's family—his mom and dad, Claudine and Don, his sister Martha—have shown us all an example of extraordinary strength and of the will to somehow permit this tragedy to shield other children from similar future nightmares on Earth. Even before we all received the ultimately tragic news of the last few days, Don and Claudine Ryce had commenced a petition campaign to the President, a noble campaign that they, and now many in south Florida are continuing, urging him to require agencies in the executive branch to post in public places pictures of endangered children, so that the American people can help in the search for these children, while there is still time to save their lives.

Don and Claudine Ryce have also urged that the media run public service announcements publicizing the photographs and the peril of endangered children.

Together we will remember Jimmy Ryce as we strive to bring down the full weight of justice on monstrous beings who commit crimes against children, and as we work to protect children against such unspeakable crimes in the future.

THE NIGHTMARE OF THE TRAGEDY OF JIMMY RYCE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Florida [Mr. DEUTSCH] is recognized during morning business for 5 minutes.

Mr. DEUTSCH. Mr. Speaker, I join my colleague, the gentleman from Florida [Mr. DIAZ-BALART], and all the Members from south Florida to rise today with great sadness to share with you the news that my constituent, 9-year-old Jimmy Ryce, was abducted, sexually assaulted, shot, and finally found dead just a few short miles from his Miami home.

What happened to Jimmy Ryce is really the worst imaginable thing anyone could possibly imagine in their wildest nightmares, and all of our community in south Florida, unfortunately, share the hopes and the fears and, to an infinitesimal degree, some of the suffering that the Ryce family is feeling today and will always feel.

One of the things that has happened during this period of time is, unfortunately, I have educated myself a little bit about what is going on in child abductions in this country. On several occasions during the last several months I spoke with the FBI and people involved in the investigation, people involved in the investigation of missing children. Over a thousand a year in this country fall into that category, and, again, unfortunately, there have been strides in what we have done as a society and what we have done as a country to try to help this insufferable tragedy.

In fact, south Florida, unfortunately, was an impetus to this several years ago when Adam Walsh was abducted and killed in south Florida and from the time that Adam Walsh was killed to today, and really through his family's work, there have been changes. There is now, in fact, a missing persons center clearinghouse the Federal Government operates for missing children, abused and abducted children, that has been helpful in solving many cases and actually having children returned to their families.

But, unfortunately, what the Ryce family found is there is still a lot more that we can do operationally as a country and as a government both on the Federal level, but on State and local levels as well, but on the Federal level. Some of the frustration dealing with the Federal Government during this ordeal really is worth hearing and talking about and changing. As the gentleman from Florida [Mr. DIAZ-BALART] pointed out and the Ryce family obviously knows, when they tried to spread the news of Jimmy's abduction, and they did an amazing job, the community did an amazing job, and we also on the floor of this Congress were talking about it and sending photos ourselves, but when they tried to do that through a network that exists in this country of post offices, Federal buildings that are everywhere in this country, they found they could not do it, which really makes no sense at all. And what will happen by the end of this week is that all of us in the south Florida delegation will be introducing legislation to correct that so that we can send out that information.

If I have learned anything about child abductions, it is that the more information that is out there, the more people see a child's face, the more chances that something will be solved, and even in this case, the lead was because of that.

There are other instances where the Ryce family actually had operational problems dealing with the Federal Government in terms of coordination. They found themselves there is no coordinated effort for missing children. There is for criminal fugitives, but there is not for missing children. The family was actually calling law enforcement throughout the State who had not even heard or were aware of what was going on.

I am committed, and I know my colleagues from south Florida, I believe, my colleagues throughout this country are committed to doing everything that we possibly can to make sure that there is less of a chance that something like this will ever happen again in this great country.

I think we all need to really feel and share some of the pain with the Ryce family because we are a community of America, and as a community we need to really work on ourselves as a community to make sure that the sickness that exists and the indescribable sickness is eliminated as much as we possibly can.

To the Ryce family, I can only say to them that their strength and their perseverance will, I am sure, be clear that there will be something that will occur in this time, and we know that Jimmy Ryce's soul is in Heaven, and we pray for its continuation.

UKRAINIAN COMMERCIAL LAUNCH POLICY

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Florida [Mr. WELDON] is recognized during morning business for 5 minutes.

Mr. WELDON of Florida. Mr. Speaker, tomorrow the Clinton administration will give away another U.S. industry: the United States domestic commercial space launch industry.

A decade ago, the United States held nearly 100 percent share of commercial space launches. Today the United States holds 30 percent of the market. This loss of market share is largely due to the fact that our competitors receive heavy subsidies from their governments.

Between 1996 and 2001, it is estimated that there will be 350 commercial satellite launches—120 of these will be geostationary launches. These are the high Earth-orbit, expensive launches that the United States dominated until recent years.

For each of these launches that goes overseas the United States loses $50 million—if we lose all 120, that's about $6 billion that will go overseas.

I'm all for the free-market. But I will aggressively oppose any plan that gives the advantage of foreign competitors that receive heavy subsidies from their governments. Mr. Clinton's plan does just this, and that's why I'm an aggressive opponent of his plan.

This chart shows what may happen to our commercial launch industry.

There will be 120 geostationary launches between 1996 and 2002.

It is a given Arainespace—Europe's subsidized space launch industry—will receive 72. That's 60 percent of these launches. Their subsidies allows them to undercut the United States unsubsidized prices.

Under an existing agreement with the Chinese, the United States will allow 20 satellites to be launched on Chinese-Government subsidized launch vehicles.

Under another existing agreement with the Russians, the United States will allow eight satellites to be launched in Russian-Government subsidized launch vehicles.

This only leaves 20 launches for U.S. companies. Well, that is until tomorrow.

Under the new agreement that the Clinton administration will sign with the Ukrainian Government tomorrow, the Ukranian-Government subsidized space launch company will get the other 20 launches.

This leaves U.S. companies with a grand total of zero.

Yes, it's true that U.S. companies can compete for the launch of these vehicles, but with the billions in subsidies from their governments, our foreign competitors will easily be able to undercut U.S. companies.

It is very possible that of the 120 geostationary launches over the next 6 years, none of them will be launched from U.S. soil.

This is a tragedy for U.S. leadership in space. For the American workers who have dedicated their lives to making these launch vehicles. And, for the dedicated and highly skilled workers at our Nation's space launch facilities.

I, along with others, in a bipartisan effort urged the Clinton administration to renegotiate some of the earlier agreements to ensure that the Ukrainian launches were not in addition to those already allotted to our competitors. This suggestion was soundly ignored by the Clinton administration.

I'm pleased that many of my colleagues have also expressed their concerns about this agreement.

The Florida delegation sent a strong bipartisan letter expressing grave concern over the Clinton-Ukraine Agreement which I would like to submit for the RECORD. The distinguished minority leader, Mr. GEPHARDT of Missouri, let the administration know of his concerns in a letter which I would also like to submit for the RECORD.

The Governor of Florida, Lawton Chiles, has expressed his opposition to this agreement. The Colorado congressional delegation also raised objections to the plan.

Mr. Chairman, this Ukrainian agreement is bad for this nation. And, I am disappointed that the Clinton administration appears to have given no consideration to our concerns. In fact, I'm still waiting for a response to my letter of 3 weeks ago.

America is the loser in this deal.

As vice-chairman of the Space Subcommittee, I have called for a Congressional hearing on this issue. I will continue my aggressive opposition this agreement. I urge my colleagues to take a closer look at this and other international agreements that the Clinton administration is negotiating.

CONGRESS OF THE UNITED STATES,
Washington, DC, November 15, 1995.

Ambassador MICKEY KANTOR,
U.S. Trade Representative,
Washington, DC.

DEAR AMBASSADOR KANTOR: We are very concerned about the direction the Administration is taking regarding United States launch policy. Last year, the Administration issued it's National Space Transportation Policy. This policy contained a commitment to negotiate and to enforce international commercial space launch services agreements with relevant non-market economies (NME's). It also contained a commitment to launch U.S. government payloads on U.S. launch vehicles.

Your office is currently in the process of negotiating an agreement with the government of Ukraine. It is deeply troubling that the Administration is considering giving up even more of our domestic launch industry to competitors who are overly reliant on subsidies by their own governments, which distort the competitive market place. Any U.S.-Ukraine agreement must reflect the realities of the commercial market. U.S. commercial launch providers have relied upon the 1994 National Space Transportation policy and have invested hundreds of millions of dollars to build launch vehicles which are built with virtually 100 percent American components, technology, and labor. It is imperative that the following be observed and acknowledged:

Highly subsidized competitors place U.S. launch providers at an unnecessary and unfair disadvantage.

Both the Ukraine and Russia benefit from any Ukraine launch agreement since much of the content of the Ukraine vehicle is of Russian origin.

The purchase or the launch of any NME-built vehicle by a U.S. entity should be counted against any quantity limitation in the relevant trade agreement.

The basic terms of the current US-China and the US-Russia Space Launch Services Agreements should not be modified before they are due to expire.

Additionally, we understand that the Department of Defense (DoD) may be changing it's current policy which prohibits national security payloads from being launched on non-U.S. launch vehicles. We have serious objections to allowing DoD to use non-U.S. launch vehicles for military payloads. This would seriously erode our nation's ability to launch military space assets during times of crisis and severely jeopardize our nation's domestic commercial launch vehicle business by undermining the U.S. launch industrial base.

These policies have the potential to undermine the U.S. national interest of maintaining our domestic launch capabilities and infrastructure. Florida's long, proud history in the U.S. space launch industry may be seriously jeopardized. For our government to give away this heritage and these high-tech, high-wage jobs is unacceptable to American taxpayers and the Florida Congressional delegation.

The U.S. space launch industry is ready to work hard and fight competitively for their market share. But we shouldn't ask them to do so when its own government changes the rules in the market place. We understand that if the proposed plan goes forward, 70 to 90 percent of the commercial, and potentially national security, launches will occur outside the United States. This would be, in our view, very detrimental both to our national security and to our own prospects for future investments by our own launch industry in this country's space infrastructure.

We request that you brief our delegation on your intentions prior to your upcoming meeting with the Ukraine. We look forward to hearing from you very soon.

Dave Weldon;
Mark Foley;
Dan Miller;
Carrie Meek;
Bill McCollum;
Peter Deutch;
Bud Cramer;
Tillie Fowler;
Bill Young;
Porter Goss;
Clay Shaw;
Alcee Hastings;
Lincoln Diaz-Balart;
Charles Canady;
Cliff Stearns;
John Mica;
Jim Trafficant.

U.S. SENATE,
Washington, DC, November 28, 1995.

President WILLIAM J. CLINTON,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We are writing to you regarding a matter that has already received much attention by our colleagues in Congress as well as many in the U.S. space industry.

It is our understanding that the Administration is in the process of negotiating a bilateral agreement with Ukraine which could allow their nation to launch up to 22 U.S. commercial satellites. It is also our understanding that these discussions have prompted Russia to propose reopening its current agreement with the U.S. in hopes of raising their quota to 20 launches.

Without a doubt, such agreements will have a major impact on the U.S. space launch industry and our nation's trade balance. However, it is not clear to us exactly what the effects would be and what other options could, and perhaps should, be pursued by our government as we explore ways to assist these nations to strengthen their economies without hindering U.S. efforts in this area.

We have not passed judgment on this matter since we have not been briefed by the Administration, nor are we aware of any formal briefings being held for Congress, regarding this issue. It seems reasonable that before an agreement is negotiated that the Administration inform Congress of what is being contemplated for agreement as well as its ramification on the U.S. economy and space industry. Therefore, we ask that finalization of any agreement with Ukraine be delayed until either Congress has been briefed or has had an opportunity to hold hearings in this matter. Consistent with this, we ask that current agreements not be opened for renegotiation until such meetings are held.

Your consideration and cooperation in this matter is much appreciated.

Sincerely,

BOB GRAHAM,

U.S. Senator.
CONNIE MACK,
U.S. Senator.
SPACEPORT FLORIDA AUTHORITY,
COCOA BEACH, FL,
November 9, 1995.

Ambassador MICKAEL KANTOR,
U.S. Trade Representative,
Washington, DC.

DEAR AMBASSADOR KANTOR: I am profoundly concerned that consideration is being given to authorizing the use of excess Ukrainian ballistic missiles for sale to commercial United States payloads. As you know, the American launch industry is attempting to establish a strong commercial launch sector. This is especially critical to the economy of Florida in light of continuing reductions in civil and military launch missions.

It is in America's vital national security and economic interests that a healthy commercial launch industry be developed. Recognizing this, the Department of Defense, NASA, the State of Florida and several other state governments have undertaken an ambitious and expensive program of infrastructure modernization. The major aerospace companies no longer develop launch vehicles in response to federal contracts. A fleet of new vehicles is being developed at great expense to meet the requirements of commercial payload customers over the next twenty years. We believe that in the future, space transportation can be as economically significant as aviation.

Unfortunately, this climate of investment would be seriously disrupted if the assumptions of the market and projected demand are rendered useless by allowing the dumping into the market place artificially priced, non-market, heavily subsidized launch assets. U.S. policy wisely prohibits its surplus military launch vehicles to compete for commercial payloads, in order to prevent just such disruptions and distortions to the market.

The mastery of emerging transportation technology has been the root of national prominence and security throughout history. Surely you will agree that the United States should not cut the development of its commercial launch industry off at the knees in order to accomplish foreign aid objectives through alternative means. The price is simply too high.

Sincerely,

EDWARD A. O'CONNOR, Jr.,
Executive Director.

HOUSE OF REPRESENTATIVES,
Washington, DC, November 8, 1995.

Ambassador MICKEY KANTOR,
U.S. Trade Representative,
Washington, DC.

DEAR MR. AMBASSADOR: Last year, the Administration issued its National Space Transportation Policy. In the policy, a commitment was made to negotiate and to enforce international commercial space launch services agreements with relevant non-market economy countries (NMEs). Your office is currently negotiating such an agreement with the Government of Ukraine.

In making a recent key business decision, my constituent McDonnell Douglas, relied on the Administration's commitment to negotiate agreements that prevent the disruption of the market and avoid seriously jeopardizing a key part of our space infrastructure. In the spring, McDonnell Douglas announced the planned investment of hundreds of millions of dollars in the development of the Delta III launch vehicle. We believe that this private sector investment in upgrading the nation's launch capability is wholly consistent with, and supportive of, the Administration's goals.

Any change in the Administration's policy, or any weakening of the existing space launch services agreements before their expiration dates, would impede McDonnell Douglas' ability to meet required launch rates and put the Delta III program at risk. These capricious changes in policy also serve to discourage private investment in our launch infrastructure.

Offering the Ukraine 22 potential launches of satellites and reopening the Russian trade agreement to raise their limit to 20 satellite launches, would more than double the limit currently agreed to for the NMEs. This is unfair to our domestic industry and the thousand of high tech jobs at risk.

I urge you to postpone the negotiations with the Ukraine until a more thorough assessment of the impact to our domestic industry can be made and to not reopen the Russian agreement signed only a year ago.

Sincerely,

SCOTT MCINNIS,
Member of Congress.

HOUSE OF REPRESENTATIVES,
OFFICE OF DEMOCRATIC LEADER,
Washington, DC, November 1, 1995.

Hon. MICKEY KANTOR,
U.S. Trade Representative,
Washington, DC.

DEAR MICKEY: I understand that serious consideration is being given to revising this country's space launch services trade agreement program in a manner that will severely jeopardize McDonnell Douglas' ability to continue in the commercial launch vehicle business. The change may be recommended in relation to the U.S.-Ukraine Space Launch Services Agreement which your office is currently negotiating.

Specifically, an Interagency Working Group is expected to recommend to you and the White House a substantial change in policy regarding such trade agreements. My constituent, McDonnell Douglas, relied upon the 1994 National Space Transportation Policy when it announced in May, 1995, its decision to invest hundreds of millions of dollars to build a new vehicle—the Delta III. Its existing Delta II vehicle currently has the best reliability record in the increasingly competitive international market. The Delta III will be virtually 100% American in terms of components, technology, and labor. This is significant at a time when other U.S. manufacturers of these strategic assets are purchasing foreign components or buying foreign vehicles off the shelf in lieu of domestic production.

For instance, the Boeing "Sea Launch" proposal would utilize Ukrainian-built vehicles at "dumped" prices. They would be launched from a platform in the Pacific Ocean—not from the States of Florida and California. Similarly, the Lockheed Martin Corporation has joined forces with a Russian entity to offer below market pricing for flights on the Russian Proton vehicle. On the other hand, the McDonnell Douglas commercial space operations are located primarily in California, Colorado, and Florida. They employ approximately 6,000 people in high-technology jobs in those states. We cannot afford to export these jobs which are so important to our national security infrastructure.

If the recommendations are accepted and implemented, 70–90% of commercial launches will occur outside the United States, using foreign assets. This policy shift will significantly affect the viability of McDonnell Douglas' investment to develop the Delta III and any future investments.

I thank you for your thoughtful consideration in this very important matter.

Yours very truly,

RICHARD A. GEPHARDT.

THE GOVERNOR OF THE
STATE OF FLORIDA,
July 12, 1995.

Hon. BILL CLINTON,
President of the United States,
Washington, DC.

DEAR MR. PRESIDENT: I appreciate the ongoing efforts of your administration to develop a National Space Policy that recognizes the concerns of Florida and other states that are investing in commercial space launch capabilities. At the invitation of the Office of Science and Technology Policy (OSTP), representatives from Florida, California, Alaska, New Mexico, and Virginia gathered in Washington recently to discuss launch policy issues common to our states. We presented a broad range of issues which are critical to the development of state-sponsored spaceports.

Of particular concern to Florida is the challenge to United States competitiveness for commercial satellite launches. This challenge is due in part to existing bilateral agreements between the U.S. and countries with non-market economies, such as China and Russia, which permit those countries to launch significant numbers of U.S. satellites. We certainly recognize the importance of these agreements and the strategic alliances they represent. In looking at the establishment of new bilateral agreements, such as the one we believe is proposed between the U.S. and the Ukraine, we wish to encourage that careful consideration be given to domestic economic needs; effective enforcement of agreed upon launch quotas and a monitoring program to assure that Florida and other states are able to complete equally with foreign countries.

The State of Florida is committed to building our space industry's competitiveness and we believe strongly that the commercial launch marketplace offers an exciting transition for companies who are experiencing diminishing defense contracts.

Your leadership role on this vital issue will assist the U.S. commercial launch industry in receiving the domestic policy support that is required to increase our international competitiveness. I appreciate your continued attention to space industry issues and look forward to the release of the National Space Policy.

With kind regards, I am

Sincerely,

LAWTON CHILES.

□ 1315

BUDGET ROBS STRUGGLING FAMILIES TO PAY THE RICH

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Massachusetts [Mr. OLVER] is recognized during morning business for 5 minutes.

Mr. OLVER. Mr. Speaker, in last month's continuing resolution agreement, Republicans and the President committed to a balanced budget which would include, and I quote, "tax policies to help working families." However, by cutting the earned-income tax

credit, the Republicans' balanced budget plan raises taxes on over 12 million working families whose income is less than $30,000 per year.

Now, the Republicans like to give the impression that all earned-income tax credit recipients are so poor that they do not pay income taxes, and therefore, do not deserve a tax credit, however much such people in such low-income working categories need it. Mr. Speaker, that is simply not true.

The Republican budget actually targets tax increases to millions of working families who do pay income taxes, taxes that are withheld from their hard-earned paychecks.

Now, the Republicans also claim that their $500-per-child tax credit makes up for their cuts to the earned-income tax credit, but that is not true either. Even with the child credit, the Republican plan leaves over 7 million families poorer.

Now, that is not a tax policy that helps families; it is one that drives them toward poverty. It does not protect children; it threatens them. And it does not live up to the continuing resolution agreement; it violates that agreement.

The Republicans even had to violate their own House rule requiring a three-fifths majority to raise taxes in order to pass these tax increases.

It was all to give $245 billion in tax breaks that go mostly to the fewer than 10 percent of the wealthiest Americans who make more than $100,000 a year, tax breaks so large that they actually cause the deficit to go up in the first 2 years of the Republican plan, and then, after 7 years, the tax break explodes as far as the eye can see.

So do not believe the Republican plan when they say they have to raise taxes on working families to balance the budget. It is unnecessary. It is unfair. It is wrong, so we should not do it.

The Republicans should live up to their agreement to support a budget that does not rob struggling families to pay the rich.

H.R. 1020 WILL BUST THE BUDGET

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Nevada [Mr. ENSIGN] is recognized during morning business for 5 minutes.

Mr. ENSIGN. Mr. Speaker, I rise today to talk about H.R. 1020, which has to do with nuclear waste storage. It is also called the "budget buster," because this bill will indeed bust the budget. It will bust the budget by over $4 billion in the next 7 years.

Mr. Speaker, not only is there a problem with this bill as far as the budget is concerned; there is also a problem with this bill as far as safety and as far as States' rights are concerned. Let me address just a few of the points that this bill fails to address.

First of all, the nuclear waste repository was originally put forth in 1982 to be in the State of Nevada or two other sites. In 1987, the famous bill that we in Nevada obviously are very much opposed to eliminated the other two sites from being studied and put it only at Yucca Mountain. This deep geological storage area has been being developed for the last several years.

No good science is being used out there; this is purely a political process. But in the process of developing Yucca Mountain, transportation of the waste to Yucca Mountain has been studied. It had to be made safe.

Well, in the process of developing a safe, reliable way of transporting the nuclear waste to Nevada, lo and behold, it was discovered dry cast storage would also store nuclear waste for the next 100 years in a very safe, reliable manner.

We can actually leave this nuclear waste on site in dry casts for the next 100 years, and if we want to retrieve it, if we develop technology that allows us to use this spent nuclear waste, then we will have it at the sites and be able to retrieve it very easily. If we bury it into the ground, we will not be able to retrieve this waste. Therefore, from an economic standpoint, it is much cheaper to have on-site dry-cast storage.

Yucca Mountain was originally supposed to be $200 to $400 million total. In recent years now, new studies have come out where Yucca Mountain will cost over $30 billion to develop. That is one of the reasons it is a budget-buster, $30 billion versus $200 million, and that is just current estimates. We all know, 10 to 15 years from now, what happens to government estimates; they always go up. So how big will this bill be for the U.S. taxpayer?

Some people say that this is a national security issue. I want to raise that point. Some people say that it is not safe to keep this nuclear waste at all of these storage facilities around the country. Well, if that were the case, why do we not have U.S. troops guarding these places currently?

This is not a national security issue, and therefore, it becomes a States' rights issue. All of these States that have enjoyed nuclear power over the years, Nevada not being one of those States, should have to deal with the waste, because it is not a national security issue. Those States that have benefited from the power and the low-cost power over the years should pay and should have that stuff in their backyard, this nuclear waste Nevada has never had the benefit of; and therefore, it should not be dumped on a small State just because that small State only has two Representatives in the House.

Mr. Speaker, this whole process has never been based on sound science, has never been based on economics, but has been based purely on politics. We in Nevada understand that everybody wants to get nuclear waste out of their backyard and into Nevada's backyard. However, we oppose this measure, because not only will it bust the budget by over $4 billion, and when we are looking at potentially $30 billion total money spent on this deal, the $4 billion actually becomes a very small number, but we also oppose this on States' rights issues.

The 10th amendment clearly states that those powers not given to the Federal Government are reserved for the States and/or the people. Where in the Constitution does it give, when it is not dealing with a national security issue, this Congress the power to ship nuclear waste to a State that does not want it? This is a clear violation of the 10th amendment.

Mr. Speaker, let me conclude by saying that political expediency is not what this new Congress is about. That is not what we were elected to do. We were elected to respect the Constitution, and we were also elected to balance the budget. H.R. 1020 is a violation of everything that we were elected to do.

AMERICANS NEED MEDICAID WORKING FOR THEM

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized during morning business for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, the assumptions by the Congressional Budget Office give us greater flexibility in reaching a budget agreement, and that is indeed great news. However, we know we will not be able to use all of that $135 billion that the Republicans have found, but one of the places where in the budget we ought to at least begin to think about investing those moneys would be Medicaid. Medicaid needs those funds for a variety of reasons, because this is the Federal program that is indeed provided to provide health care for the most vulnerable of our society.

The Republican plan that was rejected and vetoed by the President really ignores the past and hurts senior citizens; it disregards the present and neglects the future. It hurts children, as well as women who suffer under this program.

If the Republicans have their way, you must remember that they would give 245 billion dollars' worth of tax cuts, but at the same time, they would have 163 billion dollars' worth of cuts in Medicaid.

Now, those are not really cuts; to use their words, this is just slowing the growth. Nevertheless, you would have $163 billion less resources to provide health care for the elderly, for children, for mothers and the disabled who need those programs and who are currently using those programs now.

We should be reminded that some 36 million Americans use Medicaid, and that is the only health program that they have available to them; 26 million of those 36 million people are the very poor. Of that 36 million, 26 million of those persons are very poor. They are children, they are elderly and, again, they are the disabled.

Again, if the Republican cuts stand, that would mean that they will underfund a block grant to the States, and those persons who are now covered by Medicaid, currently covered by Medicaid, will now have to compete among others, if they will be covered at all, in the year 2002.

So Medicaid as a program, we must understand, is the underpinning for at least 26 million very, very poor persons, and at least 36 million Americans. Again, who are they? They are the elderly, they are pregnant women, they are children, and they are the disabled; no other health care do they know other than that. So when we reduce that by $163 billion over 7 years, choices will have to be made as to who will be covered and who will not be covered.

States will be forced to make some very difficult decisions with their limited Medicaid funds. They must choose now, who will they offer health care? Which among those who are disabled now will have a health care and which will not have health care? Those are difficult choices to make between people you are now serving; and why should we have to make those difficult choices when there are other options? These choices are unnecessary in the very beginning.

We should remember that when we created Medicaid in the first instance, it was indeed to speak to the most vulnerable of those who need health care. This is not to suggest that Medicaid does not need to be reformed; of course, containment needs to be made. There are ways to have cost containment. There are ways to have better health care and prevention without denying people the opportunity of having health care.

Again, if you have to choose between $245 billion worth of tax cuts at the same time by reducing the growth of $163 billion over 7 years, you will have to make choices between millions of disabled persons, thousands of elderly persons and an unknown number of persons who are covered as mothers and children.

In my judgment, that is no choice, no choice whatsoever. Again, the President has offered a plan that cuts Medicaid by one-third as much as the Republican plan and yet balances the budget, cuts Medicaid by one-third as much and balances the budget. But more important than that, he maintains Medicaid as a Federal program, as entitlement to the people, not to the States, where the Republican plan would be an entitlement to the States. They would say, States, you have a right to this program, not people, not those 36 million people.

We will now be saying, North Carolina, California, Montana, whatever, States, you have that right, not people who live in the State.

So the President's plan would preserve Medicaid as a federally sponsored program that would be provided for those who are least among us and the poor.

Medicaid is indeed an important program. We need to know how to make it more efficient; we need to make sure we serve as many people as we can.

Again, Medicaid as a block grant with no guarantee of health coverage whatsoever will mean that children and older Americans may have no place to turn. Indeed, America can do better than that. America can find a way to keep this entitlement for all of its citizens.

□ 1330

WHY WE NEED A BALANCED BUDGET

The SPEAKER pro tempore (Mr. EWING). Under the Speaker's announced policy of May 12, 1995, the gentleman from Michigan [Mr. SMITH] is recognized during morning business for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, for the first day during the budget negotiations to try to come to a compromise for a balanced budget, the administration and Congress, I think, have made some progress. Maybe some of the hopefulness is in what has been suggested, that the CBO has estimated now that approximately $135 billion extra will be available in their new baseline, and that means the differences are less in the dollar amount between the House and Senate.

Here is one problem, though, in the CBO estimate of their prediction of a somewhat rosier economy in the next 3 or 4 years. That is the fact that it is exactly that, it is 3 or 4 years. The projection in the fifth, sixth, and seventh year is so ambiguous that that is not where additional revenues coming into the Government are coming from.

Therefore, when you decide the social programs that are going to be continued and expanded, when you decide the entitlement programs that are going to be continued and expanded, you have to take into consideration what is going to happen the fifth, sixth, and seventh year. Those issues still need to be addressed today.

I particularly am very concerned about what happened on November 15 when the President disinvested the so-called G fund and the thrift savings fund as well as the civil service retirement trust fund for a total of $61 billion.

Congress, who is given the authority in article 1, section 8, of the Constitution to control borrowing, has now had some of that power taken away from them by an administration that has found a special way to increase the debt load of this country by raiding the trust funds, $61 billion.

It took this country the first 160 years of its existence, through Pearl Harbor, into World War II, before we had amassed that kind of a $60 billion debt. In one fell swoop, the President and Mr. Rubin increased the debt load of this country another $61 billion.

What I would suggest is that it is important to try to regain control of spending in this country and the debt ceiling in this country.

Mr. Rubin suggests, well, once we have appropriated the money, it is the responsibility of Congress to come up with whatever is necessary in additional borrowing authority to pay off those debts.

Here is what is being left out of the discussion, Mr. Speaker. It is the fact that most of the spending, most of the cuts to achieve a balanced budget are coming from the entitlement changes. Since a majority in Congress can no longer reduce spending through the entitlement programs without the consent of the President, we have lost some of our authority to control the purse strings of this country. So it is very appropriate to tie the debt ceiling limit to conditions of changing the entitlement programs of this country, to try to have the U.S. Government live within its means.

We need to remind ourselves what we are talking about in terms of what borrowing is doing to our economy and the obligation that that is passing on to our kids and our grandkids.

We are borrowing money now because we think what we are doing and the problems that we face are so important that it justifies us going deeper into debt and telling our kids and our grandkids that they are going to have to pay back this debt out of money they have not even earned yet. They are going to have their own problems.

Most people conceptually say, well, yes, Government should try to live within its means and balance its budget. The fact is, is that it has such an impact, not only on our moral obligations of what we pass on to our kids as far as increasing their obligation and problems, but also its effect on our economy.

Alan Greenspan, our chief banker of this country, head of the Federal Reserve, came into our Budget Committee and said, "Look, if you are able to end up with a balanced budget, interest rates will go down between 1½ and 2 percent."

Two weeks ago, he went to the Senate Banking and Financial Services Committee and said, "Look, if you do

not end up with a balanced budget, interest rates could go up another 1 percent," a dramatic difference in the effect of our individual lives, on how much it costs us to buy a home or borrow money to go to school or buy a car.

Let me just say that it is so important to our future, to our economy, to our well-being in this country and the well-being of our kids, that we have got to have a legitimate balanced budget, and I sincerely hope the administration and Congress will get together and achieve that particular goal of a real, no smoke-and-mirrors balanced budget.

RESPONSIBILITY AND ACCOUNTABILITY FOR MEMBERS OF CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized during morning business for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, it is with great pain that I come to this House floor as the senior woman in this House to discuss what I watched yesterday in the press conference coming from Salt Lake City by our colleague. No, I am not here to talk about shedding tears. I have been one to shed tears. In fact, if Members of Congress had corporate sponsors like race car drivers do, my corporate sponsor would probably be Kleenex. But I am here to remind this body that shedding tears does not shed us of our responsibilities that we take when we assume this very solemn task of stewardship for the people in our district when they send us here to represent them.

I watched and was terribly troubled, because I think it is time we as Members of this body realize that when we get elected, we are the ones that get elected. Our spouses do not get elected. Our staffs do not get elected. If we choose to delegate some authority to our spouses or to our staffs, then we must stand and take the responsibility for that delegation. Because only our name is on that ballot, and that ballot is a very, very sacred act in the democracy. When you vote for a person, you are to get that person or that person's judgment, and that is all we have that holds representative government together.

So as I watched yesterday and I heard the many explanations, I was even further troubled by the explanation that, even though everybody knows none of us are allowed to receive more than $1,000 to campaign with from either a spouse or a family member or a friend or anybody. No one is allowed to receive more than $1,000. You can only spend more than that if it happens to be your own money.

And so hearing that, "Oh, well, I did it but, you see, you cannot give an election back, so on with the show."

Well, you may not be able to give an election back, but I must say you can step down. You can step down. If any American went out and procured items with illegally-gotten money and that was discovered, they would have to give it back. They would have to give it back. You can never undo what was wrong, but you try to make recompense.

I think we have these laws that we either honor or, if we are going to ignore them, find out about them later and say, "So be it," it does not work. It does not work.

Saying that you signed blank statements and you are very sorry that they filled them in, hey, let us see the average American be able to use that defense with the Internal Revenue Service: "I just signed a blank 1040. Someone filled it in, and I did not really mean to do it." That does not work. None of us are allowed to delegate our citizen responsibility, our representative responsibility, unless we are willing to stand and take the consequences for it.

So I think in this society where there has been so much talk about people trying to become victims and "Because I am a victim, therefore I am not responsible," that does not work.

This great democracy only works if every one of us stands up and takes responsibility for what we undertook and takes responsibility for being the captain of our own ship and our own lives.

So it is with great pain that I say these things today, because obviously my colleague has been very hurt and been very hurt in love, which many people can be hurt. But that does not give people an excuse to walk away from their duties or to overlook all the different things that went on that should have been warning signals, and I do not think we should allow that to be used in this case, either.

So I hope all of us take that seriously, think about our responsibility seriously and wonder how in the world this democracy can ever work if we allow people to be able to shed tears and be able to shed responsibility, or claim victimhood and therefore shed responsibility.

Responsibility is not another layer of skin like a snake has, and you can just say, "Oops, I am out of there, I am someone new."

No, we must be held accountable for our acts. That is the very, very basis of this Government. And yesterday for me was a very sad day.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12, rule I, the Chair declares the House in recess until 2:30 p.m.

Accordingly (at 1 o'clock and 41 minutes p.m.), the House stood in recess until 2 p.m.

□ 1430

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. EWING) at 2 o'clock and 30 minutes p.m.

ANNOUNCEMENT OF INTENTION TO OFFER PRIVILEGED RESOLUTION PROVIDING FOR THE EXPULSION OF REPRESENTATIVE WALTER R. TUCKER III, FROM THE HOUSE OF REPRESENTATIVES

Mr. SENSENBRENNER. Mr. Speaker, pursuant to clause 2(a)(1) of rule IX of the House of Representatives, I hereby give notice of my intention to offer a resolution which raises a question of the privileges of the House. The form of the resolution is as follows:

A resolution providing for the expulsion of Representative Walter R. Tucker, III from the House. *Resolved*, That pursuant to article I, section 5, clause 2 of the United States Constitution, Representative Walter R. Tucker, III, be, and he hereby is expelled, from the House of Representatives.

The SPEAKER pro tempore. The Chair will announce scheduling of that privileged resolution within 2 legislative days.

PRINTING OF PROCEEDINGS HAD DURING RECESS

Mr. CHABOT. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain fifteen 1-minutes on each side.

SECRETARY OF ENERGY MISUSES PUBLIC FUNDS

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

Mr. CHABOT. Mr. Speaker, more than a month ago I came to this floor and called upon President Clinton to dismiss the Secretary of Energy, Hazel O'Leary. I said that she should not remain in office for even 1 more day after we learned of her use of public funds to rank news reporters based on their treatment of her.

But, Mr. Speaker, while the White House condemned her conduct the President allowed Secretary O'Leary to remain and to continue spending public funds. Now we learn that she has soaked the taxpayers for millions more

by living the high life on foreign junkets—while padding the payroll here at home.

Half a million dollars for a trip to Pakistan? Unbelievable. $850,000 for a trip to China? That's an outrage. No wonder this administration has such difficulty swallowing a balanced budget and letting taxpayers keep more of their own money. Cabinet status ought not entitle one to take a perpetual five-star vacation at taxpayer expense. Instead of dismissing these concerns, this time the President ought to dismiss Secretary O'Leary.

FULL FUNDING FOR LIHEAP

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

Mr. MOAKLEY. Mr. Speaker, winters in Massachusetts can get pretty cold. This Sunday, with the windchill, it went down to below zero—and we're not even half way into December.

These low temperatures mean that a lot of homes can get dangerously cold in the winter—especially if families have trouble paying high heating bills.

That's why the Home Energy Assistance Program, known as LIHEAP, is so important and that's why 180 of my colleagues and I are going to do everything we can to make sure it isn't eliminated. We've written a letter asking for full funding for LIHEAP.

Mr. Speaker, I would tell my colleagues who may vote to kill LIHEAP—It's cold out there. The rich don't need another tax break. Please keep the heat on.

PROTECT THE FUTURE—SUPPORT THE REPUBLICAN BUDGET

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, the Dallas Cowboys are losing and the American people are also losing as long as our President puts his priority on spending. The simple truth remains: The President is against a balanced budget because he wants to spend more taxpayer dollars to expand the size and scope of the Government.

The proof is in the details. The President's first and second budgets would leave huge deficits. The President's third budget spends an additional $400 billion, does not balance, and raises your taxes.

Our President is still the same old tax and spend liberal.

That's why House Republicans are standing firm for a balanced budget that ends deficit spending and preserves America's future. A budget that ensures prosperity, ensures stability, and ensures freedom for all Americans. Protect the future—support the Republican balanced budget.

DONALD EUGENE WEBB SHOULD BE BROUGHT TO JUSTICE

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

Mr. KLINK. Mr. Speaker, 15 years ago last Monday I was a young television reporter in a small town called Saxonburg, PA, which now happens to be in my congressional district. I was there because in the middle of the afternoon the police chief in that small town, Gregory Adams, was murdered. He was beaten and he was shot with his own gun; and today the perpetrator of that heinous crime remains free.

His name is Donald Eugene Webb, and he is either in the enviable or unenviable position of being on the FBI's 10 Most Wanted list a record amount of times. In 15 years neither the FBI nor any other law enforcement agency has seen Donald Eugene Webb, even though the full efforts of the Pennsylvania State Police and the Federal Bureau of Investigation have been extended.

Webb has been named fugitive of the week by Pennsylvania Crime Stoppers. His story has been told on "America's Most Wanted," on "Unsolved Mysteries," and no one who has seen any of these shows has seen Donald Eugene Webb.

Mr. Webb's family, including two sons who were infants and who are now young teenage men, deserve an answer. His widow has since remarried and deserves an answer. The people of Saxonburg, PA, and all of law enforcement deserve to have an answer, and deserve to have Donald Eugene Webb brought to justice.

SAVE THE AMERICAN DREAM

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

Mr. KNOLLENBERG. Mr. Speaker, while there are some significant differences between the Republican Balanced Budget Act of 1995 and President Clinton's unbalanced budget act of 1995, both sides in the debate agree that we should spend significantly more on Medicare each year.

Now, the difference between the increased spending in President Clinton's budget and our budget over the next 7 years is, get this, less than 2 percent. So where is the fight?

Under the Republican budget, Medicare spending grows from $178 billion to $289 billion by the year 2002, and spending per senior grows from $4,800 to $7,100 by the year 2002.

Under the President's budget, Medicare spending starts out at $178 billion, just like under the Republican plan, and increases to $294 billion by the year 2002. Spending per senior citizen increases from $4,800, again just like the Republican budget, up to $7,245, a pinch less than 2 percent over the Republican plan. So again I ask, where is the beef? Where is the problem?

Mr. Speaker, it is time that the President stop using imaginary Medicare spending cuts as an excuse for not balancing this budget. It is time for him to help the Republican majority put our House in order and save the American dream for the next generation.

TAXES, TAXES, TAXES

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

Mr. TRAFICANT. Mr. Speaker, how can America be bankrupt? There are airport taxes, highway taxes, excise taxes, estate taxes, gas taxes, property taxes, income taxes, sales taxes, luxury taxes, nanny taxes, old taxes, new taxes, hidden taxes, inheritance taxes; there is even now a tax called a sin tax. I say to my colleagues, no wonder the American people are taxed off.

The truth is that Congress as a Congress that taxes everything ultimately will tax freedom and will not balance anything. What is next? A budget tax? Is it any wonder that the American people are saying, kiss my taxes?

Beam me up, Mr. Speaker. I yield back the balance of my taxes.

THREE BUDGETS FOR CONGRESS

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

Mr. HEFLEY. Mr. Speaker, the third time is a charm, right? Well, not for this President. Last week he tried, once again, to lay out a balanced budget plan. Unfortunately, the President missed the mark by well, $400 billion.

The simple fact is, the only budget proposal proposed thus far that balances the budget in 7 years, cuts taxes for working families, saves Medicare from bankruptcy, and reforms welfare is the Balanced Budget Act of 1995 which President Clinton vetoed last week.

The President has now presented three budgets to Congress, well, one budget and two sets of talking points; yet none of them comes into balance.

Mr. Speaker, it is time for the President to keep the promise he made 23 days ago: Balance the budget in 7 years using honest numbers. There is only one person standing between the American people and a balanced budget, and that one person is Bill Clinton.

COUNTDOWN TO SHUTDOWN

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

Ms. NORTON. Mr. Speaker, this is day four of the countdown to shutdown. It no longer looks as if shutdown lies ahead for the Federal Government. A CR until January sometime is more likely. For the District of Columbia, a CR is only marginally better than a shutdown.

Mr. Speaker, you cannot run a complicated city on a month-to-month basis. It makes it almost impossible to make rational management and financial decisions.

Thanks to a bipartisan bill, the D.C. Fiscal Protection Act, D.C. may be spared this new atrocity; the subcommittee will mark up a bill tomorrow. The full committee has waived jurisdiction, indicating how important it is to allow the District of Columbia to spend its own money. Yes, its own money; 85 percent of the money in our appropriation is raised from District taxpayers.

Community leaders representing those taxpayers met with me in a town meeting last night. They are the innocent bystanders. They say that there could be no greater waste than forcing the District to pay employees on a CR basis. Free the D.C. 85 percent.

DO NOT BALANCE THE BUDGET ON BACKS OF SENIOR CITIZENS

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

Mr. STUPAK. Mr. Speaker, as we begin to consider how to balance the budget this week, we must remember people. Let us not balance the budget on the backs of our senior citizens.

We do not need $245 billion in tax breaks for the wealthiest 1 percent of this country and for large corporations. We must keep in mind what our decisions do to ordinary people.

One of my citizens recently wrote to me, and if I can quote from that letter:

> We used all of our life savings on Medicare and doctor bills for our golden years and now we are on Medicaid. If it were not for the help from Medicaid, we would both die. Please help us and do not let the Republicans take this away from us, because I am so afraid of this happening. With all of our medical problems, we still carry our high insurance, even though I have to borrow the money from family, and they really do not have it to give. And our insurance stops at 65. Then where will we be? Please help us.

Let us help the ordinary citizens of this country. Let us repeal the tax breaks for the wealthiest and the large corporations of this country. Let us put people first and not corporate welfare first.

REPUBLICAN BUDGET PUNISHES POOR CHILDREN

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

Ms. WOOLSEY. Mr. Speaker, when it comes to taking care of children, the Gingrich welfare reform bill says, if you are a poor kid, do not get sick. Because we learned today that the Speaker does not have any qualms about taking away children's health insurance. In fact, his welfare reform bill takes Medicaid from AFDC recipients.

This hits home to me, because 28 years ago I was forced to go on welfare to provide my three children with the medical coverage and the health coverage they needed through Medicaid. I know what it is like to lie awake at night, worried to death that one of my children might get sick.

Mr. Speaker, I will not stand by quietly as the Speaker of the House tries to force this agony on other mothers, other mothers who are trying so hard to do what is best for their children.

Mr. Speaker, welfare reform is not supposed to be about punishing poor children. It is about improving their lives by giving their parents the education, the job training and the child care needed to get a job so that they can stay off welfare permanently.

□ 1445

LET US GET THE JOB DONE

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

Mrs. SCHROEDER. Mr. Speaker, let me remind people one more time that September 30 was the end of the fiscal year, and we did not get our job done. Now to be talking about shutting down Government because we did not do our job is absolutely outrageous. The only people that get hurt by this are the taxpayers. They are going to pay more and get less, which is absolutely the inverse of what they want. They would like to pay less and get more. So we got it wrong.

Now, we ought to move on these bills, get them done, get our work done. It is so late, if any other American had their work that late, they would be fired.

Then we ought to move on to getting this budget put together. It is not about whether we are going to have a balanced budget in 7 years. Both sides agree to that. It is whether we are going to have a huge tax cut for the rich that has been called the crown jewel of the contract.

Well, I am not sure with a country that runs this kind of deficit we need to be giving out jewels to the rich. That is what it is all about. Keep that focus, get the work done, and for heaven's sakes, get this body out of here for the holidays.

DEMOCRATS WILL PROTECT SENIORS AND STUDENTS

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

Mr. HILLIARD. Mr. Speaker, at a time when the Republicans continue to cut, slash, and rip almost all of the programs designed for our seniors and our children, the country should know that the Democrats in this Congress are fighting the extreme forces of right-wing radicals.

While our Republican colleagues have chosen to serve the special interests of the rich by their sponsorship of the greedy and selfish $245 billion tax break for the wealthy, we Democrats are fighting for the many programs that are vital to working Americans. We Democrats are fighting to preserve Medicare, which will cost over $450,000 loss to one hospital, Baptist Princeton in my district, from now and each year thereafter until the year 2002.

While we are fighting to preserve Medicaid, the Republicans are cutting long-term and acute care all across this country. While we are fighting to preserve education, the Republicans are cutting math programs, reading programs, Head Start, and other job-related programs.

Mr. Speaker, it should be obvious that the Democrats are fighting for the working men and women of America and the Republicans are fighting to serve their rich masters.

BALANCED BUDGET SHOULD PROTECT MEDICAID

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

Mr. OLVER. Mr. Speaker, in the budget continuing resolution the Government is operating under, Republicans committed to a balanced budget that must provide adequate funding for Medicaid.

But by slashing Medicaid by $163 billion, their budget plan threatens the health security of disabled and elderly Americans and the income security of the families who love them.

The Republican plan completely eliminates the guarantee of long-term care.

It allows the States to go after every penny—and every piece of property—held by families of those who need nursing care.

And all to give $245 billion in tax breaks mostly to the very wealthiest among us.

Republicans should live up to their agreement and support a budget that protects Medicaid, rather than obliterating it.

BOSNIA PEACEKEEPING MISSION DESERVES SUPPORT

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

Ms. DELAURO. Mr. Speaker, over the weekend, I joined a fact-finding trip to Bosnia. I left with strong reservations about our military mission there, but I have returned with the knowledge that our troops are ready and our mission is clear. I have also returned with a belief that we have a moral obligation to do what only a U.S.-led force can do: Keep the peace.

One of the highlights of our trip was a stopover in Germany to visit with American troops who will be deployed in the coming weeks. While there, I had a chance to speak with a young soldier from New London, CT, Pvt. Jarion Clarke. Private Clarke told me that he is well trained, has faith in his leaders, and believes in the United States mission in Bosnia.

I asked Private Clarke what I could do for him: "Tell the American people that we are ready and we need their support," he said. So, that is the message I bring. Our soldiers need our support. They deserve our support. The peace-keeping mission in Bosnia deserves our support.

SUPPORT THE TROOPS IN BOSNIA

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

Mr. HASTINGS of Florida. Mr. Speaker, I wish to echo the sentiments of the previous speaker, the gentlewoman from Connecticut (Ms. DELAURO). I, too, was on that mission. I, too, had serious reservations of going into the Balkans. We covered five countries in 4 days in that weekend period with a bipartisan delegation of outstanding Members of this U.S. House of Representatives.

I came back most impressed with Snuffy Smith, the admiral, and General Crouch, who have charge of our troops. These men know what they are doing. These troops are ready; they are well trained. It is not risk-free, but the western alliance and America's status in this world is at stake in this matter.

One person said something that will last with me forever, and that is that the people in the Balkans need a period of decency.

I have never seen such devastation as we saw in Sarajevo. I ask of this House when we consider, if we do, any resolution, that we take into consideration the immense need to support the troops of the United States of America.

NOT A BALANCED BUDGET

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

Mr. TAYLOR of Mississippi. Mr. Speaker, in today's USA Today on page 7 is an ad that contains the following advertisement where the National Republican Party offers a million dollars to the first citizen who can prove that the following statement is false: "In November 1995, the U.S. House and Senate passed a balanced budget bill." Then it goes on to talk about the increases in spending for Medicare.

In November 1995 the House and Senate passed a budget bill that increases the annual operating deficit of this country by $33 billion. You see, next year's annual operating deficit will be $296 billion, of which $118 billion will be stolen from the trust funds that you good people are paying into on your Social Security and other programs.

That is not a balanced budget. Mr. Barber, you can write the check care of the University of Southern Mississippi scholarship fund. You are out $1 million.

DISCHARGING COMMITTEE ON WAYS AND MEANS AND REREFERRAL TO COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE OF H.R. 2415, TIMOTHY C. McCAGHREN CUSTOMS ADMINISTRATIVE BUILDING

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent the Committee on Ways and Means be discharged from consideration of the bill (H.R. 2415) to designate the U.S. Customs Administrative Building at the Ysleta/Zaragosa Port of Entry located at 797 South Ysleta in El Paso, Texas, as the "Timothy C. McCaghren Customs Administrative Building," and that the bill be rereferred to the Committee on Transportation and Infrastructure.

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

There was no objection.

CORRECTIONS CALENDAR

The SPEAKER pro tempore (Mr. EWING). This is the day for the call of the Corrections Calendar.

The Clerk will call the first bill on the Corrections Calendar.

REPEALING SACCHARIN NOTICE REQUIREMENT

The Clerk called the bill (H.R. 1787) to amend the Federal Food, Drug and Cosmetic Act to repeal the saccharin notice requirement.

The Clerk read the bill, as follows:

H.R. 1787

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

SECTION 1. NOTICE REQUIREMENT REPEAL.

Section 403 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343) is amended by striking paragraph (p).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. BILIRAKIS] and the gentleman from California [Mr. WAXMAN] each will be recognized for 30 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, I rise in strong support of H.R. 1787, legislation to repeal an unnecessary saccharin notice requirement that, with the passage of time, has become redundant and unnecessary.

In 1977 Congress passed a law preventing FDA from banning the use of saccharin. As an interim measure, the law required stores that sold products containing saccharin to post warnings until package labeling would include the required warning.

As warnings are now on all packages containing saccharin, there is no reason to maintain an unnecessary warning requirement. Eliminating this requirement will save retailers—and ultimately consumers—from unnecessary compliance costs.

I want to commend the sponsors of this legislation for bringing this bill forward, especially the gentleman from California [Mr. BILBRAY]. I also want to commend the Speaker's Advisory Group on Corrections that includes the ranking member of the Health and Environment Subcommittee that identified this bill as a candidate for the Corrections Calendar.

I thank my colleagues on both sides of the aisle for their support of this legislation.

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 this legislation. It is a good candidate for the Corrections Day Calendar because this bill would correct a provision in law that requires the posting of a warning sign about the potential dangers of saccharin which is really no longer necessary. It was put into the original law dealing with saccharin at a time when we thought there ought to be a warning until such time as the label itself on the product contained the information to advise consumers.

I think that the gentleman from California [Mr. BILBRAY], my friend and colleague, is to be commended for bringing this issue to our attention. This is a bill that no one should disagree with. It is correcting a problem. I think that it is overdue. I would urge support for this bill.

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

Mr. BILIRAKIS. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. BILBRAY].

Mr. BILBRAY. Mr. Speaker, I rise in support of H.R. 1787. First, I would like

to begin by thanking the gentleman from California [Mr. COX] and the gentleman from North Carolina [Mr. BURR], who joined me in introducing this common sense correction bill back in June.

Also, Mr. Speaker, I would like to thank the gentleman from Florida [Mr. BILIRAKIS] and the gentleman from Virginia [Mr. BLILEY], who have guided this bill through subcommittee and committee and brought it to this process of corrections day with the support of the gentlewoman from Nevada [Mrs. VUCANOVICH].

The focus of this bill's correction is a classic example of the need of the correction day and the intent that was stated by the Speaker in the days that he introduced it. This bill is a good example of how we can streamline existing law and make more sensible, effective law out of a system that needs updating.

H.R. 1787 will eliminate a once-needed but now unnecessary regulation while continuing to provide consumer information and protection to small business owners and consumers alike.

The need for this bill, Mr. Speaker, became apparent last year when 54 retail companies in California were served a complaint under the State's bounty hunter statute. This complaint alleged that the stores had failed to maintain a saccharin warning sign in violation of Federal law. In April of this year, more than 20 supermarket companies in North Carolina were threatened with lawsuits for failure to have the warning signs posted.

Mr. Speaker, many of these stores that are affected are mom-and-pop operations and the signs might have got ten lost, might have been stolen, could have fallen behind the charcoal briquettes in the front of the store. They may have even been unaware that the regulation existed at all.

□ 1500

In any event, I think we can agree that a lawsuit on this ground would qualify as ridiculous. H.R. 1787 removes this threat from small retailers around the country while continuing to require the consumer warnings continue to be placed on the packages of the products that contain saccharine.

Mr. Speaker, I have here a letter which underscores the need of H.R. 1787, which I would ask to be included in the RECORD, and it describes the writer's intent to sue a food store chain for $2.5 million for violating the saccharine warning notice requirement, and I quote from that letter: "for the direct endangerment of my personal health over the years."

Mr. Speaker, I would like to say my friend and colleague, the gentleman from California [Mr. WAXMAN], who originally wrote the law, has reviewed my bill and agrees that while the warning notice requirement served its purpose in 1977, it is no longer required in 1995. I appreciate the support of the gentleman from California [Mr. WAXMAN], his sense of historical perspective and the strong bipartisan support of my colleagues from this sensible and noncontroversial bill.

In closing, Mr. Speaker, I need to say the American people want to see more bipartisan support, more bipartisan cooperation across the aisle, and they also want us to be brave enough to do what is best no matter which side brings up a good idea. Mr. Speaker, this is one of those things that needs to be improved. The original author recognizes that the time has passed for this regulation to be in force, and I ask the rest of the House to join with the gentleman from California [Mr. WAXMAN] and this gentleman from California [Mr. BILBRAY] in correcting a problem that should not be allowed to exist any further and also to prove that bipartisan support and cooperation is for the benefit of the American people who, after all, we all represent here in the people's House.

Mr. Speaker, the letter is submitted for the RECORD, as follows:

To whom it may concern: I , Herein wish to submit my intentions to file suit against the following food store chains. For the sum of $2.5 million dollars each. For the direct endangerment to my personal health over the years, through the consumption of hazardous products, and through the non compliance of the F.D.A. regulation 21-101.11. However, after speaking with an attorney in regards to this matter, it was suggested that I may have other opsections available such as (2) Reporting this to the commissioner of the F.D.A. (3) Report to the T.V., and news media how all 22 of the major food chains in the Wilmington area, some how over looked an FDA public health warning regulation for years. Or, (4) Submit this letter to all the food chains or stores involved and hope to come to some kind of discreet, and brief respective financial compensation regarding this matter, on my behalf, without involving the F.D.A. or the publics opinion. Inclosed is a list of the stores, that are currently in direct violation of code 21-101.11 of the F.D.A. regulations.

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

Mrs. VUCANOVICH. Mr. Speaker, I want to thank Mr. BILIRAKIS and Chairman BLILEY for all their hard work to see that we have these two bills on the floor for consideration today. The corrections process is dependent on the cooperation of the authorizing committees. Mr. BLILEY and his staff, and Mr. BILIRAKIS and his staff have been very cooperative and have really been key to the success of corrections day. I would also like to thank Congressman WAXMAN, a member of our corrections day process, who has spoken in support of H.R. 1787. H.R. 1787 will repeal a duplicative saccharin labeling requirement. This bill is so simple and makes so much sense it is a wonder we even have to spend time to discuss it, but unless we act this relic of a law will remain on the books causing financial hardship to thousands of small businesses.

The substance of the bill has already been explained, and there is not a lot one can say without belaboring the obvious. So, I will restrict my comments to the need for speedy passage of this bill.

The other body has several bills which have passed this House without any objection under the corrections calendar. in fact, including the two bills which will pass today, we have sent 11 pieces of corrections legislation to the other body in less than 5 months. All but one of those 11 bills passed the House by voice vote or without opposition. Working in a bi-partisan fashion and with the help of our committee chairmen this House has made corrections day successful. It is my hope that before we leave for the Christmans break we can have all of these bills on the President's desk.

I am calling on the other body to take up these bills as quickly as possible. If there are disagreements, we can work them out, but let's not delay these much needed corrections any longer.

Mr. STARK. Mr. Speaker, I would like to compliment my colleagues on identifying a redundancy in Federal law and working together to eliminate it. As has been stated, current law requires grocery stores to post a notice on the potential dangers of saccharin in addition to the labeling of the food product itself. Clearly, one notice is enough.

I am concerned, though, that down the line the remaining notice requirement will be repealed even though it is a necessary consumer protection. Let me tell you why.

Today, in Federal law, there is a requirement that private insurance companies provide notice to Medicare beneficiaries if a health insurance policy they are selling duplicates Medicare benefits. In the Republican Medicare plan, this notification requirement is eliminated.

Again, under the Republican Medicare plan a notification requirement is to be eliminated that alerts Medicare beneficiaries that a policy they are considering purchasing may duplicate insurance coverage they already have under Medicare. The notification requirement isn't a second notice that is eliminated. There is only one requirement of notification, and it is to be repealed.

Let me walk-through why I am raising a word of caution today regarding H.R. 1787. Current Medicare law states that:

It is unlawful for a person to sell or issue [to a Medicare beneficiary] a health insurance policy with the knowledge that the policy duplicates health benefits to which the person is entitled under Medicare . . . unless there is disclosed in a prominent manner the extent to which benefits under the policy duplicate Medicare benefits.

This simple notice saves senior citizens from wasting millions of dollars each year on what one consumer organization has described as "illusory policies which pay out little or nothing to Medicare beneficiaries."

In contrast to the action taken today with H.R. 325 in full public view, buried in the Republican Medicare bill that passed the Congress last month was a provision that deletes this important notification requirement. Why?

There are a few well-heeled insurance companies that sell these disease specific, or dread-disease policies, and they have an interest in having ignorant consumers. And they have an interest—a stockholder share you might say—in the new Republican majority. These insurance companies expect a return on their investments. To give them that return, the interests of elderly Americans were brushed aside and the notification requirement was erased.

To protect Americans from similar anti-consumer actions in the future by the Republican majority, maybe we need to maintain two of everything in Federal law. When at some point down the line Republicans need to provide a sweetener for a particular special interest, they can delete one provision but leave the second one intact so consumers can maintain needed consumer protections.

I am not opposed to the bill we are considering today. By passing H.R. 1787, we will eliminate a redundancy but maintain a notice that is a necessary consumer protection. The notice to Medicare beneficiaries warning them that they are being sold a worthless or near-worthless insurance policy also is worthy of maintaining.

In fact, in opposing the Republican Medicare effort the National Association of Insurance Commissioners stated that the Republican Medicare bill "would strip seniors of the protections afforded by the disclosure statement."

Again, I'd like to compliment the work of Mr. WAXMAN and Mr. BILILEY on bringing H.R. 1787 to the floor but reiterate my word of caution that we not go to the extreme as was done in case of Medicare. Despite what well-heeled lobbyists may say, ignorance is not bliss. Ignorance can be dangerous to consumers.

Luckily for Medicare beneficiaries, we have a Democratic President in the White House who has made a commitment to protect the physical and financial health of the seniors of America. He has vetoed the Republican Medicare bill. Now, their damaging special-interest provisions can be eliminated and consumer protections maintained.

Mr. GILLMOR. Mr. Speaker, I wish to express my strong support for this legislation and commend the gentlemen from California and North Carolina for their work on this matter. I believe this bill provides a realistic framework for reforming the saccharin notification regulations placed on groceries, while also protecting the public's health and need to know.

Back in the late seventies, when diet-conscience Americans were guzzling Tab soda and putting Sweet and Low in their iced tea, it became important that consumers become aware of any health threats posed by the use of saccharin. Today, however, we are facing a situation in which saccharin has not only been replaced as the main sweetening agent, but labels identifying its use dot the labels of all products that contain it.

H.R. 1787 recognizes that now that market and health forces have diminished the use of saccharin in food and drink, there is no longer a need for information overkill on this subject. This legislation simply allows grocery stores the chance to back away from the requirement of posting warning signs in their stores about saccharin's potential health effects. I believe this prudent progression will still allow consumers the appropriate warning of their favorite product's labels, while at the same time remove this bothersome requirement from our Nation's many grocery stores, from the Kroger's to the Mutach Food Market in Marblehead, OH.

While you can lead a horse to water, Mr. Speaker, you cannot make it drink. While all of us would prefer a risk-free society, it just is not possible. People who are worried about their health will read labels and warnings signs no matter how numerous or large they are. I believe H.R. 1787 recognizes this fact and hopefully will end the new rash of nuisance lawsuits springing up in this country over this matter. I urge all my colleagues to support this bill.

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

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

The SPEAKER pro tempore (Mr. EWING). Pursuant to the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

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

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and (three-fifths having voted in favor thereof) the bill 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 and include extraneous material on H.R. 1787, the bill just passed.

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

There was no objection.

EMPLOYER TRIP REDUCTION PROGRAMS

The Clerk called the bill (H.R. 325) to amend the Clean Air Act to provide for an optional provision for the reduction of work-related vehicle trips and miles travelled in ozone nonattainment areas designated as severe, and for other purposes.

The Clerk read the bill, as follows:

H.R. 325

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

SECTION 1. OPTIONAL EMPLOYER MANDATED TRIP REDUCTION.

Section 182(d)(1)(b) of the Clean Air Act is amended by to read as follows:

"(B) The State may also, in its discretion, submit a revision at any time requiring employers in such area to implement programs to reduce work-related vehicle trips and miles travelled by employees. Such revision shall be developed in accordance with guidance issued by the Administrator pursuant to section 108(f) and may require that employers in such area increase average passenger occupancy per vehicle in commuting trips between home and the workplace during peak travel periods. The guidance of the Administrator may specify average vehicle occupancy rates which vary for locations within a nonattainment area (suburban, center city, business district) or among nonattainment areas reflecting existing occupancy rates and the availability of high occupancy modes. The revision may require employers subject to a vehicle occupancy requirement to submit a compliance plan to demonstrate compliance with the requirements of this paragraph.".

COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

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

The Clerk read as follows:

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

SECTION 1. OPTIONAL EMPLOYER MANDATED TRIP REDUCTION.

Section 182(d)(1)(B) of the Clean Air Act is amended to read as follows:

"(B) The State may also, in its discretion, submit a revision at any time requiring employers in such area to implement programs to reduce work-related vehicle trips and miles travelled by employees. Such revision shall be developed in accordance with guidance issued by the Administrator pursuant to section 108(f) and may require that employers in such area increase average passenger occupancy per vehicle in commuting trips between home and the workplace during peak travel periods. The guidance of the Administrator may specify average vehicle occupancy rates which vary for locations within a nonattainment area (suburban, center city, business district) or among nonattainment areas reflecting existing occupancy rates and the availability of high occupancy modes. Any State required to submit a revision under this subparagraph (as in effect before the date of enactment of this sentence) containing provisions requiring employers to reduce work-related vehicle trips and miles travelled by employees may, in accordance with State law, remove such provisions from the implementation plan, or withdraw its submission, if the State notifies the Administrator, in writing, that the State has undertaken, or will undertake, one or more alternative methods that will achieve emission reductions equivalent to those to be achieved by the removed or withdrawn provisions.".

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

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

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Florida [Mr. BILIRAKIS] and the gentleman from California [Mr. WAXMAN] will each be recognized for 30 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, I am pleased that the Health and Environment Subcommittee and the full Commerce Committee were able to report H.R. 325, legislation to amend the Clean Air Act regarding the employer-trip-reduction program.

Very briefly, the legislation repeals the current Federal requirement that 11 States and an estimated 28,000 private employers implement the employer-trip-reduction program. The legislation makes the employer-trip-reduction program discretionary on the part of States, and provides a simple and straightforward method by which States can designate alternative methods to achieve equivalent emission reductions.

H.R. 325 removes a Federal Clean Air Act requirement which many have found to be overly burdensome. The present statutory language of section 182(d)(1)(B) requires a specific State implementation plan, or "SIP" revision, for the ETR program. It also requires compliance plans to be filed by private employers and requires a 25-percent increase in the average vehicle occupancy of vehicles driven by employees. All of these Federal mandates are now abolished and replaced with a voluntary program.

Under the reported bill, States will decide for themselves whether they wish to implement employer-trip-reduction programs—known by the acronyms ETR or ECO—as part of their efforts to meet Federal Clean Air Act standards. With regard to current ETR SIP revisions which have already been approved or submitted to the Environmental Protection Agency, a formal SIP revision will not be required. Instead, States will be free to designate alternative efforts they have undertaken or will undertake to achieve equivalent emissions.

I want to acknowledge the hard work and assistance of several Members with regard to this legislation. Representative DONALD MANZULLO introduced the underlying bill and assembled a list of 166 cosponsors from both sides of the aisle.

Chairman JOE BARTON, of the Subcommittee on Oversight and Investigations, devoted an entire hearing to the ECO program and helped to construct a solid committee record which underpins today's legislative effort. Representatives DENNIS HASTERT and JIM GREENWOOD were active participants in the oversight subcommittee hearings and helped to explore several issues through follow-up correspondence with the Environmental Protection Agency.

I would also note that Representative HASTERT offered a successful amendment at the full committee level which had been previously negotiated with ranking minority member HENRY WAXMAN. This amendment is incorporated within H.R. 325 and its approval has allowed us to proceed in a truly bipartisan manner.

Altogether, I believe that H.R. 325, as amended by the Commerce Committee, demonstrates that it is possible to alter provisions of the Clean Air Act without sacrificing environmental goals. We can increase the flexibility of the Clean Air Act and allow States more latitude in meeting standards imposed by the law.

In view of our success with respect to H.R. 325, I also believe it is unfortunate that the present administration has consistently opposed any and all amendments to the Clean Air Act—no matter how necessary or how justified. This position is simply illogical and untenable. Congress has the inherent duty to fix misguided or ineffective legislation.

I hope that the success of this legislative effort will help to promote a reconsideration of this position and I look forward to working with my House colleagues to make further improvements and refinements to the Clean Air Act.

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

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume in discussing this legislation and urging my colleagues to vote for the bill.

I want to congratulate the gentleman from Illinois [Mr. MANZULLO] for this legislation. It would permit the States at their discretion to choose some other alternative manner to achieve their emissions reductions than the car pooling or the ECO arrangement as spelled out in the existing Clean Air Act.

The bill is emissions neutral. It requires States that opt-out of the ECO program to make up the emission reductions from other sources.

The administration, to my knowledge, has expressed no opposition to this legislation. I would urge the President to sign the bill. I think it is a helpful piece of legislation in clarifying and correcting a problem that has come into some controversy in some of the States.

Mr. Speaker, I think that, even with this bill, many areas will retain the ECO programs, and for good reason.

We knew in 1990 that the increases in the number of vehicles on the Nation's roads and the increases in the distances-that these vehicles travel could cancel much of the gain we would expect from the cleaner cars and cleaner fuels mandated by the Clean Air Act. Between 1970 and 1990, the number of vehicle miles traveled in this country doubled. Both total miles and trips per day continue to grow at a rate faster than the population or the economy. If we hold to these present growth rates, automobile-related emissions, currently down due to the tough tail-pipe standards and clean fuel programs of the 1990 Act, and will start to climb within the next 10 years. And the clean air gains we have made will be put in jeopardy.

It should also be emphasized that while this bill allows States the flexibility to implement alternative measures, States can retain their ECO programs. Indeed, I fully expect that many of these programs will be retained. A well-designed and well-run ECO program can provide not only emissions reductions, it can reduce traffic congestion, provide employees with more commuting options, and encourage employer participation in regional transportation planning.

And some employers report more than these successes, they report improved bottom lines. For instance, a California company was able to avoid building a $1 million parking garage due to its trip reduction measures. A Connecticut employer found that sales staff staying later in the day as part of their compressed work week increased West Coast sales. Clearly both employers and the breathing public can benefit from these programs.

Mr. Speaker, I support this bill. I urge my colleagues to support the bill.

I want to reserve the balance of our time on this side of the aisle so that other Members, should they wish to speak on the matter, will have an opportunity and that we can further the debate should there be any issues that need to be clarified.

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

Mr. BILIRAKIS. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. MANZULLO], the originator of this legislation.

Mr. MANZULLO. Mr. Speaker, the Clean Air Act mandates that in the 14 population centers across the Nation, States require companies with 100 or more employees to reduce the number of automobile work-related trips to and from work. The EPA estimates the number of people impacted to be between 11 and 12 million and that the cost of this would be somewhere between $1.2 billion and $1.4 billion annually. The number of affected businesses ranges in the area of 30,000.

This past January, an Assistant Administrator from the EPA stated that car pooling simply does not work under all circumstances. In fact, the exact words are, "The air emission reductions from these programs are minuscule, so there is not any reason for the EPA to be forcing people to do them from an air quality perspective. We are not going to double check those plans. We are not going to verify them. We are not going to enforce them."

Our bill, H.R. 325, as amended, is a simple commonsense bill that will not change the goals or standards of the Clean Air Act. They will not change the deadlines set up in the act. It simply lets the States decide if they want to use trip reduction in their menu of options for cleaning the air. Thus, it makes this mandate now voluntary.

Working with distinguished Members and staff of the Committee on Commerce, particularly Bob Meyers and Charles Ingebretson, and my colleague from Los Angeles, the gentleman from California [Mr. WAXMAN], Phil Barnett and Phil Schiliro of the staff, we were able to come up with a clarifying amendment that stipulates the emissions reductions committed to in the State implementation plans for trip reduction will be made up in some other fashion.

Where the original bill is implicit, the amended version is now explicit that the emissions will be made up. But, and this is very important, the emissions will not need to be equivalent to those that would have been achieved under a full-scale compliance with the current law. Simply, the State must account for those emissions actually set apart for trip reduction purposes.

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In other words, a State may offer any plan that is outside what is required under current law. If a State would have only accomplished removing 2 tons of emissions per day utilizing the current employer trip reduction mandate, a State, with a mandatory—required—program stipulating 15 tons of emission removal per day, may add 2 tons per day to that same activity because anything over and above the mandatory requirement is, by definition, nonmandatory. That basically means that identified reduction may make up for those emissions that go over and above the requirements of the law.

Is that the way the gentleman from Florida [Mr. BILIRAKIS] understands it?

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

Mr. MANZULLO. I yield to the gentleman from Florida.

Mr. BILIRAKIS. Mr. Speaker, I say to the gentleman that this is my understanding of the amended bill and certainly the intent of it.

Mr. MANZULLO. I thank the gentleman from Florida.

Two years ago I was approached by several business owners in McHenry County, IL, in the congressional district I represent. Jim Allen, Vince Foglia of Dan McMullen Local Leaders, took their time to educate me about this mandate started in the last Congress. Dan McMullen traveled to Washington to testify before our Committee on Small Business Subcommittee on Procurement, Exports, and Business Opportunities. He also testified before a field hearing which the gentleman from Illinois [Mr. POSHARD] chaired in Crystal Lake, IL. The people such as the gentleman from Texas [Mr. BARTON], and the gentleman from Florida [Mr. BILIRAKIS], and the gentleman from Illinois [Mr. HASTERT] are also dramatically responsible for this bill.

Businesses in Illinois will spend between $200 million and $210 million if this mandate had been allowed to exist. But today this shows that, working together, we can maintain the high standards of clean air to which we all ascribe while at the same time giving the States maximum flexibility in order to reach those clean air standards.

Many Governors such as Illinois Governor Jim Edgar have been critical of this mandate and issued moratoriums on the mandate. California recently enacted two laws essentially eliminating the trip reduction mandate from State law. Some States, such as New York, have been enforcing the law by travel to Westchester County, NY, to speak about this with our good colleague, the gentlewoman from New York [Mrs. KELLY]. There are some very real problems in that State as a result of the enforcement of this inflexible law.

I want to close by saying that I am extremely happy and encouraged to know that this body can come together in a bipartisan basis to reach accommodation on this issue. This is a commonsense solution that everybody can support. I deeply appreciate the efforts of all involved and, Mr. Speaker, this also goes to show something else, that when parties recognize a problem, and cross over philosophical and party lines and sit down and work very, very hard; many times into the late evening I recall at one meeting when Bob Myers and I met at midnight in order to make sure this language is correct, that we can achieve a consensus and move forward on passing legislation through the House of Representatives, and I especially want to thank my colleague, the gentleman from California [Mr. WAXMAN], for his graciousness and his tenacity in trying to work with me in steering this through the House of Representatives.

Mr. BILIRAKIS. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois [Mr. HASTERT].

Mr. HASTERT. Mr. Speaker, I rise in strong support of this legislation. At first I would like to thank the distinguished gentleman from Florida [Mr. BILIRAKIS] and the gentleman from Virginia [Mr. BLILEY] for moving this bill so quickly through committee. I would also like to compliment the gentleman from California [Mr. WAXMAN], my good friend, for his good-faith efforts in working with us to perfect and draft perfecting language to the bill. Also my good neighbor to the north, the gentleman from Illinois [Mr. MANZULLO], has helped, and we worked on this bill through finding out from our employers, people who employ over 100 folks in their places, high schools, school districts, that they, quite frankly, could not make this thing work, and it was going to cost a lot of money, and it did not do what it was supposed to do.

Mr. Speaker, the bills before us today deal with the Clean Air Act, an act I voted for in 1990. I believe in the underlying intent of the Clean Air Act—to clean up the air we breathe, and maintain high air quality. Those are worthy goals and I am fully committed to them.

However, the Clean Air Act, although well-intentioned is not perfect. After 4 years of implementation, we know that one particular provision of the act is not working. That provision is commonly referred to as ECO—it is the forced carpooling program. Under this provision, States with severe or extreme ozone nonattainment areas must implement a program which forces workers to carpool. There is no flexibility in this mandate. The way it is written on the books, it is simply unworkable, and it is contributing no significant improvements to air quality.

The USEPA has determined that while the forced carpooling program will cost billions of dollars to implement, it produces only minuscule air quality improvements. After that recognition, USEPA indicated its intent not to enforce the forced carpooling program against individual employers.

Further, the States have given up trying to implement this flawed program. In Illinois, after months of making a good-faith effort to implement this program, our Governor finally gave up and told our employers last March that he will not enforce the forced carpooling program in Illinois. He made that decision after it became clear that Illinois businesses alone would be spending $210 million a year to implement a program which was not working. It was not working because Americans do not want to be told they cannot use their own cars to come in early, or to stay late, or to drop their daughter off at preschool on their way to work.

The program has failed nationwide. Several other Governors and State legislatures have joined Illinois' Governor in deciding not to enforce the forced carpooling program.

But State action and EPA intent can only provide partial relief from this mandate.

One of the things I thought was very, very showing in this piece of legislation:

If my colleagues had a small business on the edge of an urban area, suburban area, and they drew their employees from rural areas, they had to decrease their carpooling and riding from 25 percent, notwithstanding those people did not have mass transportation, there is no way to get in to work. It is a program that just did not work, but yet, if my colleagues were in a high school, and they had 1,000 kids in the high school and 100 teachers, the teachers would have to carpool or find another way to work, but yet every kid could drive. It just did not make sense, it did

not work, and this a good piece of legislation to change what does not work.

Mr. BILIRAKIS. Mr. Speaker, I yield 3½ minutes to the gentleman from Pennsylvania [Mr. GREENWOOD].

Mr. GREENWOOD. Mr. Speaker, I rise in strong support of H.R. 325, and I encourage every Member of the House to support this important bipartisan legislation.

The hearings conducted by the House Commerce Committee's Oversight and Investigations Subcommittee, on which I serve, provided us with an important opportunity to identify provisions in the Clean Air Act which were imposing undue hardship and economic costs on the States, businesses, and individual motorists. There was universal agreement that the Employer Trip Reduction [ETR] Program was overly prescriptive and of questionable value in terms of improving overall air quality.

The Employer Trip Reduction Program requires all employers with 100 or more employees in severe or extreme ozone nonattainment areas to reduce work-related vehicle travel by 25 percent.

The Employer Trip Reduction Program is based on the theory that a reduction in the number of employee trips to and from work would result in reduced air emissions from mobile sources. It was assumed by the authors that this reduction in air emissions would, in turn, assist the Nation's most polluted areas in complying with national ambient air quality standards. If these assumptions proved to be true, I would oppose this legislation to repeal the program.

But witness after witness, some of whom have done extensive computer modeling, have made compelling arguments that it is nearly impossible to devise plans which meet the required reductions. Furthermore, EPA's Assistant Administrator for Air and Radiation, Mary Nichols, has stated that the air quality benefits from this program are "minuscule."

In my district, companies have struggled for years and spent millions of dollars to develop plans to comply with the ill-conceived Employer Trip Reduction Program. Nationally, this program has a net social cost of $1.2 to $1.4 billion a year. And for this enormous sum of money, the program would only provide marginal environmental benefits, while imposing real hardships on both employees and employers.

June Barry, vice president of human resources at Betz Laboratories in Trevose, PA, located in my Congressional district, testified in March that:

> Many of our work force are members of dual career families. A significant percentage of our work force goes to school at night to pursue graduate education and undergraduate degrees. Are we responsible in emergency situations dealing with child care and elder care and education and the variety of other problems that people encounter to get the employee to their family when car pools don't work? Since our business is worldwide, the majority of the professional work force cannot leave at a preappointed time, mainly due to customer calls and servicing the customer. What does forcing people into car pools really mean? It means that regardless of whether you have a family obligation, church obligation, night school or a variety of other things that you do to and from work, the Federal Government is going to tell you when you can go to work and when you can leave; that you have to hop into a van pool or a car pool despite your individual needs or obligations * * *.

H.R. 325 makes the ETR program a voluntary program. The States would still have the option of implementing such a program, but this bill would give them the power to develop programs that best meet the needs of their residents.

I commend Chairmen BLILEY, BILIRAKIS, and BARTON, as well as Congressmen MANZULLO and WAXMAN for their efforts, and encourage my colleagues to support this important legislation.

Mr. BILIRAKIS. Mr. Speaker, I yield 1½ minutes to the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. Mr. Speaker, I thank the gentleman from Florida [Mr. BILIRAKIS] for yielding this time to me.

Mr. Speaker, I rise in support of H.R. 325. I am an original cosponsor of this bill which makes the employee commute options or the echo provisions of the Clean Air Act voluntary. H.R. 325 would amend the Clean Air Act which requires States and companies in areas where pollutant levels are designated severe to reduce work-related trips by 25 percent. The Chicago area has been classified by the EPA as an area of severe ozone nonattainment as formulated under the Clean Air Act, although the accuracy, I think, of this particular classification is in question. The echo provisions would have forced employees and employers to limit the amount of trips made by employees, a costly and unproven remedy for the ozone problems. A recent congressional research study estimates that nationwide the echo efforts have cost $1.2 billion per year, and yet the annual reductions in emissions attributable to these programs have been less than 1 percent.

The legislation, as approved by the House Committee on Commerce includes an amendment which requires States who choose not to participate in the ECO program, to submit in writing to the Environmental Protection Agency alternative methods it will use to achieve emission reductions that are equivalent to those in the trip-reduction program. In this way, the bill allows maximum flexibility for the States, without compromising air quality.

Mr. Speaker, I would like to thank the gentleman from Illinois [Mr. MANZULLO] for his tenacity and his leadership on this issue. I have been an active participant in a coalition of business groups, other Members of Congress, Governors, and interested parties who studied this problem from the beginning to find a workable solution. I am pleased to see the House consideration of this bill, a perfect candidate for corrections day. I strongly support H.R. 325, and urge a "yea" vote on this legislation.

Mr. BILIRAKIS. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. COX].

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

Mr. Speaker, I rise, as well, in strong support of H.R. 325. I too am an original cosponsor, and as vice chairman of the Subcommittee on Oversight and Investigations of the Committee on Commerce, we have had 12 hearings on the Clean Air Act, and we have heard repeatedly testimony in support of this commonsense reform and opposed to continuing this unfunded and ineffective mandate.

We ought to call H.R. 325 the Victory for Common Sense Act, because the truth is it relies on our native common sense. The ability to reason, to learn from experience, is what distinguishes human beings from other life forms. If you are doing the same thing over and over again, and you continue to get no results but you continue to waste money in the process, it is time to learn from that experience. It is time to stop and do things a better, a different, another way.

That is what we are setting out to do here today. It is not just the waste of money, yielding no results for businesses that we are worried about. It is the waste of money for our schools, for almost everyone whose employees drive to work.

Listen to some of the comments that we have received from school districts in southern California. The Tustin Unified School District was forced to spend $73,000 for their ride-sharing plan for teachers that did not work.

Another school district wrote: "The mandatory trip reduction plan has been very costly to us. It has diverted already scarce funds away from the education of children, from classroom use," to support a program that does not work.

The Capistrano Unified School District said: "The additional financial hardships we are facing make this mandated program extremely detrimental to meet the educational needs of the children in our districts."

McDonnell Douglas, a big employer of the kind that we have been hearing about on the floor today, tried in earnest to get this Federal mandate to work. They spent millions of dollars training employee coordinators, providing direct financial incentives to

workers so they would car pool. They bought bicycles. They built showers and locker rooms so employees could bike, run, or walk to work. None of this, even hosting ride-share events, made even a dent in the average vehicle occupancy rate of their employees.

Today we are saying enough; enough to the vast expense that in California, under our similar program, was costing $200 million a year. Let us spend this money on the education of students. Let us spend it on employee wages. Let us spend it on other efforts to clean up our air that really work.

I congratulate the chairman, the gentleman from Florida [Mr. BILIRAKIS], and the other Members who have brought this legislation to the floor. I look forward to a swift vote on passage.

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 yield 3 minutes to the gentleman from Indiana [Mr. MCINTOSH].

Mr. MCINTOSH. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of this bill. The gentleman from Illinois [Mr. MANZULLO] has done a very good job of correcting one of the problems we have seen in the Clean Air Act. My experience in reviewing various Clean Air Act regulations stems from my work with Vice President Quayle's Competitiveness Council, and then as a Member of Congress looking at that act and saying, do the regulations that are required there make sense; do they use common sense in trying to reach a goal that we all share of having cleaner air in this country?

This regulation, the trip reduction mandate, or what I think of as mandatory carpooling, does not make sense on that commonsense basis. It is extremely costly, anywhere from $1.2 to $1.6 billion to implement, and provides very little benefits in terms of cleaner air for some of the country's areas where we have the most difficulty with air pollution.

I think there are a lot of alternative approaches that have been thought about by the agency, the Environmental Protection Agency, by citizens working on this area. One of the most creative ones is a project that we worked with at the Competitiveness Council called Cash for Klunkers, where the studies showed that older cars actually produced a vast, disproportionate amount of the air pollution in our cities, and if we could pay a bonus for taking those older cars off of our freeways, we could go a lot further in reaching the goal of cleaner air.

Those innovative ideas, frankly, are not possible if we have to devote an enormous amount of our resources in meeting this regulation that provides very little benefit for the environment. I commend the chairman of the committee on his work for this corrections bills. I commend the gentleman from Illinois [Mr. MANZULLO] for his work in taking the leadership in introducing the bill, and I want to urge my colleagues in the House to vote "yes" on H.R. 325.

Mr. STARK. Mr. Speaker, I would like to compliment the chairman and the ranking member of the Commerce Committee's Health and Environment Subcommittee, Mr. BILIRAKIS and Mr. WAXMAN, for bringing H.R. 325 to the floor today.

This legislation gives greater reign to local authorities in determining how best to meet pollution standards. H.R. 325, a balance has been struck between providing greater flexibility while maintaining the commitment to achieving the federal goals.

If the author of H.R. 325, Mr. MANZULLO of Illinois, had come to the floor with a bill that provided flexibility to States but eliminated the Federal standards of performance, there would not be the bipartisan support you see today.

There is a consensus across America that the days of polluted skies should be no more. There is a recognition by citizens across America that what occurs in one State impacts the quality of life in another State.

I am puzzled that in other areas of Federal policy where a national consensus is as strong, the new Majority has taken a different approach. I believe we can learn something from the approach taken in H.R. 325 and carry it to other areas of vital importance to Americans.

I'd like to take just a couple of minutes to do just that—highlight how the example of H.R. 325 can be instructive for legislating in other areas of vital importance to Americans.

The Republican plan for Medicaid provides the greatest contrast in approach to H.R. 325. Flexibility for States abounds. Standards are absent. Rather than maintain the Federal guarantee for Americans of very modest means to a set of health care benefits, under the guise of State flexibility Republicans remove any semblance of accountability.

Republicans intend to send checks to the States totaling $790 billion over the next 7 years with little-to-no requirements on how States must perform. This is in contrast to the structure of H.R. 325 which provides flexibility but maintains standards of performance.

For $790 billion in taxpayer money, it would seem reasonable to require States to guarantee health insurance coverage to low-income Americans.

Does the Republican Medicaid plan guarantee that all kids that live in poverty have comprehensive health insurance coverage? No. Does the Republican Medicaid plan guarantee that the Medicare Part B premiums of low-income senior citizens are paid? No. Does the Republican Medicaid plan guarantee a nursing home bed to those who are entitled today? No. Does the Republican Medicaid plan continue the guarantee of coverage for Medicare-related copayments and deductibles for poor seniors? No. Does the Republican Medicaid plan require States to provide even just one person a comprehensive package of health insurance benefits, something equivalent to what they as Members of Congress receive? No.

Why not apply the model of H.R. 325? Why not hold States accountable? Why shouldn't we guarantee American taxpayers that their taxes will be spent as promised?

H.R. 325 requires that an equivalent level of emission reductions be achieved. The Republican Medicaid plan does not require an equivalency of performance. This difference in standards is not trivial.

The Urban Institute predicts that 4 to 9 million Americans will lose health insurance coverage because of the Republican Medicaid plan. Consumers Union, the publishers of Consumers Reports, has estimated that 395,000 nursing home residents are likely to lose Medicaid payment for their care next year if the Republican Medicaid plan is approved. The Council on the Economic Impact of Health Care Reform—a panel of respected health economists—found that that the uninsured rolls will soar to over 66 million Americans, or one-in-four Americans, under the Republican plans. This is a 70-percent increase in the number of uninsured Americans over today's level.

H.R. 325 extends flexibility in meeting national goals; it does not eliminate them. Likewise, flexibility for States in meeting the health care needs of low-income Americans should not be used as a cover to shred the national commitment to a health care safety net.

While the guarantee to coverage is explicitly eliminated under the Republican Medicaid bill, I'd argue that the spending for Medicaid isn't enough to meet the national commitment either.

I believe that a per person growth rate of under 2 percent isn't wise. It's rationing. Members of Congress would never inflict that type of constraints on their own health care spending. In fact they don't. Under the Republican budget, taxpayer spending for their health insurance will increase right along with health care inflation.

But whatever the amount of health care spending, we should hold States accountable for how they spend the money we give them. As with H.R. 325, there must be accountability.

The balance struck in H.R. 325 between providing broader flexibility to States at the same time requiring that national goals be met should apply to other initiatives as well, like Medicaid. If Republicans tried this approach, they might find themselves with the support of Congressional Democrats. And instead of having their Medicaid bill vetoed, they'd have the support of President Clinton.

Mr. ARCHER. Mr. Speaker, today is a chance for the House to loosen one knot in the woven, tangled mess called the Clean Air Act Amendments of 1990. The employee trip reduction plan for implementation is a costly and confusing mandate that only benefits the argument for regulatory reform and cost/benefit analysis.

Of course I support efforts to reduce pollution, as do the employers and employees of my district. But what I cannot support is an inflexible, ineffective and impractical requirement such as the employee trip reduction plan. It makes no sense to demand compliance with a plan that promises less than a 1-percent reduction in emissions, and guarantees a much larger increase in headaches.

In a city the geographical size of Houston, it is naive to assume public transportation and carpooling are the most practical options for reducing auto emissions. I have heard hundreds of complaints from my constituents who must face a disruption of their work routines and compromise the quality of their private lives to comply with this impotent regulation. H.R. 325 will give States the chance to create programs that suit their communities and still achieve air quality standards.

There are smarter ways for us to reach a common goal of cleaner air. It is imperative, though, that each State decide what is most practical and more importantly, most effective.

Mr. CRANE. Mr. Speaker, I rise today in strong support of H.R. 325 for a number of reasons. But before, I elaborate on them, let me congratulate my Illinois colleague, Mr. MANZULLO, on introducing this bill and for the determined efforts he has made on its behalf. Also, I wish to express my appreciation to the members of the Commerce Committee, and its Health and Environment Subcommittee in particular, for making today's consideration of H.R. 325 possible.

This is a measure whose time has long since come. However well intentioned, the employee commute reduction program, better known as the ECO Program, would do more harm than good. Based on prior analysis and experience, about the best that could be expected from such an approach is a 2–3 percent reduction in auto emissions, with 1 percent being a more likely figure. Not only that, but the cost of effecting such a minimal reduction in air pollution is very high. In the Chicago area, for instance, it has been estimated that implementation of the ECO Program would cost more than $200 million annually. For all 11 severe ozone nonattainment areas nationwide, the cost of implementing ECO has been pegged at $1.2–$1.4 billion a year by the Environmental Protection Agency.

If money grew on trees or materialized out of thin air, it might be possible to overlook such financial considerations. But when a severe nonattainment area such as Chicago has to reduce its ozone levels by 65 percent, it is difficult, if not impossible, to justify investing so heavily in an effort that will achieve such a small fraction of that amount. Not only that, but the imposition of such costs of employers—an unfunded mandate if there ever was one—could prompt them to relocate to other areas of the country. In that event, some Chicago area workers could find themselves out of more than just a parking place at work; they could be out of job as well.

Nor is that all that would be lost. Gone are the days when, in most American families, one parent stayed at home and was in a position to handle any child care or other emergencies that might arise during the course of the work day. Now we live in an era when working parents need to be able to get home quickly should any of their children get sick or run into trouble at school or at the neighborhood child care center. Federally mandated carpooling not only deprives them of that capability but it leaves them at risk if their job requires overtime and/or unexpected evening work. Finally, the investment of time and effort into arranging carpools or other commuting alternatives could be better directed towards pollution reduction programs having far greater potential for bringing about the desired improvements in air quality.

However, all is not lost. By adopting the bill before us today, we can move away from the Federal Government telling people in certain areas how they should get to and from work and focus instead on the most effective means of reducing ozone levels and achieving compliance with existing air quality standards.

As reported by the Commerce Committee, H.R. 325 would enable us to do just that. If enacted into law, this measure would allow States having severe ozone nonattainment areas to determine for themselves whether to undertake an ECO program. However, a State deciding against the ECO approach would be obliged to identify and implement alternatives that would be at least as effective in reducing emissions. In short, States will be given more freedom to carry out their air pollution control responsibilities. But that does not mean that they will have any less of an obligation to comply with the standards and deadlines established by the Clean Air Act.

Mr. Speaker, H.R. 325 is a good, commonsense bill which is not just timely but long overdue. I urge my colleagues to give it their support.

Mrs. KELLY. Mr. Speaker, I rise in strong support of H.R. 325, legislation to make optional the Employee Commute Option [ECO] trip reduction program.

The dilemma facing Zierick Manufacturing Corp. is possibly the best reason why we should pass H.R. 325.

Zierick Manufacturing Corp. is a small manufacturer of electronic connectors and assembly equipment located in Mount Kisco in northern Westchester County, NY. With over 120 employees, they are faced with the impossible task of complying with the Employee Commute Options program.

Part of the problem is the limited availability of public transportation. In addition, the train station and the nearest bus stop are over a mile from the factory. If the employee took a cab from the station to the factory, under the regulations developed by New York State to comply with this Federal mandate, the 1-mile cab ride would be counted as if the employee drove the entire distance from home. In other words, the employee could ride a train for 50 miles, but the cab ride from the train station would be the mode of travel counted under the formula used to calculate employee trips.

Ridesharing opportunities are limited in Mount Kisco, and since Zierick employees are spread out over 12 counties in 3 States, carpools are difficult to form. Zierick is a manufacturing facility, so telecommuting is not an option.

Zierick Manufacturing is clearly faced with a set of circumstances which prevent it from complying with the law, and yet the regulations allow for no flexibility in these situations. As a result, the company presently faces fines of $43,800 per year.

Ms. Gretchen Zierick, the company's corporate secretary, has indicated that their plans for future growth will be directly affected by this legislation.

Mr. Harold Vogt, the chairman and CEO of the Westchester County Chamber of Commerce, wrote to me recently and put this issue into perspective:

In the last five years, Westchester County has suffered enough as we've seen 40,000 jobs leave our county. The Employee Trip Reduction/Employee Commute Option Mandate gives businesses just one more reason to look elsewhere when making plans to grow. Similarly, businesses looking to relocate to our county may well think twice about moving here. We cannot afford any more disincentives to reviving Westchester's economy. We need relief from this costly and inefficient mandate.

Mr. Chairman, our support for H.R. 325 will send Zierick Manufacturing in Westchester County and the approximately 28,000 other employers around the country affected by the ECO mandate a clear message that we care about their future, and we care about creating jobs. I urge my colleagues to pass this bill.

Thank you, Mr. Chairman.

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

The SPEAKER pro tempore (Mr. EWING). Pursuant to the rule, the previous question is ordered.

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

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

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and (three-fifths having voted in favor thereof) the bill 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. 325.

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

There was no objection.

COMMUNICATION FROM THE CHAIRMAN OF THE DEMOCRATIC CAUCUS

The SPEAKER pro tempore (Mr. EWING) laid before the House the following communication from the Honorable VIC FAZIO, chairman of the Democratic Caucus.

Hon. NEWT GINGRICH,
Speaker of the House, U.S. Capitol.

DEAR MR. SPEAKER: This letter is to inform you that Jimmy Hayes is no longer a Member of the House Democratic Caucus.

Sincerely,

VIC FAZIO,
Chairman.

COMMUNICATION FROM THE SPEAKER OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Honorable NEWT GINGRICH, Speaker of the House of Representatives:

DECEMBER 12, 1995.

Hon. BUD SHUSTER,
Chairman, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: This is to advise you that Representative James A. Hayes' election to the Committee on Transportation and Infrastructure has been automatically vacated pursuant to clause 6(b) of rule X, effective today.

Sincerely,

NEWT GINGRICH.

COMMUNICATION FROM THE SPEAKER OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Honorable NEWT GINGRICH, Speaker of the House of Representatives:

DECEMBER 12, 1995.

Hon. ROBERT S. WALKER,
Chairman, Committee on Science, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: This is to advise you that Representative James A. Hayes' appointment to the Committee on Science has been automatically vacated pursuant to clause 6(b) of rule X, effective today.

Sincerely,

NEWT GINGRICH.

COMMUNICATION FROM THE HONORABLE HENRY A. WAXMAN, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable HENRY A. WAXMAN, Member of Congress:

DECEMBER 7, 1995.

Hon. NEWT GINGRICH,
The Speaker of the House, Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that my office has been served with a subpoena issued by the Los Angeles County Superior Court.

After consultation with the General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

HENRY A. WAXMAN,
Member of Congress.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

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

FEDERALLY SUPPORTED HEALTH CENTERS ASSISTANCE ACT OF 1995

Mr. BILIRAKIS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1747) to amend the Public Health Service Act to permanently extend and clarify malpractice coverage for health centers, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1747

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

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "Federally Supported Health Centers Assistance Act of 1995".

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act.

SEC. 2. PERMANENT EXTENSION OF PROGRAM.

(a) IN GENERAL.—Section 224(g)(3) (42 U.S.C. 233(g)(3)) is amended by striking the last sentence.

(b) CONFORMING AMENDMENTS.—Section 224(k) (42 U.S.C. 233(k)) is amended—

(1) in paragraph (1)(A)—

(A) by striking "For each of the fiscal years 1993, 1994, and 1995" and inserting "For each fiscal year"; and

(B) by striking "(except" and all that follows through "thereafter)"; and

(2) in paragraph (2), by striking "for each of the fiscal years 1993, 1994, and 1995" and inserting "for each fiscal year".

SEC. 3. CLARIFICATION OF COVERAGE.

Section 224 (42 U.S.C. 233) is amended—

(1) in subsection (g)(1), by striking "an entity described in paragraph (4)" in the first sentence and all that follows through "contractor" in the second sentence and inserting the following: "an entity described in paragraph (4), and any officer, governing board member, or employee of such an entity, and any contractor of such an entity who is a physician or other licensed or certified health care practitioner (subject to paragraph (5)), shall be deemed to be an employee of the Public Health Service for a calendar year that begins during a fiscal year for which a transfer was made under subsection (k)(3) (subject to paragraph (3)). The remedy against the United States for an entity described in paragraph (4) and any officer, governing board member, employee, or contractor"; and

(2) in subsection (k)(3), by inserting "governing board member," after "officer,".

SEC. 4. COVERAGE FOR SERVICES FURNISHED TO INDIVIDUALS OTHER THAN CENTER PATIENTS.

Section 224(g)(1) (42 U.S.C. 233(g)) is amended—

(1) by redesignating paragraph (1) as paragraph (1)(A); and

(2) by adding at the end thereof the following:

"(B) The deeming of any entity or officer, governing board member, employee, or contractor of the entity to be an employee of the Public Health Service for purposes of this section shall apply with respect to services provided—

"(i) to all patients of the entity, and

"(ii) subject to subparagraph (C), to individuals who are not patients of the entity.

"(C) Subparagraph (B)(ii) applies to services provided to individuals who are not patients of an entity if the Secretary determines, after reviewing an application submitted under subparagraph (D), that the provision of the services to such individuals—

"(i) benefits patients of the entity and general populations that could be served by the entity through community-wide intervention efforts within the communities served by such entity;

"(ii) facilitates the provision of services to patients of the entity; or

"(iii) are otherwise required under an employment contract (or similar arrangement) between the entity and an officer, governing board member, employee, or contractor of the entity.".

SEC. 5. APPLICATION PROCESS.

(a) APPLICATION REQUIREMENT.—Section 224(g)(1) (42 U.S.C. 233(g)(1)) (as amended by section 4) is further amended—

(1) in subparagraph (A), by inserting after "For purposes of this section" the following: "and subject to the approval by the Secretary of an application under subparagraph (D)"; and

(2) by adding at the end thereof the following:

"(D) The Secretary may not under subparagraph (A) deem an entity or an officer, governing board member, employee, or contractor of the entity to be an employee of the Public Health Service for purposes of this section, and may not apply such deeming to services described in subparagraph (B)(ii), unless the entity has submitted an application for such deeming to the Secretary in such form and such manner as the Secretary shall prescribe. The application shall contain detailed information, along with supporting documentation, to verify that the entity, and the officer, governing board member, employee, or contractor of the entity, as the case may be, meets the requirements of subparagraphs (B) and (C) of this paragraph and that the entity meets the requirements of paragraphs (1) through (4) of subsection (h).

"E) The Secretary shall make a determination of whether an entity or an officer, governing board member, employee, or contractor of the entity is deemed to be an employee of the Public Health Service for purposes of this section within 30 days after the receipt of an application under subparagraph (D). The determination of the Secretary that an entity or an officer, governing board member, employee, or contractor of the entity is deemed to be an employee of the Public Health Service for purposes of this section shall apply for the period specified by the Secretary under subparagraph (A).

"(F) Once the Secretary makes a determination that an entity or an officer, governing board member, employee, or contractor of an entity is deemed to be an employee of the Public Health Service for purposes of this section, the determination shall be final and binding upon the Secretary and the Attorney General and other parties to any civil action or proceeding. Except as provided in subsection (i), the Secretary and the Attorney General may not determine that the provision of services which are the subject of such a determination are not covered under this section.

"(G) In the case of an entity described in paragraph (4) that has not submitted an application under subparagraph (D):

"(i) The Secretary may not consider the entity in making estimates under subsection (k)(1).

"(ii) This section does not affect any authority of the entity to purchase medical malpractice liability insurance coverage with Federal funds provided to the entity under section 329, 330, 340, or 340A.

"(H) In the case of an entity described in paragraph (4) for which an application under subparagraph (D) is in effect, the entity may, through notifying the Secretary in writing, elect to terminate the applicability of this subsection to the entity. With respect to such election by the entity:

"(i) The election is effective upon the expiration of the 30-day period beginning on the date on which the entity submits such notification.

"(ii) Upon taking effect, the election terminates the applicability of this subsection to the entity and each officer, governing board member, employee, and contractor of the entity.

"(iii) Upon the effective date for the election, clauses (i) and (ii) of subparagraph (G) apply to the entity to the same extent and in the same manner as such clauses apply to an entity that has not submitted an application under subparagraph (D).

"(iv) If after making the election the entity submits an application under subparagraph (D), the election does not preclude the Secretary from approving the application (and thereby restoring the applicability of this subsection to the entity and each officer, governing board member, employee, and contractor of the entity, subject to the provisions of this subsection and the subsequent provisions of this section.".

(b) APPROVAL PROCESS.—Section 224(h) (42 U.S.C. 233(h)) is amended—

(1) in the matter preceding paragraph (1), by striking "Notwithstanding" and all that follows through "entity—" and inserting the following: "The Secretary may not approve an application under subsection (g)(1)(D) unless the Secretary determines that the entity—"; and

(2) by striking "has fully cooperated" in paragraph (4) and inserting "will fully cooperate".

(c) DELAYED APPLICABILITY FOR CURRENT PARTICIPANTS.—If, on the day before the date of the enactment of this Act, an entity was deemed to be an employee of the Public Health Service for purpose of section 224(g) of the Public Health Service Act, the condition under paragraph (1)(D) of such section (as added by subsection (a) of this section) that an application be approved with respect to the entity does not apply until the expiration of the 180-day period beginning on such date.

SEC. 6. TIMELY RESPONSE TO FILING OF ACTION OR PROCEEDING.

Section 224 (42 U.S.C. 233) is amended by adding at the end thereof the following subsection:

"(l)(1) If a civil action or proceeding is filed in a State court against any entity described in subsection (g)(4) or any officer, governing board member, employee, or any contractor of such an entity for damages described in subsection (a), the Attorney General, within 15 days after being notified of such filing, shall make an appearance in such court and advise such court as to whether the Secretary has determined under subsections (g) and (h), that such entity, officer, governing board member, employee, or contractor of the entity in deemed to be an employee of the Public Health Service for purposes of this section with respect to the actions or omissions that are the subject of such civil action or proceeding. Such advice shall be deemed to satisfy the provisions of subsection (c) that the Attorney General certify that an entity, officer, governing board member, employee, or contractor of the entity was acting within the scope of their employment or responsibility.

"(2) If the Attorney General fails to appear in State court within the time period prescribed under paragraph (1), upon petition of any entity or officer, governing board member, employee, or contractor of the entity named, the civil action or proceeding shall be removed to the appropriate United States district court. The civil action or proceeding shall be stayed in such court until such court conducts a hearing, and makes a determination, as to the appropriate forum or procedure for the assertion of the claim for damages described in subsection (a) and issues an order consistent with such determination.".

SEC. 7. APPLICATION OF COVERAGE TO MANAGED CARE PLANS.

Section 224 (42 U.S.C. 223) (as amended by section 6) is amended by adding at the end thereof the following subsection:

"(m)(1) An entity or officer, governing board member, employee, or contractor of an entity described in subsection (g)(1) shall, for purposes of this section, be deemed to be an employee of the Public Health Service with respect to services provided to individuals who are enrollees of a managed care plan if the entity contracts with such managed care plan for the provision of services.

"(2) Each managed care plan which enters into a contract with an entity described in subsection (g)(4) shall deem the entity and any officer, governing board member, employee, or contractor of the entity as meeting whatever malpractice coverage requirements such plan may require of contracting providers for a calendar year if such entity or officer, governing board member, employee, or contractor of the entity has been deemed to be an employee of the Public Health Service for purposes of this section for such calendar year. Any plan which is found by the Secretary on the record, after notice and an opportunity for a full and fair hearing, to have violated this subsection shall upon such finding cease, for a period to be determined by the Secretary, to receive and to be eligible to receive any Federal funds under title XVIII or XIX of the Social Security Act.

"(3) For purposes of this subsection, the term 'managed care plan' shall mean health maintenance organizations and similar entities that contract at-risk with payors for the provision of health services or plan enrollees and which contract with providers (such as entities described in subsection (g)(4)) for the delivery of such services to plan enrollees.".

SEC. 8. COVERAGE FOR PART-TIME PROVIDERS UNDER CONTRACTS.

Section 224(g)(5)(B) (42 U.S.C. 223(g)(5)(B)) is amended to read as follows:

"(B) in the case of an individual who normally performs an average of less than 32½ hours of services per week for the entity for the period of the contract, the individual is a licensed or certified provider of services in the fields of family practice, general internal medicine, general pediatrics, or obstetrics and gynecology.".

SEC. 9. DUE PROCESS FOR LOSS OF COVERAGE.

Section 224(i)(1) (42 U.S.C. 233(i)(1)) is amended by striking "may determine, after notice and opportunity for a hearing" and inserting "may on the record determine, after notice and opportunity for a full and fair hearing".

SEC. 10. AMOUNT OF RESERVE FUND.

Section 224(k)(2) (42 U.S.C. 223(k)(2)) is amended by striking "$30,000,000" and inserting "$10,000,000".

SEC. 11. REPORT ON RISK EXPOSURE OF COVERED ENTITIES.

Section 224 (as amended by section 7) is amended by adding at the end thereof the following subsection:

"(n)(1) Not later than one year after the date of the enactment of the Federally Supported Health Centers Assistance Act of 1995, the Comptroller General of the United States shall submit to the Congress a report on the following:

"(A) The medical malpractice liability claims experience of entities that have been deemed to be employees for purposes of this section.

"(B) The risk exposure of such entities.

"(C) The value of private sector risk-management services, and the value of risk-management services and procedures required as a condition of receiving a grant under section 329, 330, 340, or 340A.

"(D) A comparison of the costs and the benefits to taxpayers of maintaining medical malpractice liability coverage for such entities pursuant to this section, taking into account—

"(i) a comparison of the costs of premiums paid by such entities for private medical malpractice liability insurance with the cost of coverage pursuant to this section; and

"(ii) an analysis of whether the cost of premiums for private medical malpractice liability insurance coverage is consistent with the liability claims experience of such entities.

"(2) The report under paragraph (1) shall include the following:

"(A) A comparison of—

"(i) an estimate of the aggregate amounts that such entities (together with the officers, governing board members, employees, and contractors of such entities who have been deemed to be employees for purposes of this section) would have directly or indirectly paid in premiums to obtain medical malpractice liability insurance coverage if this section were not in effect; with

"(ii) the aggregate amounts by which the grants received by such entities under this Act were reduced pursuant to subsection (k)(2).

"(B) A comparison of—

"(i) an estimate of the amount of privately offered such insurance that such entities (together with the officers, governing board members, employees, and contractors of such entities who have been deemed to be employees for purposes of this section) purchased during the three-year period beginning on January 1, 1993; with

"(ii) an estimate of the amount of such insurance that such entities (together with the officers, governing board members, employees, and contractors of such entities who have been deemed to be employees for purposes of this section) will purchase after the date of the enactment of the Federally Supported Health Centers Assistance Act of 1995.

"(C) An estimate of the medical malpractice liability loss history of such entities for the 10-year period preceding October 1, 1996, including but not limited to the following:

"(i) Claims that have been paid and that are estimated to be paid, and legal expenses to handle such claims that have been paid and that are estimated to be paid, by the Federal Government pursuant to deeming entities as employees for purposes of this section.

"(ii) Claims that have been paid and that are estimated to be paid, and legal expenses to handle such claims that have been paid and that are estimated to be paid, by private medical malpractice liability insurance.

"(D) An analysis of whether the cost of premiums for private medical malpractice liability insurance coverage is consistent with the liability claims experience of entities that have been deemed as employees for purposes of this section.

"(3) In preparing the report under paragraph (1), the Comptroller General of the United States shall consult with public and private entities with expertise on the matters with which the report is concerned.".

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, the intent of the original Federally Supported Health Centers Assistance Act passed in 1993 was to relieve health centers of the burdensome costs of private malpractice insurance by extending Federal Tort Claims Act coverage to health center employees. The funds saved on these premiums could then be used to provide health care to additional individuals. H.R. 1747 extends current law and enables these health centers to maximize their Federal dollars and provide health care service to more people.

Based upon the current statute, 542 health centers have been approved for FTCA coverage. However, because final regulations were not issued until May 8, 1995 the program has not been fully implemented. This lengthy period of uncertainty regarding the law's scope has made it necessary for many health centers to continue their private malpractice coverage. Despite this delay, 119 health centers have reportedly saved $14.3 million because they have been able to drop private malpractice coverage for one or more of their clinicians.

The amendment before us would make the FTCA coverage permanent. The amendment also clarifies that participation in the FTCA is at the option of the health center and is not mandatory. It also modifies a study of the program so that a true cost-benefit analysis of the program will be done. This amendment was crafted with input from a bipartisan group of Members, the community health centers, and insurance agents who sell private malpractice insurance. I believe this amendment satisfies everyone's objectives for this legislation.

I urge my colleagues to join me in supporting H.R. 1747.

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 this legislation that would extend the law that allows the community health centers to take advantage of the Federal Tort Claims Act coverage. That will mean and has meant for a number of these community health centers that they will not have to use their scarce resources to go out and buy a private medical malpractice insurance policy, since they will be covered by the Federal law, the same as any other Federal agency would under the circumstances.

This legislation was authored originally by the gentleman from Oregon, Mr. WYDEN, and coauthored by the gentlewoman from Connecticut, Mrs. NANCY JOHNSON. It has worked well, and the bill before us would be to extend the legislation to be able to work in the future.

Mr. Speaker, I support the legislation and urge all our colleagues to support it as well.

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

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman again for his cooperation regarding this legislation, and I yield such time as she may consume to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank my colleague, the gentleman from Florida [Mr. BILIRAKIS], for his leadership on this issue and for his help in working out the amendment that has made it possible for this bill to offer this program on a permanent basis. He has always been a strong supporter and advocate of community health centers, and I appreciate the gentleman's good help.

I also appreciate the support of my colleague, the gentleman from California, Mr. WAXMAN, his longtime support and hard work on the legislation governing our community health centers, and want to acknowledge the work of my colleague, the gentleman from Oregon, Mr. RON WYDEN, on this issue. He and I introduced the original legislation 3 years ago, which was heavy lifting, as we say in this body, and we are very pleased that this is before us today to make this program permanent. While he cannot be with us at this time, I want to commend the hard work and the real dedication of the gentleman from Oregon [Mr. WYDEN] to ensuring that the important health services that these centers provide are there for people in America.

Mr. Speaker, H.R. 1747, the federally supported Health Centers Assistance Act of 1995, makes permanent, at no additional cost to taxpayers, a highly successful demonstration project offering malpractice coverage for the Nation's community, migrant, and homeless citizens under the Federal Tort Claims Act.

H.R. 1747 will ensure that the maximum amount of the limited Federal funds supporting health centers are spent to provide quality patient care and services, rather than to pay for malpractice insurance premiums. The limited demonstration project saved health centers millions of dollars on malpractice insurance expenses over the past 2 years, allowing health centers to offer their services to an additional 75,000 patients. Federally supported health centers are nonprofit providers of health care to America's medically underserved. They serve the working poor, the uninsured, Medicare and Medicaid recipients, as well as high-risk and vulnerable populations.

Today health centers provide cost-effective primary and preventive care to over 8.8 million people nationwide. Health centers are public-private partnerships, funded in part by grants under the Public Health Service Act, which enable health centers to employ health care professionals and operate over 2,200 health service delivery sites throughout our cities and towns.

Private malpractice insurance has been a significant expense for these nonprofit centers. Prior to the FDCA coverage bill, health centers spent $40 billion annually of their grant funds for private malpractice insurance, yet they had very few claims. By permanently extending coverage for health centers under the FDCA, Congress will enable health centers to use more of their scarce Federal dollars for patient care instead of for malpractice premiums. For each $10 million saved in funds, health centers can serve an additional 100,000 patients with quality care.

Mr. speaker, I am proud to have supported legislation ensuring that standards for health centers ranked among the highest in terms of certification, quality care, and accountability.

□ 1545

These health centers have a remarkably low incidence of malpractice claims.

Since the fall of 1993, only 30 claims have been filed against the 545 health centers approved for FTCA coverage, a rate consistent with the low rate of claims filed against health centers under private insurance.

More than ever, America's health centers have growing responsibilities for the provision of health care to medically underserved populations and communities, yet your support for the permanent extension of FTCA malpractice coverage for health centers will enable health centers to make cost-effective use of limited Federal grant funds, and I urge the support of my colleagues for this legislation.

Mr. YOUNG of Alaska. Mr. Speaker, I thank the gentlewoman for her terrific leadership in this regard.

GENERAL LEAVE

Mr. YOUNG of Alaska. 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. 1747.

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

There was no objection.

Mr. WYDEN. Mr. Speaker, I wish to express my strong support for H.R. 1747, the Federally Supported Health Centers Assistance Act of 1995. I would like to thank members on both sides of the aisle, including Representative BILIRAKIS, Representative WAXMAN, and Representative FRANK for their unflagging support and assistance in moving this important piece of legislation through the House. In particular, I wish to thank Representative NANCY JOHNSON of Connecticut for her years of work and commitment on this bill. She is a true friend of community health centers and has been an outstanding partner in our fight for smarter Government. As always, it was a joy to work with her.

I think we all realize that the Federal Government has to work harder to squeeze every last ounce of service out of each taxpayer dollar allocated to health care. That's exactly what this program accomplishes.

This legislation will be a shot in the arm to struggling community health centers [CHC's]. The bill allows CHC's to reallocate desperately needed health care dollars from the coffers of private medical malpractice insurance companies to direct services for hundreds thousands more poor and rural Americans. Additionally, it will ensure that American taxpayers get the biggest bang for their buck.

When Representative JOHNSON and I first introduced this legislation in 1991, community health centers were paying $58 million a year, most of which came out of their Federal grant fund for medical malpractice insurance—while they only generated about $4 million a year in claims.

Roughly $54 million dollars, allocated by the Federal Government for health care services for poor and rural Americans, was not going for services, but was going as pure profit to large insurance corporations. It seemed to myself and Mrs. JOHNSON that there had to be a better way.

What we discovered was that Federal employees, including health care providers at the Veterans Administration, Department of Defense, and Indian Health Service, are covered by the Federal Tort Claims Act [FTCA] instead of by private insurers. It seemed only natural that community health centers, which receive a substantial sum of their operating budget from the Federal Government and which are strictly regulated by the Department of Health and Human Services, should also be included under this program.

The original Federally Supported Health Centers Assistance Act set up a fund, under the FTCA, to which a portion of the grants for community health centers would be allocated. To date, only 15 claims have been filed against health centers under the FTCA and none of the $11 million set-aside to be expended for coverage of such has been expended.

In fact, since the enactment of this bill in late 1992, coverage under the FTCA has saved community health centers an estimated $14.3 million, allowing about 75,000 more patients to be served.

H.R. 1747 reauthorizes the Federally Supported Health Centers Assistance Act permanently and clarifies portions of the original legislation. In particular, it ensures that doctors who have to do shared call are covered. These are doctors in rural or poor urban communities who all have to share duties at the local hospital.

The legislation also ensures that part-time doctors who work for health centers are covered under the FTCA, and it clarifies that FTCA coverage may apply in managed care arrangements with health centers.

Time is of the essence with this reauthorization. Since the final regulations for this program were not issued until May of this, many community health centers are waiting before they drop their private malpractice coverage to see if this act is reauthorized.

For those 119 health centers that are now covered under the FTCA, the situation is more urgent. If this bill is not reauthorized, they will have to start purchasing expensive private malpractice insurance in the next couple weeks to ensure that they are not left without coverage next year.

In Oregon, the passage of H.R. 1747 will mean a number of health centers will finally feel comfortable dropping their private malpractice insurance. At La Clinica Del Valle in Phoenix, OR, the health center will have as much as $20,000 more to spend on patients—meaning they can serve at least 250 patients. Next year, when they move to a new facility, they will save $40,000 or the equivalent of a part-time doctor—and be able to serve 500 more patients. At the Salud Medical Center in Woodburn, OR, reauthorizing this program will mean that the center will have at a minimum $10,000 more to spend on serving patients.

At the West Salem Clinic in Salem, OR, with the savings from this program, they will be able to hire a part-time nurse practitioner, and the head of the center estimates that this will mean they will be able to take 2,100 more visits from people in the area—or serve about 700 more patients. At the Southeastern Rural Health Network in Chiloquin, OR, the savings will mean the center can repair a leaking roof and build a wheelchair ramp so that handicapped people can enter the clinic to visit the doctor.

It seems to me that this legislation is a prime example of how we can work together, on a bipartisan basis, to come up with creative, cost-effective solutions, to provide people with more medical assistance and to effectively use American's hard-earned tax dollars. Again, I thank the Members who have helped with this important piece of legislation, and urge its speedy approval.

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

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

The SPEAKER pro tempore (Mr. EWING). 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. 1747, 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.

TRINITY RIVER BASIN FISH AND WILDLIFE MANAGEMENT REAUTHORIZATION ACT OF 1995

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2243) to amend the Trinity River Basin Fish and Wildlife Management Act of 1984, to extend for 3 years the availability of moneys for the restoration of fish and wildlife in the Trinity River, and for other purposes, as amended.

The Clerk read, as follows:

H.R. 2243

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 "Trinity River Basin Fish and Wildlife Management Reauthorization Act of 1995".

SEC. 2. CLARIFICATION OF FINDINGS.

Section 1 of the Act entitled "An Act to provide for the restoration of the fish and wildlife in the Trinity River Basin, California, and for other purposes", approved October 24, 1984 (98 Stat. 2721), as amended, is amended—

(1) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively;

(2) by adding after paragraph (4) the following:

"(5) Trinity Basin fisheries restoration is to be measured not only by returning adult anadromous fish spawners, but by the ability of dependent tribal, commercial, and sport fisheries to participate fully, through enhanced in-river and ocean harvest opportunities, in the benefits of restoration;"; and

(3) by amending paragraph (7), as so redesignated, to read as follows:

"(7) the Secretary requires additional authority to implement a management program, in conjunction with other appropriate agencies, to achieve the long-term goals of restoring fish and wildlife populations in the Trinity River Basin, and, to the extent these restored populations will contribute to ocean populations of adult salmon, steelhead, and other anadromous fish, such management program will aid in the resumption of commercial, including ocean harvest, and recreational fishing activities.".

SEC. 3. CHANGES TO MANAGEMENT PROGRAM.

(a) OCEAN FISH LEVELS.—Section 2(a) of the Act entitled "An Act to provide for the restoration of the fish and wildlife in the Trinity River Basin, California, and for other purposes", approved October 24, 1984 (98 Stat. 2722), as amended, is amended—

(1) in the matter preceding paragraph (1)—

(A) by inserting ", in consultation with the Secretary of Commerce where appropriate," after "Secretary"; and

(B) by adding the following after "such levels.": "To the extent these restored fish and wildlife populations will contribute to ocean populations of adult salmon, steelhead, and other anadromous fish, such management program is intended to aid in the resumption of commercial, including ocean harvest, and recreational fishing activities.".

(b) FISH HABITATS IN THE KLAMATH RIVER.—Paragraph (1)(A) of such section (98 Stat. 2722) is amended by striking "Weitchpec;" and inserting "Weitchpec and in the Klamath River downstream of the confluence with the Trinity River;".

(c) TRINITY RIVER FISH HATCHERY.—Paragraph (1)(C) of such section (98 Stat. 2722) is

amended by inserting before the period the following: ", so that it can best serve its purpose of mitigation of fish habitat loss above Lewiston Dam while not impairing efforts to restore and maintain naturally reproducing anadromous fish stocks within the basin".

(d) ADDITION OF INDIAN TRIBES.—Section 2(b)(2) of such Act (98 Stat. 2722) is amended by striking "tribe" and inserting "tribes".

SEC. 4. ADDITIONS TO TASK FORCE.

(a) IN GENERAL.—Section 3(a) of the Act entitled "An Act to provide for the restoration of the fish and wildlife in the Trinity River Basin, California, and for other purposes", approved October 24, 1984 (98 Stat. 2722), as amended, is amended—

(1) by striking "fourteen" and inserting "nineteen";

(2) by striking "United States Soil Conservation Service" in paragraph (10) and inserting "Natural Resources Soil and Conservation Service"; and

(3) by inserting after paragraph (14) the following:

"(15) One individual to be appointed by the Yurok Tribe.

"(16) One individual to be appointed by the Karuk Tribe.

"(17) One individual to represent commercial fishing interests, to be appointed by the Secretary after consultation with the Board of Directors of the Pacific Coast Federation of Fishermen's Associations.

"(18) One individual to represent sport fishing interests, to be appointed by the Secretary after consultation with the Board of Directors of the California Advisory Committee on Salmon and Steelhead Trout.

"(19) One individual to be appointed by the Secretary, in consultation with the Secretary of Agriculture, to represent the timber industry.".

(b) COORDINATION.—Section 3 of such Act (98 Stat. 2722) is further amended by adding at the end thereof the following new subsection:

"(d) Task Force actions or management on the Klamath River from Weitchpec downstream to the Pacific Ocean shall be coordinated with, and conducted with the full knowledge of, the Klamath River Basin Fisheries Task Force and the Klamath Fishery Management Council, as established under Public Law 99–552. The Secretary shall appoint a designated representative to ensure such coordination and the exchange of information between the Trinity River Task Force and these two entities.".

(c) REIMBURSEMENT.—Section 3(c)(2) of such Act (98 Stat. 2723) is amended by adding at the end the following: "Members of the Task Force who are not full-time officers or employees of the United States, the State of California (or a political subdivision thereof), or an Indian tribe, may be reimbursed for such expenses as may be incurred by reason of their service on the Task Force, as consistent with applicable laws and regulations.".

(d) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to actions taken by the Trinity River Basin Fish and Wildlife Task Force on and after 120 days after the date of the enactment of this Act.

SEC. 5. APPROPRIATIONS.

(a) EXTENSION OF AUTHORIZATION.—Section 4(a) of the Act entitled "An Act to provide for the restoration of the fish and wildlife in the Trinity River Basin, California, and for other purposes", approved October 24, 1984 (98 Stat. 2723), as amended, is amended—

(1) in paragraph (1), by striking "October 1, 1995" and inserting in lieu thereof "October 1, 1998"; and

(2) in paragraph (2), by striking "ten-year" and inserting in lieu thereof "13-year".

(b) IN-KIND SERVICES; OVERHEAD; AND FINANCIAL AND AUDIT REPORTS.—Section 4 of such Act (98 Stat. 2724) is amended—

(1) by designating subsection (d) as subsection (h); and

(2) by inserting after subsection (c) the following new subsections:

"(d) The Secretary is authorized to accept in-kind services as payment for obligations incurred under subsection (b)(1).

"(e) Not more than 20 percent of the amounts appropriated under subsection (a) may be used for overhead and indirect costs. For the purposes of this subsection, the term 'overhead and indirect costs' means costs incurred in support of accomplishing specific work activities and jobs. Such costs are primarily administrative in nature and are such that they cannot be practically identified and charged directly to a project or activity and must be distributed to all jobs on an equitable basis. Such costs include compensation for administrative staff, general staff training, rent, travel expenses, communications, utility charges, miscellaneous materials and supplies, janitorial services, depreciation and replacement expenses on capitalized equipment. Such costs do not include inspection and design of construction projects and environmental compliance activities, including (but not limited to) preparation of documents in compliance with the National Environmental Policy Act of 1969.

"(f) Not later than December 31 of each year, the Secretary shall prepare reports documenting and detailing all expenditures incurred under this Act for the fiscal year ending on September 30 of that same year. Such reports shall contain information adequate for the public to determine how such funds were used to carry out the purposes of this Act. Copies of such reports shall be submitted to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

"(g) The Secretary shall periodically conduct a programmatic audit of the in-river fishery monitoring and enforcement programs under this Act and submit a report concerning such audit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.".

(c) AUTHORITY TO SEEK APPROPRIATIONS.—Section 4 of such Act, as amended by subsection (b) of this section, is further amended by inserting after subsection (h) the following new subsection:

"(i) Beginning in the fiscal year immediately following the year the restoration effort is completed and annually thereafter, the Secretary is authorized to seek appropriations as necessary to monitor, evaluate, and maintain program investments and fish and wildlife populations in the Trinity River Basin for the purpose of achieving long-term fish and wildlife restoration goals.".

SEC. 6. NO RIGHTS AFFECTED.

The Act entitled "An Act to provide for the restoration of the fish and wildlife in the Trinity River Basin, California, and for other purposes", approved October 24, 1984 (98 Stat. 2721), as amended, is further amended by inserting at the end thereof the following:

"PRESERVATION OF RIGHTS

"SEC. 5. Nothing in this Act shall be construed as establishing or affecting any past, present, or future rights of any Indian or Indian tribe or any other individual or entity.".

SEC. 7. SHORT TITLE OF 1984 ACT.

The Act entitled "An Act to provide for the restoration of the fish and wildlife in the Trinity River Basin, California, and for other purposes", approved October 24, 1984 (98 Stat. 2721), as amended by section 6 of this Act, is further amended by adding at the end the following:

"SHORT TITLE

"SEC. 6. This Act may be cited as the 'Trinity River Basin Fish and Wildlife Management Act of 1984'.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska [Mr. YOUNG] will be recognized for 20 minutes, and the gentleman from California [Mr. MILLER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I strongly support H.R. 2243, to extend the Trinity River Basin Fish and Wildlife Act of 1984.

This bill, introduced by our distinguished colleague from California, FRANK RIGGS, will build upon the successes of the past decade and continue the important work of rebuilding valuable fish and wildlife populations in the Trinity River Basin.

Furthermore, the legislation will expand the membership of the Trinity River task force to include representatives from commercial, recreational, and tribal fishing interests. By broadening the membership of the task force, I am confident that the Secretary of the Interior will receive new and valuable advice on innovative ways to improve the Trinity River Basin in the future.

I urge the adoption of H.R. 2243, and I compliment FRANK RIGGS for his tireless work on behalf of his constituents.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join my colleague from Alaska in supporting the enactment of H.R. 2243, the Trinity River Basin Fish and Wildlife Management Reauthorization Act of 1995.

Mr. Speaker, a little over 30 years ago, Federal dams on the Trinity River in northern California began taking up to 90 percent of the river's flow and sending it west through the mountains to the Sacramento Valley. From there, Trinity River water flowed south, ultimately to irrigate cotton and tomato fields in the San Joaquin Valley. Unfortunately, diversions from the Trinity River Basin have devastated fish populations.

The health of the Trinity River is crucial to the well-being of Indian communities and to the commercial and recreational fishing economies. H.R. 2243 will help ensure that future decisions that affect flows in the Trinity River will be based on good science and an understanding of the hydrology and biology of this complex river system.

This bill will clarify the goals of the Trinity River Fish and Wildlife Restoration Program and will extend the authorization of the Trinity River Fish and Wildlife task force.

The restoration program and the task force are strongly supported by commercial fishing interests, including the Pacific Coast Federation of Fishermen's Associations; sport fishing interests; native Americans who depend on

the river and its fishery; environmentalists; and other stakeholders in the Trinity River Basin. The restoration program enjoys broad support because it is based on good science and because it is producing results.

While I strongly support the work of the restoration program and the task force, I remain concerned that agricultural interests in the Sacramento and San Joaquin Valleys are still interested in diverting as much water as they can away from the Trinity River Basin. In particular, H.R. 2738, Mr. DOOLITTLE's bill to rewrite the 1992 Central Valley Project Improvement Act, includes provisions that will undermine and perhaps nullify efforts to restore the Trinity, and perhaps even open the way for more water conflicts throughout California. California's Constitution and State laws are clearly designed to protect areas of origin such as the Trinity River Basin, and these concepts were incorporated by Congress into the 1955 law that authorized construction of the Trinity River division of the Central Valley project. I will strongly oppose proposals that violate these precepts, and I caution my colleagues to be aware of plans for further assault on these critical fishery resources.

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

Mr. YOUNG of Alaska. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. HERGER].

Mr. HERGER. Mr. Speaker, I rise in strong support of H.R. 2243, the Trinity River Basin Fish and Wildlife Management Reauthorization Act of 1995. I wish to acknowledge and thank my colleague, FRANK RIGGS, and his staff for their efforts to bring this legislation to the floor. I also wish to thank Chairman SAXTON, Chairman DOOLITTLE, Chairman YOUNG, and their staff for their help and cooperation moving H.R. 2243 through committee.

Mr. Speaker, the reauthorization of the Trinity River restoration program enjoys broad support from the residents of Trinity County in northern California. Congress authorized the restoration program in 1984 to study the effect of increased stream flow and watershed rehabilitation within the Trinity River system. The primary purpose of the program is to restore fish habitat that was lost due to the construction of Lewiston and Trinity Dams. The program gives priority to rehabilitating spawning areas for winter and spring-run chinook salmon.

Mr. Speaker, H.R. 2243 extends the Trinity River program for 3 years. This will authorize completion of an environmental impact statement that the Secretary of the Interior will use to establish an adequate stream flow for salmon populations. It will also authorize additional river bank restoration projects intended to maximize the effectiveness of streamflow modifications.

As members of the California delegation can attest, our State's water supply, particularly within the Central Valley project, is used for a variety of important purposes and is constantly stretched to the limit. Efficient water use is therefore, essential to meeting the demands of the future.

H.R. 2243 will maximize water use within the Trinity River system by helping to establish an appropriate balance between riverbank restoration and stream flow. The benefits of this balance will be rejuvenated fisheries and a more stable long-term supply of water for counties of origin, recreation, agriculture, wildlife habitat, industry, and a host of other important water uses.

Mr. Speaker, this is a good bill, and I urge my colleagues to vote in favor of its passage.

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

Mr. MILLER of California. Mr. Speaker, I urge the support of this legislation.

Mr. SAXTON. Mr. Speaker, I am pleased to present to the House of Representatives H.R. 2243, a bill introduced by our colleague from California, FRANK RIGGS, to reauthorize the Trinity River Basin Fish and Wildlife Act of 1984.

During the past 10 years, nearly $60 million has been spent on trying to restore the habitat of the Trinity River Basin in an effort to rebuild the populations of various fish and wildlife species, including chinook and coho salmon and steelhead trout.

Among the accomplishments of the Trinity River Basin Fish and Wildlife Act are the construction of the Buckhorn Debris Dam, the modernization of the Lewiston Hatchery, and the purchase and rehabilitation of 17,000 acres of highly erodible lands along Grass Valley Creek.

H.R. 2243, which was the subject to a hearing before the Subcommittee on Fisheries, Wildlife and Oceans on November 2, will extend the Trinity River Basin Fish and Wildlife Management Program for another 3 years; expand the membership of the task force to include representatives from the timber industry and commercial, recreational, and tribal fishing interests; and will specify that stocking the Trinity River with hatchery fish should not impair efforts to restore naturally reproducing stocks.

At that subcommittee hearing, every witness testified in support of the reauthorization of the act; and there was a consensus that the Trinity River is the principal natural asset of this broad geographic region and crucial component of the economy.

The goal of H.R. 2243 is simple: to restore fish and wildlife populations in the Trinity River Basin. While working with the sponsor of this bill and other interested Members, it has become very clear that this legislation attempts to walk through a mine field of other issues that are not so simple. At the subcommittee markup, the bill was refined to address most of the recommended changes. I hope that we will continue to walk carefully through that mine field without attempting to refight the California water wars of the past.

Mr. Speaker, proponents of this legislation have persuasively argued that restoration of the Trinity River Basin is of paramount importance to the economy and culture of northwestern California. Reauthorization will allow this program to march forward and to complete a number of high priority efforts including the restoration of the Grass Valley Creek watershed, the South Fork fish habitat and watershed, and to implement a wildlife management program.

I strongly support H.R. 2243 and I want to compliment Congressman FRANK RIGGS for his effective leadership in this matter. I urge the adoption of H.R. 2243.

This bill to extend the authorization of the Trinity River Restoration Act for 3 years is extremely important to Northern California, and I ask my colleagues to vote in favor of passage.

I want to thank the managers of this bill—the Chairman [Mr. SAXTON] and Ranking Minority Member [Mr. STUDDS] of the Fisheries Subcommittee, as well as the Chairman [Mr. YOUNG] and Ranking Minority Member [Mr. MILLER] of the full Resources Committee. They gave this measure their priority attention.

I ask unanimous consent that my statement in support of the bill be included in the RECORD with the debate on H.R. 2243.

Mr. RIGGS. Mr. Speaker, I strongly recommend that the House approve H.R. 2243, legislation that my colleague from California [Mr. HERGER] and I introduced on August 4th of this year to reauthorize of the Trinity River Restoration Act.

Trinity River water began to be diverted into the Sacramento River basin in 1963. Average annual runoff of 1.2 million acre-feet declined to 120,000 acre-feet. This had a devastating impact on fisheries that historically had produced total spawning escapements of 100,000 Chinook and Coho salmon and steelhead.

Correcting the problem required action in three areas; Stream flow, harvest management, and watershed stabilization. The Secretary of the Interior administratively increased stream flow to 340,000 acre-feet, action subsequently ratified by Congress an amendment I offered to the Central Valley Project Improvement Act. In 1984, Congress passed the Trinity River Basin Fish and Wildlife Act, authorizing appropriations of $57 million over a 10-year period. Another $15 million was approved in 1993 for purchases of 17,000 acres in the Grass Valley Creek watershed and other program needs.

While I was able to include a temporary extension of the Restoration Act in the 1996 Energy and Water Development Appropriations Act, enactment of this legislation is important to continuation of the restoration program, reauthorization will set the stage for the 1996 release by the Secretary of the Interior of the Flow Study required by the 1984 Act.

A restored Trinity river will have an impact well beyond the immediate area. As the largest tributary of the Klamath River, a healthy Trinity will benefit the economy of a wide area of California and Oregon.

Success in our restoration efforts will also demonstrate that the Federal Government is

keeping its promise to correct environmental degradation which it has caused.

The bill being considered by the House today was drafted after the Water and Power Subcommittee held an oversight hearing on the Trinity River Restoration Act last July. At that hearing, concerned individuals suggested elements that should be included in any new legislation.

H.R. 2243 incorporates elements of a bill proposed by the Administration last March. It also reflects a consensus of the major Trinity River stakeholders that enhanced fish harvest opportunities both in-river and in the ocean are measures of a healthy Trinity. The fact that a consensus could be reached among such diverse groups as Indian Tribes, commercial fishermen, and environmental organizations is a tribute to their concern for the Trinity.

Mr. Speaker, key provisions of H.R. 2243 include the following.

The findings of the original Act are expanded to emphasize the importance of ocean harvest opportunities, recognizing, of course, that many factors contribute to the health of our ocean fisheries.

Restoration activity is authorized in the Klamath River, downstream from its intersection with the Trinity to the ocean.

The bill clarifies that the purpose of the Trinity River Fish Hatchery is mitigation of fish habitat loss above Lewiston Dam; it should not impair efforts to restore and maintain naturally reproducing fish stocks.

The Trinity River Task Force would be expanded to include representatives of the Yurok and Karuk Tribes, plus commercial fishing, sport fishing, and timber industry interests.

The restoration program is extended for three years under the existing authorization of appropriations. In-kind services can be accepted as match, and overhead and indirect costs are limited to 20 percent.

Mr. Speaker, I am pleased that reauthorization of the Trinity River Restoration Act has broad bipartisan support. I particularly want to thank the Chairman [Mr. SAXTON] and Ranking Minority Member [Mr. STUDDS] of the Fisheries Subcommitted, as well as the Chairman [Mr. YOUNG] and Ranking Minority Member [Mr. MILLER] of the full Resources Committee, for giving this measure their priority attention.

I urge my colleagues to vote in favor of H.R. 2243.

Mr. MILLER. 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 Alaska [Mr. YOUNG] that the House suspend the rules and pass the bill, H.R. 2243, as amended.

The question was taken.

Mr. YOUNG of Alaska. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

DON EDWARDS SAN FRANCISCO BAY NATIONAL WILDLIFE REFUGE

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1253) to rename the San Francisco Bay National Wildlife Refuge as the Don Edwards San Francisco Bay National Wildlife Refuge.

The Clerk read as follows:

H.R. 1253

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

SECTION 1. SAN FRANCISCO BAY NATIONAL WILDLIFE REFUGE RENAMED AS DON EDWARDS SAN FRANCISCO BAY NATIONAL WILDLIFE REFUGE.

(a) REFUGE RENAMED.—The San Francisco Bay National Wildlife Refuge (established by the Act entitled "An Act to provide for the establishment of the San Francisco Bay National Wildlife Refuge", approved June 30, 1972 (86 Stat. 399 et seq.)), is hereby renamed and shall be known as "the Don Edwards San Francisco Bay National Wildlife Refuge".

(b) REFERENCES.—Any reference in any statute, rule, regulation, Executive order, publication, map, or paper or other document of the United States to the San Francisco Bay National Wildlife Refuge is deemed to refer to the Don Edwards San Francisco Bay National Wildlife Refuge.

(c) CONFORMING AMENDMENT.—The Act entitled "An act to provide for the establishment of the San Francisco Bay National Wildlife Refuge", approved June 30, 1972 (86 Stat. 399 et seq.), is amended by striking "San Francisco Bay National Wildlife Refuge" each place it appears and inserting "Don Edwards San Francisco Bay National Wildlife Refuge".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska [Mr. YOUNG] will be recognized for 20 minutes, and the gentleman from California [Mr. MILLER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as I watch my California colleagues come to the floor, I do hope that they will recognize the greatest compliment we can give to Mr. Edwards is to make this short. I support H.R. 1253, introduced by the distinguished gentleman and our former colleague from California, Norm Mineta.

H.R. 1253 is a simple, noncontroversial bill that renames the San Francisco Bay National Wildlife Refuge after former Congressman Don Edwards.

Don Edwards served in the House of Representatives with distinction for 32 years. During that time, he was successful in convincing the Congress to authorize the San Francisco Bay National Wildlife Refuge, to expand its boundaries, and to appropriate the necessary funds to acquire the more than 22,000 acres that now comprise this unit.

The San Francisco Bay National Wildlife Refuge is the largest urban refuge in the United States. It contains a number of valuable wetlands, supports hundreds of thousands of shorebirds, and the refuge is visited by more than 250,000 people each year.

It is appropriate to rename this refuge after Don Edwards in recognition of his work and lifelong commitment to this effort. I urge an "aye" vote on H.R. 1253.

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

Mr. MILLER of California. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California [Ms. LOFGREN].

Ms. LOFGREN. Mr. Speaker, 25 years ago, right after college, I came to Washington, DC, and I became an intern in the office of Congressman Don Edwards. One of the things that I did at that time was work on his dream to have a wildlife refuge in south San Francisco Bay.

Because I worked on his staff, I saw perhaps a different side of the amount of effort that it took for Congressman Don Edwards to actually make this dream a reality. From calling committee chairmen every day for months at a time until he was heard, to working with local governments on zoning issues, and with the business community to make sure that their support would be in place, he did everything that it was possible to do to make this wildlife refuge a reality.

Mr. Speaker, a lot of people know Don Edwards as a defender of civil liberties and civil rights and the Constitution. I heard him introduced as "the Congressman representing the Constitution," and that is a legacy that he has left for our country. But this wildlife refuge is another legacy that he has left for our country.

The educational center in Alviso, CA, near my district, is host to hundreds of thousands of schoolchildren who can learn about the wonder that is the bay and the marshlands, including my own children. Because of Don Edwards, the California clapper rail and the saltwater harvest marsh mouse are household names in my home, and I thank him for that.

I thank him for all that he has done for our community, and I think it is fitting that the schoolchildren who go to visit the wildlife refuge will know of Don Edwards and know that that wonderful resource would not be there but for this wonderful, honorable and fine man's diligent efforts. I thank you, Don Edwards.

I thank my colleagues, and I urge everyone to support this wonderful bill.

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Mr. MILLER of California. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. STARK].

Mr. STARK. Mr. Speaker, I want to thank the distinguished gentleman

from Alaska for joining in bringing this bill to the floor. It honors one of the most wonderful persons ever to serve in the House of Representatives.

Don Edwards is a great and caring environmentalist, and it is fit and proper that he be honored by naming the San Francisco Bay National Wildlife Refuge after him. His consistent strong work on behalf of the refuge preserves for the present and future generations one of the great wonders of our Nation.

As a matter of fact, in the field of preservation, it ought to be noted here among his friends that Don Edwards has not done a bad job of preserving himself. I saw him not so long ago, and he looks fine and fit and I am sure he may be watching us today. It may be a very proud time in his life.

As the previous speaker mentioned, Don's main work in Congress was of course in defense of the Bill of Rights. He indeed truly gave the Constitution and the Bill of Rights its own refuge, a safe haven from the whims and angry passions of the moment. Our rights protecting us against Government intrusion and abuse were given a shelter from the storm in Don Edwards' subcommittee. The rights of women, the right to pray without direction from the local majority, the right of speech, were all given protection and refuge by the courage and wisdom of this gentle Congressman from San Jose, CA.

So anyone who has seen the vast sweep of the San Francisco Bay will immediately understand the importance and enduring beauty of the work that Don did in creating the bay refuge. It is a monument to a monumental Congressman. I thank the committee for bringing this bill forward, and join in asking my colleagues to adopt it unanimously.

Mr. MILLER of California. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I rise to offer my strong support for the legislation offered by the distinguished chairman of the full committee, the gentleman from Alaska [Mr. YOUNG] and the ranking member, the gentleman from California [Mr. MILLER], and thank them for giving this opportunity to us to honor a great person who served in this Congress, indeed, a great American, Don Edwards. It is appropriate that H.R. 1253 would rename the San Francisco Bay Wildlife Refuge after the dean of the California delegation, the former dean, Don Edwards.

Heeding the admonition of the chairman of the committee, I will be brief, Mr. Speaker, because indeed as you can see, many of us from California in particular but from all over the country could speak all day about Don Edwards. As I say, he loved the Constitution, he loved this country, both in its ideas and its physical beauty as well.

The chairman of the full committee went into detail about what the bill would do and why it was important for that legislation to exist and this renaming to take place. I just want to reiterate one concept, that it is now the largest urban refuge in the United States and is visited by over 250,000 people each year.

Renaming the refuge after Congressman Edwards is a fitting token, certainly not enough for the contribution that he has made to this country but a fitting token of appreciation to him for his leadership and the hard work that he did to make this.

As our colleague, the gentlewoman from California [Ms. LOFGREN], said earlier, for generations to come children who visit the refuge will now know who Don Edwards is, for ages to come, and the valuable contribution that he made to our country.

In that spirit, I wish to once again commend the chairman of the full committee, the gentleman from Alaska [Mr. YOUNG], and the gentleman from California [Mr. MILLER] for their leadership in making this vote possible today.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 1253, to name the San Francisco Bay National Wildlife Refuge for our distinguished former colleague, Don Edwards, who represented the 16th Congressional District of California in this House for three decades.

This is a difficult time in the history of political discourse in our Nation. Rhetoric is inflamed, partisanship persistent, and open anger barely under control as we wrestle with issues that will determine the future course of this Nation and of millions of its most vulnerable citizens. I think it can be fairly said that both parties share the blame for that condition, as do members of the press who pursue the outlandish, the acerbic, and the meanspirited remark.

Don Edwards, who left this Chamber for the last time only a year ago, already seems of a different age—an age when legislators could disagree without being disagreeable, even in discussions of issues that bitterly divided them from each other. He was distinguished without being pompous, fairminded without being neutral, and patriotic without being chauvinistic.

When we think of Don Edwards' legislative achievements, we often think of his work on the Judiciary Committee and especially his chairmanship of the Constitutional Rights Subcommittee. He was a man who could simultaneously champion the constitutional rights of our most despised citizens, while advocating strong punishment of criminal behavior. We also think of his work on international issues, and his deep devotion to peace and an end to the arms race and cold war.

But Don had another great love: the preservation of the wetlands and habitat of San Francisco Bay that had been so affected by decades of development, landfill, and pollution. He fought for the creation of the San Francisco Bay National Wildlife Refuge, and it is that refuge that we seek to name for him today.

Congress authorized the establishment of a 23,000 acre national wildlife refuge in south San Francisco Bay in 1972. On October 28, 1988, President Reagan signed Public Law 100–556 authorizing the acquisition of an additional 20,000 acres, for a total of 43,000 acres. The Fish and Wildlife Service has completed the environmental assessment process for the refuge additions, and work is underway to acquire property for this regional resource.

The objectives of the refuge are to protect the wildlife resources of the south San Francisco Bay area, provide wildlife-oriented recreation, and preserve a natural area in close proximity to a large urban center. The marshes, mudflats, open water, and salt ponds form an ecosystem which supports a rich diversity of fish and wildlife. It is a major nesting and feeding area for waterfowl and shorebirds, hauling out ground for the harbor seal and habitat for three endangered species. The refuge has more than 300,000 visitors annually participating in the many opportunities for fishing, animal and bird observation, research and environmental education.

This great bay area resources exists, in no small part, thanks to the tireless work of Don Edwards, and it is altogether right and fitting that he be memorialized by having it named in his honor. Both those who were fortunate enough to have served with Don, and those who never got to know this consummate legislator and statesman, pay tribute to a life of public service by voting to pass this legislation and, in doing so, we help to honor this House and our profession as legislators.

Mr. Speaker, I yield such time as he may consume to the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman for yielding me the time. I certainly want to congratulate the committee and certainly know this bill will pass with a unanimous vote in naming the San Francisco Bay National Wildlife Refuge after Dan Edwards, a great friend of ours.

Mr. Speaker, I had the pleasure of serving with Don Edwards for a number of years. He was a wonderful Member, a fine friend of ours. He is enjoying life in traveling and visiting friends.

Mr. Speaker, he was the vice chairman of the House Committee on Veterans' Affairs when I was chairman of this great committee. He was a person easy to work with. In fact he could have been the chairman of the Veterans Affairs Committee but he had to take another committee assignment.

I wish that sometime that we could name something else for Don Edwards in the veterans' field, because he was very supportive of all veterans' programs. I am proud to have had the privilege of working with him, so I congratulate the committee, and I rise in strong support for naming this refuge the Don Edwards San Francisco Bay National Wildlife Refuge.

Mr. MILLER of California. Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, I want to add to those who thought that Don Edwards was one of the finest individual Members ever to set foot in this House of Representatives; his decency, compassion in many fields. I just think this is an important tribute. I want to congratulate the chairman and the ranking member for taking this action.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing, I would just like to say that those of us from the bay area certainly believe that we honor our area by naming this grand refuge after Don Edwards, for all of his work.

We also believe, and I think those who had the pleasure of serving with Don and his wife Edie believe that we honor our institution when we think of the grace and the courage that they both brought to public life, in their combined service in and on behalf of so many people who strongly needed the attention of the Government to help make their lives better. People knew that you could always call on Don Edwards and on Edie to provide a voice, to provide support, to provide commitment.

So this is a very proud day for those of us who served with Don and Edie, and certainly those of us from the San Francisco Bay area and from California, as we think we honor ourselves as an institution and Members of the institution and our region with this naming.

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

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I can only echo what has been said about Donny Edwards. He called me DONNY YOUNG, he was Donny Edwards. In fact, I had an amendment to the bill. I was going to strike out Edwards and put "Young" after "Don" in each one of them. I am confident that would kill the bill for sure.

But in reality, I would like to suggest that he was an asset to this House when he served, the time that he served with distinction. I know this area, being from California, and being much wiser in going to Alaska. I recognize the importance of this area.

This is a tribute to Mr. Edwards and his support. Maybe someday after I have left this great House, they will be able to take and name the refuge after me.

Just keep that in mind, my fellow colleagues.

I again want to express my support for this legislation in recognition of a good friend that left here. Although he and I were not many times on the same sides of issues, he was a gentleman and indeed he brought a great deal of respect to this House.

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

Mr. MILLER of California. Mr. Speaker, again, I want to thank the gentleman from Alaska [Mr. YOUNG] for all his help and cooperation.

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

Mr. SAXTON. Mr. Speaker, in 1972, Congressman Don Edwards sponsored legislation to establish the San Francisco Bay National Wildlife Refuge. In subsequent years, the Congressman was successful in securing funds to acquire land for the refuge and to expand the boundaries of that unit.

The San Francisco Bay National Wildlife Refuge is more than 21,000 acres, it is a key wintering area for diving ducks along the Pacific flyway, and it supports hundreds of thousands of shorebirds. Furthermore, the refuge is comprised of valuable wetlands located around the bay and it is heavily visited by more than 250,000 people who enjoy its facilities each year. The San Francisco Bay National Wildlife Refuge is the largest urban refuge in the United States.

H.R. 1253 was introduced by then Representative Norm Mineta on March 15, 1995. It was the subject of a subcommittee hearing on May 25, and the sole purpose of this legislation is to rename the refuge as the Don Edwards San Francisco Bay National Wildlife Refuge is recognition of the former Congressman's commitment and dedication to its success.

Mr. Speaker, I support this bill. It is a fitting tribute to a man who tirelessly worked for the good of this refuge for over 20 years. I urge an "aye" vote on H.R. 1253.

Mr. YOUNG of Alaska. 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 Alaska [Mr. YOUNG] that the House suspend the rules and pass the bill, H.R. 1253.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill just passed.

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

There was no objection.

NATIONAL PARK AND NATIONAL WILDLIFE REFUGE SYSTEMS FREEDOM ACT OF 1995

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2677) to require the Secretary of the Interior to accept from a State donations of services of State employees to perform, in a period of Government budgetary shutdown, otherwise authorized functions in any unit of the National Wildlife Refuge System or the National Park System, as amended.

The Clerk read as follows:

H.R. 2677

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 and National Wildlife Refuge Systems Freedom Act of 1995".

SEC. 2. REQUIREMENT FOR SECRETARY OF THE INTERIOR TO ACCEPT STATE DONATIONS OF STATE EMPLOYEE SERVICES.

(a) REQUIREMENT.—Notwithstanding section 1342 of title 31, United States Code, the Secretary shall accept from any State donations of services of qualified State employees to perform in a Unit, in a period of Government budgetary shutdown, functions otherwise authorized to be performed by Department of Interior personnel.

(b) LIMITATIONS.—An employee of a State may perform functions under this section only within areas of a Unit that are located in the State.

(c) EXCLUSION FROM TREATMENT AS FEDERAL EMPLOYEES.—A State employee who performs functions under this section shall not be treated as a Federal employee for purposes of any Federal law relating to pay or benefits for Federal employees.

(d) ANTI-DEFICIENCY ACT NOT APPLICABLE.—Section 1341(a) of title 31, United States Code, shall not apply with respect to the acceptance of services of, and the performance of functions by, qualified State employees under this section.

(e) DEFINITIONS.—In the section—

(1) the term "Government budgetary shutdown" means a period during which there are no amounts available for the operation of the National Wildlife Refuge System and the National Park System, because of—

(A) a failure to enact an annual appropriations bill for the period for the Department of the Interior; and

(B) a failure to enact a bill (or joint resolution) continuing the availability of appropriations for the Department of the Interior for a temporary period pending the enactment of such an annual appropriations bill;

(2) the term "Secretary" means the Secretary of the Interior; and

(3) the term "Unit" means a unit of—

(A) the National Wildlife Refuge System, or

(B) the National Park System.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska [Mr. YOUNG] and the gentleman from California [Mr. MILLER] each will be recognized for 20 minutes.

The Chair recognizes the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is unfortunate this legislation has to be on the floor, and I say has to be on the floor today.

Mr. Speaker, last month's partial Government shutdown effectively closed the entire National Park System and the National Wildlife Refuge System. For the first time in the history that I can remember, in 24 years, this has occurred. In the process it locked out thousands of visitors who had paid for the parks and paid for the refuges, hundreds that had paid for the refuges, supported by the hunters, fishermen, and bird watchers seeking to enjoy our parks and refuges, by an action of the Secretary of the Interior, by in fact saying the nonessential workers had to go home so we had to shut it down. If they were nonessential then, what are they today?

To prevent the closure of the Grand Canyon National Park, Arizona Governor Fife Symington made a commonsense proposal which would have allowed the park to operate during a shutdown with State employees. Unfortunately, the proposal was rejected by the Interior Department. So visitors from around the world and across the country who came to see the Grand Canyon were locked out.

□ 1615

Arizona was not alone in its effort to keep Federal lands open to the public. As the gentlewoman from Arkansas will soon tell you, her State and Mississippi had an agreement with the regional director of Fish and Wildlife to operate certain refuges during the shutdown.

I want to stress this, refuges are managed by the States today, under the agreement with the Department of the Interior. But this agreement was rejected by the department's lawyers in the District of Columbia under the direction of Secretary Babbitt.

In a bipartisan effort to help States in an effort to keep the national parks and refuges open during the Government shutdown, I introduced H.R. 2677, the National Parks and National Wildlife System Freedom Act; this bill merely requires the Interior Department to accept, not require, but for them to accept the services of qualified State employees to operate parks and refuges during a Government shutdown. My bill is very similar to H.R. 2706, introduced by the gentlewoman from Arkansas [Mrs. LINCOLN], which limited itself to continuing hunting programs on refuges. This bill has no budget impact, since the States would be supplying funds to operate the parks and refuges.

Moreover, this bill is voluntary for the States. States do not have to do this. This is not a requirement. But when a State steps forward and says, "Yes, we can, in the case of a shutdown," when the Secretary for the first time in history shut down refuges, when a State comes forward and says, "We will because we already set the bag limit, we already set the take, we already set the season, we already set the species. We will operate these refuges."

The bill does not address the issues of liability, which you will hear later. The State employees are stepping into the shoes of Federal employees of allowing our States who normally operate the parks and refuges, and, as a result, the standard liability rules will apply. By the way, when was the last time there was any lawsuit against the Federal Government in a refuge or a park? I hope someone will answer that. I cannot remember it, nor have I seen it; in fact, if it occurs, it does come to my mind maybe we ought to put something else on the endangered species, and that would possibly be the legal profession.

We will hear from some in the minority who are concerned about the expedited process or procedures used to bring this bill to the floor today. I do have some sympathy with that. The full Committee on Resources held a 2½ hour hearing on this bill about last week with the minority members participating very actively. Because of the sense of urgency involved to get this bill to the House and Senate before a possible, and I say possible, Government shutdown in 4 days, it is imperative this bill be on the floor no later than today. As a result, no markup was held.

Under the rules, we can bring the bills to the floor and allow our States to keep the parks and refuges open and require the expedited process to be used.

The bill has bipartisan support. It has been endorsed by the Western Governors' Association, which passed a resolution of support. It is also supported by the Congressional Sportsmen's Caucus.

This is a commonsense proposal to help prevent our constituents from being locked out of parks and refuges during future Government shutdowns.

I urge my colleagues to support this legislation.

Mr. Speaker, if I may say, this bill would not be necessary if this Secretary of the Interior had acted accordingly. Yes, sometimes we have shut down our monuments. Yes, we have shut down some of our parks. When a Governor steps forward and says because of the State activity because of the deadlock between the President and the Congress, let us have the opportunity, but more offensive to me is when a State now has the authority to manage fish and wildlife on a refuge to have one person, one person to say all nonessential employees go home, we are going to shut down these refuges regardless of what the State has done in the past. This legislation is voluntary. It just requires the Secretary to accept a proposal from the State official as is offered to the Secretary of the Interior.

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

Mr. MILLER of California. Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, I oppose this bill, and as the chairman knows, I have given him some support lately, but not this time. This is a bad bill.

Mr. Speaker, why do thousands of Americans visit our national parks every year? The answer is because they appreciate and treasure our parks. Last year 270,000 Americans came to our parks. And why do those thousands of Americans appreciate our parks? The reason is because they are successfully managed.

Mr. YOUNG of Alaska. Mr. Speaker, will the gentleman yield?

Mr. RICHARDSON. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. I want to correct a statement. You said, 270,000?

Mr. RICHARDSON. That is correct, 270 million.

Mr. YOUNG of Alaska. There you go, 270 million.

Mr. RICHARDSON. I thank the gentleman.

This just reinforces my point. Why is the park so successfully managed? And the reason is because we have trained and experienced employees of the National Park Service who dedicate their lives to maintaining our parks.

So why are we here considering a bill which would entrust our parks to individuals who do not have the training or the skills necessary to manage a national park? Because some, and I will not say everyone on the other side, are rushing legislation to draw attention away from the fact that they are planning to force another Government shutdown.

Mr. Speaker, this bill is well intentioned. But it is going to leave our parks in the hands of individuals who lack training, who lack experience, lack the day-to-day knowledge of how to run our parks.

I have just as many hunters and fishermen as my colleague does, and I have not heard from them about the necessity of this dramatic legislation that we are considering today. Temporary State employees who may work hard in other areas of expertise are simply not going to possess the knowledge of national park regulations and management policies necessary to safely maintain our parks.

The bill also raises many questions, such as who is going to accept liability

for any accidents or damage to the parks? The fact is this bill is being brought under suspension without the apparent approval of the ranking member, the gentleman from California [Mr. MILLER], and without properly going through the legislative process. Unless the other side has proof of mismanagement within the National Park Service, then there really is not any reason to fix what is not broken.

It is also interesting to see some of my colleagues who have been pushing for a park closure commission now all of a sudden wanting to try to keep them open.

Mr. Speaker, the bottom line is that this is a bad exercise and a bad excuse to shut down the Government. The only way to keep our parks open is for the Congress to strip the Interior appropriations bill from the unnecessary riders so the President can sign the bill. Only then will the employees of the National Park Service be able to use their expertise to properly manage our parks and keep them open.

Mr. Speaker, let us look at some of the attributes in this bill, one of the provisions. While one Governor is eager to assume management of certain national parks, most State park systems are facing severe budget shortfalls. Even on a temporary basis, assuming management of national parks could cripple State park systems as the administration testified.

This bill leaves many management and liability questions unaddressed. Loose ends could jeopardize visitor safety, impair resource protection, which in the long run would likely create more problems than the bill seeks to solve. This proposed transfer which I understand is temporary, is consistent with the long-term agenda of some who have advocated giving management authority of public lands to State and local entities. This is a principle embodied in H.R. 260, a bill to create a national parks closure commission.

There are nationally significant resources which should not be managed on an ad hoc basis in times of budgetary pressure.

Last, here are some alternatives. What do we do about H.R. 2677 as alternatives? Why do not we all work with the administration to reclassify as essential those National Park Service employees necessary to ensure normal operations at all of our 369 national park areas? Why do we not pass a short-term continuing resolution to fund the Department of Interior until after New Year's Day, and last, break the current impasse, take those riders out, and enact H.R. 1977 as we usually do, the Interior appropriations bill for fiscal year 1996?

My chairman has been on a roll on some good bills lately, but on this one he is not on a roll, and I would urge defeat of this bill.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

I may suggest one thing. The President will have a chance to sign an appropriation bill very soon this week. If he vetoes that bill, that means that the parks will not be open. By the way, I say this, this has not happened before. Yes, in some of the monuments, and the refuges are what really concern me the most when the State manages them. This is an example of this administration, the arrogance of this administration, mismanaging the parks that the taxpayers pay for.

As far as who can do it and who cannot do it, I will put up any State park against the Federal parks right now and how they are run. In fact, in California the one park that is being run right is the Redwoods State Park in California, not the National Redwood Park we made at a cost of $1.4 billion. It is poorly attended, poorly managed, poorly visited.

All we are saying, though, if, in fact, this would happen again, there can be differences of opinion between the Congress of the United States and the President of the United States. But no Secretary of the Interior should deprive any taxpayer the ability to visit that which he paid for because they have decided by the will and whim of any one individual that they are going to shut it down. In fact, they shut down concessionaire stands on the Smokey Ridge over here. They shut them down when the concessionaires themselves had a binding contract. They had people come in and said, "You will shut down." It was Gestapo tactics from the very get go.

This bill will stop the Secretary and this administration when the State says, "We can do it, we will do it, we will pay for it. We are liable, and we are going to keep it open for the American people."

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

Mr. SAXTON. Mr. Speaker, as an original cosponsor of H.R. 2677, I am pleased that the House is having an opportunity to debate the merits of the National Parks and National Wildlife Refuge Systems Freedom Act.

Since coming to Congress in 1984, I have proudly represented New Jersey's Third Congressional District, which includes the 40,000 acres of the Edwin B. Forsythe National Wildlife Refuge.

This refuge, which is predominantly an estuarine marsh habitat, is one of the finest in our Nation, and over the years the size of this refuge has increased because of broad public support. Men and women in my district have provided the financial resources to protect this barrier island ecosystem and to acquire the upland forest and fields that have enhanced the biodiversity of the refuge. In addition, thousands of my constituents have enjoyed hunting and fishing on lands that comprise the Edwin B. Forsythe National Wildlife Refuge for generations.

Tuesday, November 14, was a bad day for America and for every person who wanted to visit a national park or national wildlife refuge unit. While my preference would be to complete action on an appropriations bill for the Department of the Interior, there must be a fail-safe or stop-gap procedure in place to avoid another public lands meltdown.

In my judgment, it was ludicrous that the Department of the Interior was unable or unwilling to accept the offer of Governor Symington to keep the Grand Canyon open by using State National Guard troops.

Mr. Speaker, this was just one example of where various State officials expressed willingness to operate our National Parks and Refuges with State employees. Sadly, these offers were rejected.

H.R. 2677 would provide a fail-safe measure and it would help to ensure that the gates to the Edwin B. Forsythe are never again padlocked and shut in the faces of those Americans who paid for these lands with their hard-earned tax dollars.

Mr. Speaker, I urge an "aye" vote on the National Parks and National Wildlife Refuge Systems Freedom Act.

□ 1630

Mr. MILLER of California. Mr. Speaker, I yield 3 minutes to the gentlewoman from Arkansas [Mrs. LINCOLN].

Mrs. LINCOLN. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, today I rise to support the purposes behind H.R. 2677. What we experienced in November is not a new phenomenon and there should be a set contingency arrangement for the management of our natural resources should the doors of the Federal Government again close due to the lack of appropriated funds.

I have been involved in the issue because, when the Government shut its doors in November, many of my constituents were refused entrance into the wildlife refuges for a prescheduled deer hunt.

Hunting is one of Arkansas' favorite family pastimes. People take time off work and families plan vacations around hunting trips. Prior to the recent shutdown, refuge managers had scheduled deer hunts at two Arkansas refuges. Hunters in my district went through an extremely competitive permit process, paid $12.50 for each permit, took days off from work, drove up to 6 hours, only to be turned away at the gates of the refuges. Needless to say, the budget crisis in Washington was not of their choosing and they were not happy about the results.

Weeks before the actual shutdown, the Fish and Wildlife Service worked

with the Arkansas Game and Fish Commission on an agreement to allow State employees to volunteer their services on the Federal wildlife refuges. This agreement was signed and ready to implement in the event of a Federal Government shutdown. However, days before the actual shutdown, the Interior Department determined that this agreement violated the Antideficiency Act and would not be allowed to go into effect.

I introduced a more narrow bill to reflect a more concise arrangement between the Fish and Wildlife Service and the Arkansas Game and Fish Commission. My bill would mandate a prior agreement between the Federal and State governments before the State could take over the management of hunting on wildlife refuges. The agreement mandated in my bill would ensure that State employees volunteering their services had proper safety training, knowledge of the terrain, knowledge of and adherence to Federal regulations, and ability to protect individuals and the natural resources.

I believe that shutting down the Government is a poor way of running a government or business. Americans who pay their taxes and play by the rules should expect their Federal Government to function properly and perform services that people rely on. They shouldn't be punished for Congress' inability to conduct its housekeeping chores. This bill only takes care of a small portion of the impacts arising from a Federal Government shutdown. However, this approach makes sense because there are currently such arrangements where the States manage Federal lands and historically, the Federal and State governments work closely together in setting hunting seasons.

I understand that we need to move quickly to resolve these issues if we are facing another potential shutdown on December 15. As I believe that there are still outstanding issues that need to be resolved to ensure safety and the protection of our natural resources, I look forward to working with the chairman, the Senate, the Fish and Wildlife Service and the Arkansas Game and Fish Commission on this issue and urge my colleagues to support this bill.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. RADANOVICH].

Mr. RADANOVICH. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I represent the 19th District in California, and in that district is included Yosemite National Park, Kings and Sequoia National Parks. I understand the magnitude of balancing a budget and coming to shutdowns and agreements, where we have really got to get our act together fiscally and budgetarily.

What I do not agree with is when innocent citizens are caught in the way of a government shutdown, such as the communities of Oakhurst, Aubury, Three Rivers, and Mariposa, those communities whose interests depend heavily on tourism generated by these national parks. It is for that reason that I support this bill.

Those involved in government, those that hang their hat on government, government employees, this body, those people are the ones that should suffer the consequences of a Federal Government unable to function and unable to come to agreements on a 7-year balanced budget scored by CBO; not people in small communities whose economies thrive on open national parks. It is for that reason I support this bill.

Mr. MILLER of California. Mr. Speaker, I yield 4 minutes to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I rise in opposition to this bill. It is an innocent sounding bill. Why can we not do something like leave the parks and the wildlife refuges open when we do not pass the appropriation measure and have them signed into law.

Well, if we do not pass the measure, it has profound impacts. There is not the funding available under the Constitution to in fact fund these functions of Government. Now, I am a little confused today, because in this instance, the new majority, the Republicans, are attempting to cover up and smooth over the problems that the parks and the wildlife refuges are not open under the funding lapse and we will not be able to hunt in them. As a hunter, I am sure that I would be concerned if I had that tag for that deer in Arkansas. I would want to participate and hunt. I understand that particular problem.

But, on the other hand, they want to smooth over that problem, but later today, under the debt ceiling legislation that is to be passed, they want to shut the Government down completely. They want to force Secretary Rubin into relinquishing borrowing authority that he lawfully exercises.

I am confused. What do you want? Do you want to shut the Government down or do you want to keep it open? The fact of the matter is you could answer this particular problem for this park and hunting issue by stripping out all the extraneous riders from the Interior appropriation, the special interest provisions for the mining industry, for the grazing industry, taking out the rules and regulations and the Tongass timber issues in southeast Alaska, which are holding that bill up, and send it to the President without that controversy, come to a compromise and pass and enact it.

You have not done that yet. The G.O.P. hasn't taken step one. That is the reason we are here, nearly 3 months after the date this bill should have been enacted. It is not enacted, and now, we are going to go through this hokey process of trying to suggest that everything will really run just as it is supposed to without funding, because we can enlist the States to run the parks and the wildlife refuges and you can go hunting if you want to, because the Governor from Arizona, for example, is going to be able to operate the park or the refuge.

What happens when someone gets in the Colorado River and they are on the wrong side and the Governor from Utah is not involved with his personnel? This bill does not make it possible to respond. This bill does not work. You have not answered the anti-deficiency questions. You have waived that law. You are fundamentally undercutting the authority and the ability of Congress in terms of controlling the purse strings.

Is that really what this Congress wants to do? I understand the good intention and the practical problems that some of my colleagues are having, but that just underlines the importance of funding. We ought to keep the pressure on to pass the Interior appropriation bill. We ought not to use this as just one more opportunity to gratuitously beat up on Federal employees, on Park Service employees, on the rangers and stewards of these public lands, such as I heard at last week's hearing.

The issue H.R. 2677 had one day of hearing, after little notice with regard to it, and suggesting we have over 400 park personnel in the Grand Canyon to operate it. The entire State of Arizona has 200 Park Service employees. How are they going to run the Grand Canyon? Not very well, I am afraid. The suggestion then is that we do not need those 400 Federal employees to operate the Grand Canyon, that somehow they are not doing their job or any State could do this and we do not need the Federal Government.

That is what this is all about. This is just a political game, a charade we are playing here, with I think a very important issue, the budget, and something very dear to the hearts of the American people, our parks and wildlife refugees. This bill actually creates more problems than it solves. It reminds me of my experience of being pushed off a deep drop off in a lake by a friend who then prevented my drowning and was hailed a hero. Thanks, but no thanks with that swimming experience or this legislation.

The Republican leadership is advancing this bill, H.R. 2677, as a solution to a self-imposed problem due to skewed priorities. The Interior appropriations bill still is not approved 10 weeks after the start of the fiscal year, hence no funding for the park and wildlife refuge operation. If the Republican majority had done its job and drafted a sound

appropriation measure without giveaways to the grazing, timber and mining industries, with funds for essential programs we would not be in this crisis situation without funding to keep our national parks and refuges open during a Federal shutdown and we would not be considering H.R. 2677 today. Just symbolically opening the Washington Monument or Grand Canyon won't solve the budget problem.

Not only should this bill be unnecessary, it fails to address many practical issues. I do not question the good intentions of most States or the sincerity of State employees who are willing to do what they can in a difficult situation; however, managing the Washington Monument, Yellowstone, Grand Canyon or any of our parks requires expertise that cannot be acquired on an ad hoc, emergency basis. I was Chairman of the Subcommittee on National Parks, Forests and Public Lands for 10 years and certainly I would like to see the parks open for people to enjoy. However, when our National Parks are open, the public and common sense demand that we ensure adequate public safety and adequate protection of the natural and cultural resources within the unit. H.R. 2677 guarantees neither.

Mr. Speaker, this bill is a shining example of what is wrong with the 104th Congress. The Resources Committee held one hearing on two bills, on short notice last Friday when most Members had plans and had left for their districts. There was no markup session and we have had no opportunity to offer amendments or refine the measure. Such a process makes a mockery of the legislative process. In addition, by pushing this bill through without proper deliberation, the new majority seems to imply that government shutdowns will be the norm. The Congress, rather than placing a band aid on the problem, ought to be busy working to avert the injury by enacting the regular appropriation measure or if we fail in that, a continuing resolution to avert the problem.

Are we going to have to enact a series of separate measures for all Federal programs short of funds, for Social Security claims to be processed, and another for passport services, and many others until we have hundreds of laws for every possible contingency resulting from preventable Federal shutdowns? We could replicate the entire Federal code for funding shortfalls and contract out the services to the States in toto. Mr. Speaker, our Nation faces serious budget constraints, declining incomes and security for working people, and many grave concerns. This measure, H.R. 2677, is make-work legislating, creating additional problems just so we can solve them with bills like the one before us today. I urge the defeat of H.R. 2677. We should reaffirm our support for a host of laws already on the books.

This measure, beyond the misguided and misdirected congressional focus, could have profound impact on the legislative branch of the Federal Government. H.R. 2677 provides a blueprint and an engraved invitation for the executive to sidestep congressional authority to control spending, the purse strings, and the land use policy of the Federal Government. Ironically, Congress has always been very careful to guard land use policy as well, avoiding the frequent requests for administrative flexibility. Congress and its committees have properly asserted an effective role in land use questions and most certainly in the designation and operation of our crown jewels, the park units.

This measure, H.R. 2677, undercuts and weakens congressional control of the funding and budget control. In weeks past, the Republican majority has loudly protested Secretary of Treasury Rubin's authority to borrow and finance from specific accounts to avert default and expand the debt ceiling borrowing capacity of the Federal Government. My question is what way do you want it? Do you want to take away the power of the executive branch on debt ceiling and existing borrowing authority or expand the ability of the executive to avoid the shutdown of the Federal non-exempt entities?

Congress is moving onto a slippery slope when it begins to move land use functions to the States. Frankly, this Congress has just defeated studies, policy measures, even to consider changing the management authority and designation of parks, H.R. 260. Now we are about to back into an ad hoc assumption by States of selected National Park management, especially parks that would not even be considered for a change of management.

This year our Committee on Resources has repeatedly held hearings and heard proposals to strip National Park designation from our parks. Beyond these events, repeated proposals have been introduced to force the Federal Government to transfer public domain lands or prevent the Federal Government from asserting its rights as regards such Federal lands.

Repeatedly as the issues are raised and become instantly controversial, the Republican majority denies any involvement. But just the reading of the hearing record from this measure reflects the radical and extreme views espoused by my colleagues. It is the true and factual source of many of these assertions that engender such serious concern.

Mr. Speaker, this bill solves no problem. In fact, it is a detour on the path to a solution. It needlessly distracts and is harmful to the interests and prerogatives of Congress. It is certain to raise yet more controversy and misunderstandings. H.R. 2677 is a waste of energy and time when we should be resolving our problems of appropriations, not concocting schemes to shroud them within. This lack of funding cannot be wished away or solved without real funding. Let's defeat this bill and get back to work.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona [Mr. SHADEGG].

Mr. SHADEGG. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of H.R. 2677. It seems to me this is a common sense bill that the American people are crying out for and we hear such silliness here on the floor. The National Parks and National Wildlife Refuge System Freedom Act of 1995 addressed a simple problem, but a problem that can be very severe.

In my State of Arizona, during the last shutdown, we had a tragedy, actually we had many tragedies. People who make their livelihood off the national park were devastated. People would who wanted to visit one of the 7 Wonders of the World, the Grand Canyon, were told they could not do so. And why were they told that? They were told that because the premise is that unless you have a Federal employee employed by the Federal Government standing at your side, you cannot enjoy, indeed, the Federal Government will prohibit you from enjoying the grandeur of the Grand Canyon.

There is nothing more absurd in my lifetime than that notion. The shutdown of the Grand Canyon National Park was itself politics that hurt the American people. At no time in the history of this Nation should politics or political posturing be allowed to injure the American people as they did in that shutdown.

Yet let me bring you a statistic. In the 32 times that the Government has shut down in the last 2 decades, the National Park Service has not once told a private concessionaire that it had to leech the park. Now, ask yourself why did it do it this time? Why did the Government insist that this time concessionaires in private parks must leave the park? I submit to you it was political posturing.

When we asked in the hearing held last Friday the Federal Department of Interior officials the answer to that, their answer was a fascinating one. It was that well, if the shutdown had lasted only 2 days, one could fudge the Anti-deficiency Act. But if it lasted 3 days, one could not.

Now, I asked them to find and their lawyers to find the language in the Anti-deficiency Act which says you can fudge a shutdown for 2 or 3 days, but you cannot fudge it for 3 or 4 days. They could not do it.

There is a tragedy here, a tragedy of arrogance, arrogance at the Federal level. The notion which we have heard on the floor today that the American

people should be denied the right and visitors from across this Nation and visitors from around this world who have traveled thousands of miles to visit the Grand Canyon, indeed, one of the 7 Wonders of the World, should be sent away because a Federal bureaucrat is not there to stand beside them as they stand at Mather Point and try to absorb the beauty of the Grand Canyon.

The Governor of my State, Governor Symington, came forward with a simple, common sense idea. He said while you all posture in Washington, let me in the State of Arizona run that park. I take great umbrage at the words said on this floor moments ago that the State of Arizona could not run the park well because it has only 200 employees. Such arrogance at the Federal level is offensive. This bill should pass. I urge my colleagues to support it.

Mr. MILLER of California. Mr. Speaker, I yield 4 minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding me time.

The previous speaker, of course, talks about arrogance, he talks about posturing, he talks about politics. In 5 seconds we could preclude all of that happening by a simple continuing resolution that says the Republican leadership has not been able to do the job of passing appropriation bills. But we will pass a continuing resolution.

We did it very briefly when you decided it was time to do it. We did it very briefly the time before that when you decided to do it. This whole business of shutting down parks and anything else is political posturing. I called it terrorist tactics, as you may recall, previously. The fact of the matter is I rise in opposition to this legislation which would allow State employees to replace Federal employees during any future Government shutdowns.

While I hope the Republican leadership will not force us into another shutdown, I ask that they stop pretending that shutdowns affect only those programs you do not like. If we like them, well, we ought to fund them. If we do not like them, clearly the State officials in Arizona were concerned about the impact of the closure of the Grand Canyon. I think all of us would agree with that.

On a lesser scale, officials in my own State were concerned about the impact of closure of Green Belt National Park, Catoctin Mountain Park, Fort McHenry and the Smithsonian, which had an obvious impact on tourism in the Maryland suburbs. The Speaker and the leadership would like the American people to think that these national assets can keep going even while they close down the Government, the parts they do not like.

Last week in the Subcommittee on Civil Service, Social Security Commissioner Chater was questioned about why she did not retain more employees to keep critical services moving ahead. My Republican friends must learn you cannot have it both ways. You cannot deliberately shut down the Government and then use backdoor methods to keep open agencies in operation that happen to be especially popular.

In addition to raising a number of serious legal and management questions, this legislation is yet another attack on Federal workers. While many of our parks rely on volunteer help, it is outrageous to suggest that State workers with many other duties to fulfill can instantly qualify to manage our parks and national wildlife refuges.

The Patuxent Wildlife Research Center in my district is renowned for its work with endangered species. I do not believe any volunteer, frankly, without training could come in and operate it. If the leadership is serious about keeping our parks open, if the leadership is serious about keeping our parks open, they ought to do what they should have done by October 1, pass the appropriation bills that the President can accept. If the Republicans are serious about keeping Social Security functioning, they ought to pass a Labor-Health appropriations measure that the President can sign.

Today is December 12 and the leadership has not even brought a bill to the floor in the Senate on this issue. Some 50,000 employees, they are not national parks, but they are people who need programs to make sure that they have housing, make sure that they can eat, make sure their kids can get Head Start programs and other things that may not be as important as seeing the 7th Wonder of the World, but they are important to some.

□ 1645

I urge the House to reject this measure and keep the pressure on the Republican leadership to take their responsibilities seriously. Do not shut down Government.

BOB DOLE said we ought not to do it, and he is right. And it will take 5 seconds. A unanimous consent to do a continuing resolution to continue the inexistence continuing resolution offered by the Republican leadership just days ago and say that it will go until January 26 or 30. Five seconds and this problem would be eliminated.

Why does it exist? Political posturing.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume, before I yield to the gentleman from Arizona, to say that we have just heard one of the most partisan presentations for a subject the gentleman knows nothing about.

It is very, very disturbing to me that before this, this was a debate about refuges and parks and the ability to keep them open to the taxpayer. And it disturbs me, as I have said before, that I have been here long enough to remember before we had these television cameras. If Members want to play the television, that is fine, but we are trying to solve a problem.

Mr. Speaker, I yield 2 minutes to the gentleman from Arizona [Mr. SHADEGG].

Mr. SHADEGG. Mr. Speaker, I simply want to briefly respond to the remarks we have just heard. The notion that is posited here that this is a one-sided problem, that, indeed, only one party can be blamed for the budgetary impasse that we have before the Nation right now, nothing could be further from the truth.

The simple truth lies in the words which were used. Pass a bill the President can accept. It is a simple proposition. No measure passes this Congress without the votes to pass it, but it does not become law until the President also signs. The budget impasse we face today is of equal burden and falls upon both parties.

I have a discussion with my staffers when I hire them. There are two kinds of people in the world, those who look for ways to solve problems and those who look for excuses why they cannot be solved. What we have heard today is that there is an acknowledged problem. We have a budget impasse. The other side of the aisle says here are excuses why we cannot solve the problem. Our side says we can find a solution. This bill is the solution.

I simply want to add a dimension of the problem. This is a letter written by Susan Morley of Flagstaff, Arizona. It details how her husband died in 1992 of cancer at the age of 41. He asked his ashes to distributed at Ribbon Falls in the Grand Canyon, and then there was scheduled this year a family reunion of their entire family from across the Nation to visit Ribbon Falls in his memory. They were denied the right to do that, and she details in here her 13-year-old crying because she could not go to Ribbon Falls to celebrate her father's passing and his memory because of the Federal Government shutdown.

There is a way to solve this problem and not to look for excuses. It is in this bill. I urge its passage.

Mr. MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding.

My purpose was not to be partisan in presentation, as is alleged by the chairman, my good friend, the chairman of the committee. My purpose was to say that there is a very simple way to get out of this perceived problem, and that is to say, yes, we have differences, they are substantive differences, and we are debating them, and we will go on debating them for probably weeks to come because there is substantial disagreement within your party and between the President and the Congress.

The simple way to do it is to say we do not intend to shut down the parks or other aspects of Government. The fact of the matter is, we are going to operate Government while we debate these issues.

I would say to the gentleman that that was my point. I think it is a valid point on this bill and others like it that seek to accept certain portions as opposed to making sure that the Government continues to operate.

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

Mr. HOYER. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Speaker, this is not the solution, this is a coverup in terms of what the real solution is. The real solution is passing the Interior appropriations bill.

Mr. YOUNG of Alaska. Mr. Speaker, how much time do the parties have left?

The SPEAKER pro tempore (Mr. EWING). The gentleman from Alaska [Mr. YOUNG] has 2½ minutes, and the gentleman from California [Mr. MILLER] has 4 minutes remaining.

Mr. YOUNG of Alaska. Mr. Speaker, I have reserved the right to close, I believe, but I yield myself such time as I may consume to suggest if the gentleman had reached his point and not added all the little adjectives to it, I would have been much happier.

I will not disagree with some of the things he says, but I would suggest when he brings in the other appropriations bills, brings my leadership into question, when this is a two-party street, why did the gentleman not mention the President? That is all I suggested.

It means a great deal to me that we solve this problem of refuges and parks. And I hope on that side of the aisle, I hope Members understand if they vote against this bill what they are doing. It is not my fault, it may not be my colleagues' fault, but we are allowing the Secretary for the first time in history to deprive our taxpayers of the utilization of our refuges and parks, and tell me that is not political.

When Secretary Babbitt will run down and campaign in every district that has a Republican, and he has done that, and I have that documented, that is politics. I am tired of politics on this floor. I want to keep the parks open and the refuges open, because that is the taxpayer's right.

If my colleagues want to play politics, we will play politics. But let us leave this part of it out. This is for the parks and the refuges.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Grand Canyon was not closed because of the failure of the budgetary process. the Grand Canyon was closed because the Republican party, which numbers 234 in this House, has not passed an appropriations bill for the Department of the Interior. And the fact of the matter is, that bill was to be passed on October 1 and it is December 12 and it still has not passed. They brought it to the House twice and it was rejected on a bipartisan basis, overwhelmingly rejected because of its extreme nature.

The Republicans are looking for someone to point a finger at and someone to blame. They ought to take some personal responsibility. They have failed to pass the appropriations bill. If the appropriations bill was passed, then the Grand Canyon would be treated by those other agencies of the Federal Government whose bills were passed and they were not affected by the shutdown. But the Republicans have failed and now they want to blame somebody. They are not going to get away with it.

Pass the appropriations bill and pass a bill that, yes, is acceptable to the President of the United States and to the people of this country. That is not what the Republicans have been serving up on the floor of this House, and that is why they have been repudiated twice. Because the people of this country are not going to sacrifice these resources so that the Republicans can open them up some emergency basis.

Mr. Speaker, I know it is a cliche, but we often talk about the defendant that killed his parents and then threw himself on the mercy of the court because he was an orphan. The Republicans here have failed to deliver a bill in a timely fashion. The fact is they have failed, I believe, to deliver every appropriations bill in a timely fashion for, I believe, the first time in modern history in this Congress. And the fact of the matter is that is why the Government was shut down. That is separate from the budgetary process.

Mr. Speaker, the fact of the matter is, we did not have a continuing resolution because the Republican leader, the Speaker of the House, threw a tantrum, and that tantrum resulted in tens of thousands of Federal employees being thrown out of work, and millions of Americans being disappointed, whether they were trying to bury their family in veterans cemeteries or at Ribbon Falls. But that happened for a single reason; because the Republican majority in this House failed to meet the mandates of the laws. It is just that simple. It is just that simple.

If the budget talks collapse tomorrow or the next day or next year, if the Republicans pass the appropriations bill, then those people will not be disappointed and those people will not be punished who are employees and those who wish to take advantage of the services of the Federal Government. So they have cooked up this bill. They have cooked up this bill to cover this trail. This is dragging the tree limbs behind the horse so maybe the people who are following this will not know where they are going. They know exactly where they are going.

The Republicans are planning to shut down the Government again. They are anticipating it, which suggests maybe the good faith bargaining everybody talks about is not taking place, and at the same time they are trying to cover up for the mistakes they made in the past. They were so excited to shut down the Federal Government, they did it prematurely. They did it before there was any controversy. But they went ahead and shut it down, and the American people said what the hell are they doing. This does not make sense. We have not even arrived at the point where we have a serious controversy.

So now they are coming back from that position that they found was so unpopular with the American public, and now they are trying to pretend they are doing something to deal with it. The Republicans can deal with this. Pass the Interior appropriations bill. But if the Republicans are going to load it up, as they have in the past, with a lot of provisions to destroy the forest and destroy the wild lands of this country, it will not be acceptable, and the President is not going to sign it, and they will, again, have enabled people to shut down the Government of this country because of their own failures to meet their deadlines and to meet the guidelines and the laws of this country.

Mr. Speaker, the only reason we are here today with H.R. 2677 is that the Republican majority failed to do its job and pass an acceptable appropriations bill to fund our national parks and wildlife refuges.

The majority has twice failed to generate sufficient votes to pass its own Interior bill. And now, to cover the tracks of that failure, they have cooked up this specious and absurd piece of legislation. Let us be clear: This bill is nothing but camouflage to conceal the Republican leadership's failure to do its job.

H.R. 2766 has been titled the "National Park and Wildlife Refuge Systems Freedom Act of 1995". This bill does not free our national parks or refuges from anything. Instead, it raises more concerns than it answers, and it places our parks, and our citizens, at great risk.

Which parks or refuges would be opened in the event of a Government shut-down?

What services would be provided?

Who would be liable to accidents to visitors or damage to resources? Governor Symington of Arizona tells us he thinks Federal taxpayers should indemnify States for damages and injuries caused when States operate Federal facilities. An interesting feature of the new federalism!

If you are serious seeking the answers to these and other questions about this hastily developed bill, do not look to the Committee on Resources. We have held one, perfunctory hearing, on a day when the House was not even in session; multiple questions about the

bill went unanswered. We held no subcommittee mark up; no full committee mark up; there is no report on this bill.

And today, the House is being given no opportunity to amend this bill to address the many concerns and criticisms that have been raised about it.

H.R. 2677 is really a pretty poor solution to the Republican failure to provide an appropriations bill to fund our national parks and wildlife refuges. If you were really serious about this problem, we would be better off passing a law declaring all national park and wildlife refuge employees as emergency employees for the duration of a shutdown. Instead, you are going to have States determine what parks and refuges are open in a shutdown and what services will be provided. I note Governor Symington's offer to assist with Grand Canyon National Park, but what about Saguaro National Park, Petrified Forest National Park, or any of the 17 other national park units in Arizona? The Governor did not answer that one.

Let me tell you what this bill is really about.

It is not about keeping the parks open, because it is so poorly drafted and ill-conceived that no one seriously believes it is going to become law. It is polemics, not policy.

No, what this bill is about is the Republican leadership, who demanded that it be prematurely brought to the floor this week, wanting to immunize itself against charges that it shut down the national parks again because Republicans cannot figure out how to pass an Interior appropriations bill. And this bill is a little insurance policy, so they can go home and tell their disappointed constituents: "Oh, I didn't vote to close the parks. Those nasty Democrats did because they refused to pass H.R. 2677."

But the Republicans know, and the American people know, this bill could not become law in time for the possible shut-down this week, and so there is really no rush. It should be given much fuller consideration.

And last, let me mention that many of those who are promoting this bill are also advocates for turning over Federal lands, including protected national parks, to the States so that miners, loggers, and others can exploit them free from the management policies developed on behalf of all Americans by past Congresses.

H.R. 2677 has been conceived as a first step towards the dismantling of our parks, refuges, wilderness areas and other Federal lands. And that is exactly how passage of H.R. 2677 will be interpreted by its supporters.

Do not let the Republicans play dangerous political games with our national parks! Vote "no" on H.R. 2677.

Mr. YOUNG of Alaska. Mr. Speaker, how much time do I have left?

The SPEAKER pro tempore. The gentleman has 1½ minutes.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume to say that the gentleman that just spoke voted twice to recommit the bill. We brought a bill to the floor, an appropriations bill that could pass, to send to the President, and then if he vetoed it, we would know really where the differences lie. But the gentleman was in the minority. He was in the minority. And this House has not done its job because the minority says they know what is best for the majority.

The minority will have an opportunity this week to vote on the same bill. Hopefully, it will pass and it will go to the President and he will probably veto it. Then that is in his ballpark. But the big thing right now is, again, I want to stress that for the first time in history this Secretary, the arrogance of this individual, has taken away the rights of the American people.

All this bill does is say if a State wishes to do so, in the case of a conflict between the Congress and the President of the United States, they, in fact, can offer their services to keep these areas open for the general public.

Mr. Speaker, may I suggest, and correct the gentleman from California, that in 1987 the majority on that side passed, for a full year, 13 continuing resolutions for all 12 months for all 13 agencies. Do not tell me about the law. In fact, in 1974, when Mr. Carter was running around here, 1975 and 1976, in that period of time, 1978, I cannot remember all the years he has been there, each time they, in fact, passed continuing resolutions. They never met the time frame.

I have heard this argument again and again about the Republican party not doing this. The Democrats have failed miserably, and in the meantime put us $6 trillion in debt.

Mr. DINGELL. Mr. Speaker, I rise today in strong opposition to the bill before us. This bill would temporarily place the management of national parks and wildlife refuges under State control, and it raise several concerns. First, as author of the underlying legislation for the National Wildlife Refuge System, I have long opposed any giveaways in Federal authority to the States.

These lands belong to the people of the United States—not any one State, and they must be managed according to the purposes established through Federal legislation.

Second, as a long-time hunter, I, too, wish to see the refuges remain open. There is a simple way to achieve this, and one which the majority has twice failed to do by bringing an appropriations bill to this floor which is so extreme that it cannot pass. The Interior appropriations bill is over 2 months late.

Third, there are unresolved questions about the liability and other matters when the Federal Government hands over the keys of these treasures to the States.

The majority is right! It is irresponsible to close down our national parks and the refuge system. It is a shame that we are facing a second Government shutdown later this week because the majority is unable to pass a reasonable funding bill for parks and refuges.

Now I must say that I have the most respect for the chairman of the Resources Committee, with whom I have worked diligently to assemble a bill which will make improvements in our Refuge System. H.R. 2677 is bad legislation which goes against those things which Chairman YOUNG and I are trying to achieve with legislative reforms to improve our refuges, and does so to try to carve out exemptions for hunters.

As a hunter, I want refuges open. As a legislator, I want good legislation for our refuge system. H.R. 2677 might be good politics, but it is terrible policy. I urge defeat of this bill.

The SPEAKER pro tempore. All time has expired.

The question is on the motion offered by the gentleman from Alaska [Mr. YOUNG] that the House suspend the rules and pass the bill, H.R. 2677, as amended.

The question was taken.

Mr. VENTO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

□ 1700

FEDERAL TRADEMARK DILUTION ACT OF 1995

Mr. MOORHEAD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1295) to amend the Trademark Act of 1946 to make certain revisions relating to the protection of famous marks, as amended.

The Clerk read as follows:

H.R. 1295

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Trademark Dilution Act of 1995".

SEC. 2. REFERENCE TO THE TRADEMARK ACT OF 1946.

For purposes of this Act, the Act entitled "An Act to provide for the registration and protection of trade-marks used in commerce, to carry out the provisions of certain international conventions, and for other purposes", approved July 5, 1946 (15 U.S.C. 1051 and following), shall be referred to as the "Trademark Act of 1946".

SEC. 3. REMEDIES FOR DILUTION OF FAMOUS MARKS.

(a) REMEDIES.—Section 43 of the Trademark Act of 1946 (15 U.S.C. 1125) is amended by adding at the end the following new subsection:

"(c)(1) The owner of a famous mark shall be entitled, subject to the principles of equity and upon such terms as the court deems reasonable, to an injunction against another person's commercial use in commerce of a mark or trade name, if such use begins after the mark has become famous and causes dilution of the distinctive quality of the mark, and to obtain such other relief as is provided in this subsection. In determining whether a mark is distinctive and famous, a court may consider factors such as, but not limited to—

"(A) the degree of inherent or acquired distinctiveness of the mark;

"(B) the duration and extent of use of the mark in connection with the goods or services with which the mark is used;

"(C) the duration and extent of advertising and publicity of the mark;

"(D) the geographical extent of the trading area in which the mark is used;

"(E) the channels of trade for the goods or services with which the mark is used;

"(F) the degree of recognition of the mark in the trading areas and channels of trade used by the marks' owner and the person against whom the injunction is sought;

"(G) the nature and extent of use of the same or similar marks by third parties; and

"(H) whether the mark was registered under the Act of March 3, 1881, or the Act of February 20, 1905, or on the principal register.

"(2) In an action brought under this subsection, the owner of the famous mark shall be entitled only to injunctive relief unless the person against whom the injunction is sought willfully intended to trade on the owner's reputation or to cause dilution of the famous mark. If such willful intent is proven, the owner of the famous mark shall also be entitled to the remedies set forth in sections 35(a) and 36, subject to the discretion of the court and the principles of equity.

"(3) The ownership by a person of a valid registration under the Act of March 3, 1881, or the Act of February 20, 1905, or on the principal register shall be a complete bar to an action against that person, with respect to that mark, that is brought by another person under the common law or a statute of a State and that seeks to prevent dilution of the distinctiveness of a mark, label, or form of advertisement.

"(4) The following shall not be actionable under this section:

"(A) Fair use of a famous mark by another person in comparative commercial advertising or promotion to identify the competing goods or services of the owner of the famous mark.

"(B) Noncommercial use of a mark.

"(C) All forms of news reporting and news commentary.".

(b) CONFORMING AMENDMENT.—The heading for title VIII of the Trademark Act of 1946 is amended by striking "AND FALSE DESCRIPTIONS" and inserting ", FALSE DESCRIPTIONS, AND DILUTION".

SEC. 4. DEFINITION.

Section 45 of the Trademark Act of 1946 (15 U.S.C. 1127) is amended by inserting after the paragraph defining when a mark shall be deemed to be "abandoned" the following:

"The term 'dilution' means the lessening of the capacity of a famous mark to identify and distinguish goods or services, regardless of the presence or absence of—

"(1) competition between the owner of the famous mark and other parties, or

"(2) likelihood of confusion, mistake, or deception.".

SEC. 5. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. MOORHEAD] will be recognized for 20 minutes, and the gentlewoman from Colorado [Mrs. SCHROEDER] 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 H.R. 1295, the Federal Trademark Dilution Act of 1995 and I would like to commend the gentlewoman from Colorado [Mrs. SCHROEDER], the ranking member of the Subcommittee on Courts and Intellectual Property for all of her hard work on this issue.

Mr. Speaker, this bill is designed to protect famous trademarks from subsequent uses that blur the distinctiveness of the mark or tarnish or disparage it, even in the absence of a likelihood of confusion. Thus, for example, the use of DuPont shoes, Buick aspirin, and Kodak pianos would be actionable under this bill.

The concept of dilution dates as far back as 1927, when the Harvard Law Review published an article by Frank I. Schecter in which it was argued that coined or unique trademarks should be protected from the "gradual whittling away of dispersion of the identity and hold upon the public mind" of the mark by its use on noncompeting goods. Today, approximately 25 States have laws that prohibit trademark dilution.

A Federal trademark dilution statute is necessary, because famous marks ordinarily are used on a nationwide basis and dilution protection is only available on a patch-quilt system of protection. Further, some courts are reluctant to grant nationwide injunctions for violation of State law where half of the States have no dilution law. Protection for famous marks should not depend on whether the forum where suit is filed has a dilution statute. This simply encourages forum-shopping and increases the amount of litigation.

H.R. 1295 would amend section 43 of the Trademark Act to add a new subsection (c) to provide protection against another's commercial use of a famous mark which result in dilution of such mark. The bill defines the term "dilution" to mean "the lessening of the capacity of registrant's mark to identify and distinguish goods or services of the presence or absence of (a) competition between the parties, or (b) likelihood of confusion, mistake, or deception."

The proposal adequately addresses legitimate first amendment concerns espoused by the broadcasting industry and the media. The bill would not prohibit or threaten noncommercial expression, such as parody, satire, editorial, and other forms of expression that are not a part of a commercial transaction. The bill includes specific language exempting from liability the "fair use" of a mark in the context of comparative commercial advertising or promotion and all forms of news reporting and news commentary.

The legislation sets forth a number of specific criteria in determining whether a mark has acquired the level of distinctiveness to be considered famous. These criteria include: First, the degree of inherent or acquired distinctiveness of the mark; second, the duration and extent of the use of the mark; and third, the geographical extent of the trading area in which the mark is used.

With respect to remedies, the bill limits the relief a court could award to an injunction unless the wrongdoer willfully intended to trade on the trademark owner's reputation or to cause dilution, in which case other remedies under the Trademark Act become available. The ownership of a valid Federal registration would act as a complete bar to a dilution action brought under State law.

Mr. Speaker, H.R. 1295 is strongly supported by the U.S. Patent and Trademark Office, the International Trademark Association; the American Bar Association; Time Warner; the Campbell Soup Co.; the Samsonite Corp., and many other U.S. companies, small businesses, and individuals. It is solid legislation and I urge its passage.

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

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

Mr. Speaker, I am pleased to join the Intellectual Property Subcommittee chairman, the gentleman from California, in support of H.R. 1295, the Trademark Dilution Act. In particular, I am pleased that the bill before us today includes an amendment I offered in subcommittee to extend the Federal remedy against trademark dilution to unregistered as well as registered famous marks.

At our hearing on H.R. 1295, the administration made a compelling case that limiting the Federal remedy against trademark dilution to those famous marks that are registered is not within the spirit of the United States position as a leader setting the standards for strong worldwide protection of intellectual property. Such a limitation would undercut the United States' position with our trading partners, which is that famous marks should be protected regardless of whether the marks are registered in the country where protection is sought.

In all of our work this year, the Intellectual Property Subcommittee has been strongly committed to making sure that the United States is a leader in setting high standards worldwide for the protection of intellectual property. This bill is fully within that tradition, and will strengthen our hand in our negotiations with our trading partners.

It is also important to recognize, as the Patent and Trademark Office pointed out in its testimony, that existing precedent does not distinguish between registered and unregistered marks in determining whether a mark is entitled to protection as a famous mark. To the extent that dilution has been a remedy available to the owner of a trademark or service mark in the United States under State statutes and the common law, that remedy has not been limited only to registered marks. So it really doesn't make any sense, if

we are going to create a Federal statute on trademark dilution, to limit the remedy to registered marks.

For these reasons, I am happy that the bill before us today includes a strong Federal remedy for trademark dilution, not only with respect to registered marks, but also with respect to unregistered famous marks. I urge my colleagues to support this bill.

Mr. Speaker, I have no further speakers on this bill, so 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 (Mr. EWING). The question is on the motion of the gentleman from California [Mr. MOORHEAD] that the House suspend the rules and pass the bill, H.R. 1295, 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. MOORHEAD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill just passed.

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

There was no objection.

ENHANCING FAIRNESS IN COMPENSATING OWNERS OF PATENTS USED BY THE UNITED STATES

Mr. MOORHEAD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 632) to enhance fairness in compensating owners of patents used by the United States, as amended.

The Clerk read as follows:

H.R. 632

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

SECTION 1. JUST COMPENSATION.

(a) AMENDMENT.—Section 1498(a) of title 28, United States Code, is amended by adding at the end of the first paragraph the following: "Reasonable and entire compensation shall include the owner's reasonable costs, including reasonable fees for expert witnesses and attorneys, in pursuing the action if the owner is an independent inventor, a nonprofit organization, or an entity that had no more than 500 employees at any time during the 5-year period preceding the use or manufacture of the patented invention by or for the United States. Reasonable and entire compensation described in the preceding sentence shall not be paid from amounts available under section 1304 of title 31, but shall be payable subject to such extent or in such amounts as are provided in annual appropriations Acts.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to actions under section 1498(a) of title 28, United States Code, that are pending on, or brought on or after, January 1, 1995.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. MOORHEAD] will be recognized for 20 minutes, and the gentlewoman from Colorado [Mrs. SCHROEDER] 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 H.R. 632, a bill to enhance fairness in compensating owners of patents used by the United States. I ask unanimous consent to revise and extend my remarks and yield myself as much time as I may consume. An amended version of this bill is presented for passage under suspension of the rules. The amendment to the reported bill reflects technical changes which conform to suggestions given after consideration of the bill by the Committee on the Budget.

I would like to thank the ranking member of the Subcommittee on Courts and Intellectual Property, the gentlewoman from Colorado [Mrs. SCHROEDER], for her efforts in bringing this bill before the subcommittee and for her work on the important issue of attorney's fees in patent cases brought against the United States. I would also like to thank the gentleman from Texas [Mr. FROST] for introducing this bill. It was brought to light by one of his constituents, Standard Manufacturing Co. His and Mrs. SCHROEDER's willingness to work on a bipartisan basis to bring this bill to the floor has resulted in a careful and narrow bill specifically addressing the problem at hand. So I congratulate the gentleman from Texas [Mr. FROST] and gentlewoman from Colorado [Mrs. SCHROEDER] for their effort and cooperation.

H.R. 632 is an effort to help small businesses recover some of the legal costs associated with defending their patents when the Federal Government takes and uses them, since small businesses many times cannot afford expensive legal defense fees associated with defending their patents against Government expropriation. The bill applies to patent owners who are independent inventors, nonprofit organizations, or entities with less than 500 employees.

As the law stands, damages do not include attorney's fees and costs. H.R. 632 is a fee-shifting statute that will reimburse a plaintiff's reasonable cost of bringing suit when the Government takes its patent. Congress has already provided for fee-shifting in other property takings cases. This bill extends that concept to patent cases, where a plaintiff's intellectual property has been taken.

This bill is consistent with the legal reform provisions of the Contract With America by extending the loser pays rule to cases where a patent owner is forced to litigate to recover for the infringement of his or her patent. It complements legislation I introduced, H.R. 988, which passed the House last spring, in extending the rule of fairness to cases where the Government is held liable. An identical bill, S. 880, has been introduced in the Senate by Senator KAY BAILEY HUTCHISON.

I urge my colleagues to vote in favor of this bipartisan bill.

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

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

Mr. Speaker, I join the subcommittee chairman in supporting H.R. 632. This bill is critical to the protection of the property rights of the independent inventor, nonprofit organizations, and small businesses.

Current law provides for a patent owner to receive "reasonable and entire compensation" whenever an invention covered by a patent is used or manufactured by or for the United States without license of the owner or without lawful right. But if the patent owner has to bear the costs of litigation to recover compensation for the Government's use of its patent, the owner really isn't getting entire compensation. That is the gap that this legislation will fill.

This bill doesn't just serve to protect the property rights of the private property owner, however; it also ultimately serves the interests of the U.S. Government. Without this bill, companies have little incentive to spend their intellectual resources to help the Government solve its technical problems. As a member of the National Security Committee, I am well aware of some of the circumstances where companies can help us solve technical problems and thus add to our military capabilities, and this bill will be of great help in that regard.

I thank the subcommittee chairman, the gentleman from California, for his efforts on behalf of this bill. I urge my colleagues to support this important bill protecting the property rights of patent owners.

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. FROST].

Mr. Speaker, the gentleman is the primary sponsor of this bill, and he has been absolutely dogged in pursuing this. I congratulate him for persevering and I congratulate him on what I think will soon be a victory on this bill. I think all Members will be very happy to have this behind us.

Mr. FROST. Mr. Speaker, first of all, I would like to thank the gentleman from California [Mr. MOORHEAD] and the gentlewoman from Colorado [Mrs. SCHROEDER] for bringing this bill to the floor and for moving it forward at this

time. I sincerely appreciate their efforts on behalf of this piece of legislation.

Mr. Speaker, I rise in support of H.R. 632, a bill long overdue for inventors and small businesses in this country. H.R. 632 will enhance fairness in compensating owners of patents that were used by the U.S. Government.

Inventors whose patents are taken for use by the Federal Government have only one way to obtain payment—they are compelled by statute to bring a lawsuit against the Government to recover their fair compensation. Because of the lack of explicit language in the current statute, they are forced to bear all the costs of the lawsuit even when they win their case. Many small inventors and businesses have been unfairly hurt by this situation. H.R. 632 will permit such inventors to be reimbursed for their reasonable costs.

This bill would expressly authorize the recovery of reasonable costs by a small business or inventor who is forced by statute to litigate against the Government in order to obtain compensation. In each case, though, the costs would be scrutinized by the Claims Court to assure that they were reasonable, but to the extent they were reasonable, they could be recovered.

This problem should have been corrected long ago—when it first became apparent that court interpretations would not permit inventors to obtain a complete recovery. To continue this inequity would be a serious disservice to some of our most productive inventors in fundamentally important industries. We need to be fair with those inventors in order to encourage innovation and make our country more competitive. H.R. 632 would help assure the necessary fairness.

I urge my colleagues to join me today fixing this inequity and support H.R. 632.

□ 1715

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

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

The SPEAKER pro tempore (Mr. EWING). The question is on the motion offered by the gentleman from California [Mr. MOORHEAD] that the House suspend the rules and pass the bill, H.R. 632, 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. MOORHEAD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 632, the bill just passed.

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

There was no objection.

SEXUAL CRIMES AGAINST CHILDREN PREVENTION ACT OF 1995

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1240) to combat crime by enhancing the penalties for certain sexual crimes against children, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate Amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sex Crimes Against Children Prevention Act of 1995".

SEC. 2. INCREASED PENALTIES FOR CERTAIN CONDUCT INVOLVING THE SEXUAL EXPLOITATION OF CHILDREN.

The United States Sentencing Commission shall amend the sentencing guidelines to—

(1) increase the base offense level for an offense under section 2251 of title 18, United States Code, by at lest 2 levels; and

(2) increase the base offense level for an offense under section 2252 of title 18, United States Code, by at least 2 levels.

SEC. 3. INCREASED PENALTIES FOR USE OF COMPUTERS IN SEXUAL EXPLOITATION OF CHILDREN.

The United States Sentencing Commission shall amend the sentencing guidelines to increase the base offense level by at least 2 levels for an offense committed under section 2251(c)(1)(A) or 2252(a) of title 18, United States Code, if a computer was used to transmit the notice or advertisement to the intended recipient or to transport or ship the visual depiction.

SEC 4. INCREASED PENALTIES FOR TRANSPORTATION OF CHILDREN WITH INTENT TO ENGAGE IN CRIMINAL SEXUAL ACTIVITY.

The United States Sentencing Commission shall amend the sentencing guidelines to increase the base offense level for an offense under section 2423(a) of title 18, United States Code, by at least 3 levels.

SEC. 5. TECHNICAL CORRECTION.

Section 2423(b) of title 18, United States Code, is amended by striking "2245" and inserting "2246".

SEC. 6. REPORT BY THE UNITED STATES SENTENCING COMMISSION.

Not later than 180 days after the date of the enactment of this Act, the United States Sentencing Commission shall submit a report to Congress concerning offenses involving child pornography and other sex offenses against children. The Commission shall include in the report—

(1) an analysis of the sentences imposed for offenses under sections 2251, 2252, and 2423 of title 18, United States Code, and recommendations regarding any modifications to the sentencing guidelines that may be appropriate with respect to those offenses;

(2) an analysis of the sentences imposed for offenses under sections 2241, 2242, 2243, and 2244 of title 18, United States Code, in cases in which the victim was under the age of 18 years, and recommendations regarding any modifications to the sentencing guidelines that may be appropriate with respect to those offenses;

(3) an analysis of the type of substantial assistance that courts have recognized as warranting a downward departure from the sentencing guidelines relating to offenses under section 2251 or 2252 of title 18, United States Code;

(4) a survey of the recidivism rate for offenders convicted of committing sex crimes against children, an analysis of the impact on recidivism of sexual abuse treatment provided during or after incarceration or both, and an analysis of whether increased penalties would reduce recidivism for those crimes; and

(5) such other recommendations with respect to the offenses described in this section as the Commission deems appropriate.

Mr. MCCOLLUM (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

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

Mr. WATT of North Carolina. Mr. Speaker, reserving the right to object, I hope I do not have to object, and I yield to the gentleman from Florida [Mr. MCCOLLUM] to explain to us what is going on here.

Mr. MCCOLLUM. Mr. Speaker, we are waiving the right at the moment for the reading of the amendment. The gentleman from New York [Mr. SCHUMER] is going to reserve the right to object to the bill and we will discuss the bill. Right now we are just waiving the reading of Senate amendment.

Mr. WATT of North Carolina. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

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

Mr. SCHUMER. Mr. Speaker, reserving the right to object, I will not object. I yield to the gentleman from Florida [Mr. MCCOLLUM] to explain the purpose of the request.

Mr. MCCOLLUM. Mr. Speaker, this bill strengthens the punishment for sexual crimes involving children by directing the United States Sentencing Commission to make specific modifications to its sentencing guidelines with respect to these crimes. The House passed this bill last April by a vote of 417–0. The other body has also passed this legislation, but in a slightly different form. On behalf of the Crime Subcommittee, I am satisfied that the changes made in the other body actually strengthen the bill and I have no objection to them.

Accordingly, I bring the bill to the floor today for the purpose of agreeing to the Senate amendment to the bill and to send it to the President for his prompt signature.

Mr. SCHUMER. Mr. Speaker, continuing my reservation of objection, I

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rise in support of the legislation. I commend the gentleman for proceeding with this bill.

Mr. Speaker, I withdraw my reservation of objection.

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

Mr. WATT of North Carolina. Mr. Speaker, reserving the right to object, I will not object. I want to make sure I understand what the Senate amendment does.

I yield to the gentleman from Florida [Mr. McCOLLUM].

Mr. McCOLLUM. Mr. Speaker, it is a very technical change of the time that is involved in this. I do not have it in front of me.

Mr. WATT of North Carolina. Mr. Speaker, continuing my reservation of objection, it seems to me that we deserve to know what we are voting on.

Mr. McCOLLUM. Mr. Speaker, if the gentleman will continue to yield, it changes the short title of the bill, is my understanding. It expands the increased penalties for possession of child pornography.

Mr. WATT of North Carolina. Mr. Speaker, it actually expands the bill that we passed?

Mr. McCOLLUM. Mr. Speaker, by a very slight amount, in the actual definitions that are involved, child pornography, as far as the penalties are concerned.

Mr. WATT of North Carolina. Mr. Speaker, continuing my reservation of objection, I yield to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, as I understand it, and the gentleman from Florida can correct me if I am wrong, there are three changes. Two are very technical. They change the short title of the bill; that is one. The second takes two sentences and makes it into one run-on sentence, which is characteristic of the other body on occasion. And the third one, which is the more serious change, although also technical, makes possession of such pornographic materials subject to the penalty as well as trafficking in them.

Mr. WATT of North Carolina. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

A motion to reconsider was laid on the table.

DNA IDENTIFICATION GRANTS IMPROVEMENT ACT OF 1995

Mr. McCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2418) to improve the capability to analyze deoxyribonucleic acid, as amended.

The Clerk read as follows:

H.R. 2418

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 "DNA Identification Grants Improvement Act of 1995".

SEC. 2. DNA IDENTIFICATION GRANTS.

Paragraph (22) of section 1001(a) of the Omnibus Crime Control and Safe Streets Act is amended to read as follows:

"(22) There are authorized to be appropriated to carry out part X—

"(A) $1,000,000 for fiscal year 1996;

"(B) $15,000,000 for fiscal year 1997;

"(C) $14,000,000 for fiscal year 1998;

"(D) $6,000,000 for fiscal year 1999; and

"(E) $4,000,000 for fiscal year 2000.".

SEC. 3. RESTRICTION ON GRANT USE.

Section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 is amended by adding at the end the following:

"(d) DNA PROFILES PROHIBITED.—In no event shall DNA identification records contained in this index be compiled or analyzed in order to formulate statistical profiles for use in predicting criminal behavior.".

SEC. 4. TECHNICAL AMENDMENT.

Effective on the date of the enactment of the Violent Crime Control and Law Enforcement Act of 1994, section 210302(c)(3) of such Act is amended by inserting "(a)" after "Section 1001" and after "3793".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. McCOLLUM] and the gentleman from New York [Mr. SCHUMER] each will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. McCOLLUM].

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

Mr. Speaker, I introduced this bill, the DNA Identification Grants Improvements Act of 1995, at the request of the FBI and the American Society of Crime Laboratory Directors.

Nearly everyone is aware by now of the tremendous utility of DNA identification to the Nation's criminal justice process. Some of the most horrendous crimes, the ones that scream out for justice, often involve few if any witnesses. Child abduction and violent sexual assaults are just two categories of crimes in which the identification of the perpetrator and proof of the crime is extremely difficult. DNA has proven to be a useful tool in establishing investigative leads and as admissible evidence of the commission of a crime.

In addition, DNA analysis has proven to be a useful tool for those accused of committing crimes. In a limited number of cases, defendants have used DNA evidence to prove that they were not the perpetrators of particular crimes. Thus, the DNA identification process is a highly valuable, dual purpose, law enforcement tool.

This is why last year's crime bill, while containing several features I opposed, wisely included a provision to encourage and assist the development of DNA identification procedures. H.R. 2418 will reorder the funding levels of the DNA identification grants authorized in the bill. Those grants provide funding to the FBI to operate its combined DNA index system and to the States to develop and improve DNA testing. H.R. 2418 would merely reorder the amounts authorized to be made available to States over the next several fiscal years so that funds are available to States sooner than is authorized in current law. The total amount authorized is unchanged by this bill.

The FBI has requested that Congress front-load the funds to the States because of the significant start-up costs States incur in creating DNA testing programs and databases. As I have already stated, DNA analysis is an important and rapidly developing area of law enforcement. This bill will help States develop and implement DNA testing capabilities sooner. The result will be that more crimes will be solved, some who have been wrongly accused of crimes will be better able to prove their innocence, and many crimes will be solved sooner than would be the case without this bill.

I hope that in next year's appropriations bill for the Department of Justice, we will be able to fully fund this effort. I realize that there are many competing priorities, but I believe we must be equipping ourselves with the most effective technologies if we are going to cope with the coming storm of violent crime. I intend to work with the gentleman from Kentucky [Mr. ROGERS], who chairs the Commerce-Justice-State Appropriations Subcommittee, to secure the necessary funding.

I also want to point out that this bill contains a restriction on the use of the authorized funds with regard to the practice of criminal profiling. This language was offered successfully by the gentleman from North Carolina [Mr. WATT] in subcommittee. I supported this amendment because I agree with Mr. WATT as a matter of principle and because I am not aware of any attempts by law enforcement authorities to engage in the practice of using DNA data to identify genetic traits associated with criminal behavior. Such scientific endeavors may occur in other academic disciplines, but it is not the role of law enforcement authorities.

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

Mr. SCHUMER. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of this bill.

Mr. Speaker, this bill, as has been mentioned, amends the DNA grant program that was passed as part of the 1994 crime bill. The DNA grant program provides $40 million in grants to State and local law enforcement agencies to improve their ability to analyze DNA samples, and I am glad that the majority, in their headlong effort to repeal so many sensible parts of the crime bill, is still in favor of this one.

The bill makes a sensible adjustment in the schedule under which the funds will become available for the grant program. Since startup costs are heavier in the early years, it redistributes funding to those years tapering off toward the end of the program. It does not change the total amount of funds available and as the gentleman from Florida [Mr. McCOLLUM] mentioned, it includes the amendment of the gentleman from North Carolina [Mr. WATT] about profiles using this DNA information.

DNA information can be a serious tool in crime fighting, and one of our goals in passing the 1994 crime bill was to help the localities do better in fighting crime but not just give them an empty-ended block grant that would let them do whatever they want with the money.

I do not want to get into the debate on the crime bill now. Well, I do, but I will not.

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

Mr. SCHUMER. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina [Mr. WATT] distinguished member of our Subcommittee on Crime.

Mr. WATT of North Carolina. Mr. Speaker, I thank the gentleman from New York for yielding time to me.

I rise in reluctant opposition to this bill, not because I feel that what I say is going to influence anybody to vote against the bill.

When this DNA bank was set up several years ago, as I recall, I was one of two Members who voted against setting it up in the first place, and I doubt that there is any shift in the public sentiment on that issue since that time.

I thought it would be helpful to use a little bit of time today to at least educate my colleagues about this issue and the potential for abuse related to DNA. Every day there is a new breakthrough in DNA identification technology. But DNA technology can be a classic double-edged sword. It can cut either way, so to speak.

I think my colleagues need to understand that and understand why I insisted in committee on offering an amendment to inhibit the use of DNA information that we are collecting to establish profiles for criminal conduct or any other kind of conduct.

On the one hand, DNA can be used to identify people with the genetic predisposition for certain diseases, which can facilitate treatment. It can be used to prove the innocence of falsely accused persons and help set them free. Of course, the pending habeas corpus reforms which are coming out of the Committee on the Judiciary make such a release unlikely because even if under the habeas corpus reforms, even if you had DNA that conclusively, DNA results that conclusively found somebody not to have been the victim or not to have been the perpetrator of a crime, you still could not use that DNA for the purpose of getting the person out of jail. I do not think we are so intent on using DNA for positive purposes necessarily as much as we are intent on using it for negative purposes.

If DNA technology is allowed to develop without certain safeguards put in place, it could have very, very negative consequences. That is what I have raised the prospect of by offering this amendment in committee and having the committee adopt it.

I want to express my appreciation to the subcommittee chair for including the provision in the bill which makes it clear that the DNA information that the U.S. Government is collecting on our citizens cannot be used to set up criminal profiles that try to predict the propensity of a U.S. citizen to engage in criminal conduct.

□ 1730

I think that would be a dangerous, dangerous level of activity by the U.S. Government. But the reason I have some reservations about this, this bill, is that this DNA bank really is creating a bank of people's blood. If someone gets convicted of a crime, and they go to prison, their DNA is going into this DNA bank. Whether their blood is needed for proof of their guilt or innocence in the case for which they are being tried or not is irrelevant, and I think we have gone beyond the pale of invasion of individual rights when we start taking people's blood unrelated to the case that they are being prosecuted for, and I think in some cases we are abusing our individual rights of our citizens in this country.

The second concern that I have is that we really have not developed in this country a clear way of using DNA. There is a lot of debate, ongoing debate, in the public about how reliable DNA is, how probative it can be in criminal cases, how much of a determining factor it should be. I guess the classic case of that was in the O.J. Simpson case where people started to understand more and more the whole concept of DNA testimony in criminal cases.

Mr. Speaker, we have a long, long way to go in developing an understanding of the effective and reliable use of DNA as evidence in medicine, in criminal cases, the whole range of cases, and the thing that concerns me is that by spending $40 million we are getting ourselves way out in front of this issue before we have any reliable information about how this DNA information ought to be used.

The final point I want to make, and then I will sit down because I do not want to prolong this debate and I know that the outcome of this vote is already programmed, is that $40 million is a lot of money, and if I have the set priorities about how I were going to use $40 million, the establishment and the expansion of a Federal DNA bank and the granting of funds to States and local governments to further expand their DNA capacities, I would tell my colleagues would be way, way down on my list of priorities, and so in a sense I am concerned about the priorities we are setting by setting aside $40 million over this 4- or 5-year period to do this when we have such other critical needs in our country.

With that I will just leave this alone because again I know the outcome of the debate and the outcome of this vote. It would not be on the Suspension Calendar if a substantial number of people did not think this was noncontroversial, but I think we should understand that there is a level of controversy about the reliability of DNA testimony, the potential abuse of individual rights when we start taking the blood of people who, even though they have been convicted of some crime, even though their blood is not needed in that particular case, and we should always be concerned, when we are talking about spending the taxpayers' dollars, about the priorities we are setting for the Federal Government in the spending of those dollars.

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

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

Mr. Speaker, I just want to make one comment. I want to remind everybody that this is simply a bill which would reorder the priorities of spending in legislation that has already become law. We are not enacting anything new here, but we are reordering the priorities.

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

The SPEAKER pro tempore (Mr. EWING). The question is on the motion offered by the gentleman from Florida [Mr. McCOLLUM] that the House suspend the rules and pass the bill, H.R. 2418, as amended.

The question was taken.

Mr. WATT of North Carolina. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

CRIMINAL LAW TECHNICAL AMENDMENTS ACT OF 1995

Mr. McCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2538) to make clerical and technical amendments to title 18, United States Code, and other provisions of law relating to crime and criminal justice, as amended.

The Clerk read as follows:

H.R. 2538

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 "Criminal Law Technical Amendments Act of 1995".

SEC. 2. GENERAL TECHNICAL AMENDMENTS.

(a) FURTHER CORRECTIONS TO MISLEADING FINE AMOUNTS AND RELATED TYPOGRAPHICAL ERRORS.—

(1) Sections 152, 153, 154, and 610 of title 18, United States Code, are each amended by striking "fined not more than $5,000" and inserting "fined under this title".

(2) Section 970(b) of title 18, United States Code, is amended by striking "fined not more than $500" and inserting "fined under this title".

(3) Sections 661, 1028(b), 1361, and 2701(b) of title 18, United States Code, are each amended by striking "fine of under" each place it appears and inserting "fine under".

(4) Section 3146(b)(1)(A)(iv) of title 18, United States Code, is amended by striking "a fined under this title" and inserting "a fine under this title".

(5) The section 1118 of title 18, United States Code, that was enacted by Public Law 103–333—

(A) is redesignated as section 1122; and

(B) is amended in subsection (c) by—

(i) inserting "under this title" after "fine"; and

(ii) striking "nor more than $20,000".

(6) The table of sections at the beginning of chapter 51 of title 18, United States Code, is amended by adding at the end the following new item:

"1122. Protection against the human immunodeficiency virus.".

(7) Sections 1761(a) and 1762(b) of title 18, United States Code, are each amended by striking "fined not more than $50,000" and inserting "fined under this title".

(8) Sections 1821, 1851, 1852, 1853, 1854, 1905, 1916, 1918, 1991, 2115, 2116, 2191, 2192, 2194, 2199, 2234, 2235, and 2236 of title 18, United States Code, are each amended by striking "fined not more than $1,000" each place it appears and inserting "fined under this title".

(9) Section 1917 of title 18, United States Code, is amended by striking "fined not less than $100 nor more than $1,000" and inserting "fined under this title not less than $100".

(10) Section 1920 of title 18, United States Code, is amended—

(A) by striking "of not more than $250,000" and inserting "under this title"; and

(B) by striking "of not more than $100,000" and inserting "under this title".

(11) Section 2076 of title 18, United States Code, is amended by striking "fined not more than $1,000 or imprisoned not more than one year" and inserting "fined under this title or imprisoned not more than one year, or both".

(12) Section 597 of title 18, United States Code, is amended by striking "fined not more than $10,000" and inserting "fined under this title".

(b) CROSS REFERENCE CORRECTIONS AND CORRECTIONS OF TYPOGRAPHICAL ERRORS.—

(1) Section 3286 of title 18, United States Code, is amended—

(A) by striking "2331" and inserting "2332";

(B) by striking "2339" and inserting "2332a"; and

(C) by striking "36" and inserting "37".

(2) Section 2339A(b) of title 18, United States Code, is amended—

(A) by striking "2331" and inserting "2332";

(B) by striking "2339" and inserting "2332a";

(C) by striking "36" and inserting "37"; and

(D) by striking "of an escape" and inserting "or an escape".

(3) Section 1961(1)(D) of title 18, United States Code, is amended by striking "that title" and inserting "this title".

(4) Section 2423(b) of title 18, United States Code, is amended by striking "2245" and inserting "2246".

(5) Section 3553(f) of title 18, United States Code, is amended by striking "section 1010 or 1013 of the Controlled Substances Import and Export Act (21 U.S.C. 961, 963)" and inserting "section 1010 or 1013 of the Controlled Substances Import and Export Act (21 U.S.C. 960, 963)".

(6) Section 3553(f)(4) of title 18, United States Code, is amended by striking "21 U.S.C. 848" and inserting "section 408 of the Controlled Substances Act".

(7) Section 3592(c)(1) of title 18, United States Code, is amended by striking "2339" and inserting "2332a".

(c) SIMPLIFICATION AND CLARIFICATION OF WORDING.—

(1) Section 844(h) of title 18, United States Code, is amended—

(A) in the first sentence, by striking "be sentenced to imprisonment for 5 years but not more than 15 years" and inserting "be sentenced to imprisonment for not less than 5 nor more than 15 years"; and

(B) in the second sentence, by striking "be sentenced to imprisonment for 10 years but not more than 25 years" and inserting "be sentenced to imprisonment for not less than 10 nor more than 25 years".

(2) The third undesignated paragraph of section 5032 of title 18, United States Code, is amended by inserting "or as authorized under section 3401(g) of this title" after "shall proceed by information".

(3) Section 1120 of title 18, United States Code, is amended by striking "Federal prison" each place it appears and inserting "Federal correctional institution".

(d) CORRECTION OF PARAGRAPH CONNECTORS.—Section 2516(1) of title 18, United States Code, is amended—

(1) in paragraph (l), by striking "or" after the semicolon; and

(2) in paragraph (n), by striking "and" where it appears after the semicolon and inserting "or".

(e) CORRECTION CAPITALIZATION OF ITEMS IN LIST.—Section 504 of title 18, United States Code, is amended—

(1) in paragraph (1), by striking "the" the first place it appears and inserting "The"; and

(2) in paragraph (3), by striking "the" the first place it appears and inserting "The".

(f) CORRECTIONS OF PUNCTUATION AND OTHER ERRONEOUS FORM.—

(1) Section 656 of title 18, United States Code, is amended in the first paragraph by striking "Act,," and inserting "Act,".

(2) Section 1114 of title 18, United States Code, is amended by striking "1112." and inserting "1112,".

(3) Section 504(3) of title 18, United States Code, is amended by striking "importation, of" and inserting "importation of".

(4) Section 3059A(a)(1) of title 18, United States Code, is amended by striking "section 215 225,," and inserting "section 215, 225,".

(5) Section 3125(a) of title 18, United States Code, is amended by striking the close quotation mark at the end.

(6) Section 1956(c)(7)(B)(iii) of title 18, United States Code, is amended by striking "1978)" and inserting "1978".

(7) The item relating to section 656 in the table of sections at the beginning of chapter 31 of title 18, United States Code, is amended by inserting a comma after "embezzlement".

(8) The item relating to section 1024 in the table of sections at the beginning of chapter 47 of title 18, United States Code, is amended by striking "veterans'" and inserting "veteran's".

(9) Section 3182 (including the heading of such section) and the item relating to such section in the table of sections at the beginning of chapter 209, of title 18, United States Code, are each amended by inserting a comma after "District" each place it appears.

(10) The item relating to section 3183 in the table of sections at the beginning of chapter 209 of title 18, United States Code, is amended by inserting a comma after "Territory".

(11) The items relating to section 2155 and 2156 in the table of sections at the beginning of chapter 105 of title 18, United States Code, are each amended by striking "or" and inserting ", or".

(12) The headings for sections 2155 and 2156 of title 18, United States Code, are each amended by striking "**or**" and inserting "**, or**".

(13) Section 1508 of title 18, United States Code, is amended by realigning the matter beginning "shall be fined" and ending "one year, or both." so that it is flush to the left margin.

(14) The item relating to section 4082 in the table of sections at the beginning of chapter 305 of title 18, United States Code, is amended by striking "centers," and inserting "centers;".

(15) Section 2101(a) of title 18, United States Code, is amended by striking "(1)" and by redesignating subparagraphs (A) through (D) as paragraphs (1) through (4), respectively.

(16) Section 5038 of title 18, United States Code, is amended by striking "section 841, 952(a), 955, or 959 of title 21" each place it appears and inserting "section 401 of the Controlled Substances Act or section 1001(a), 1005, or 1009 of the Controlled Substances Import and Export Act".

(g) CORRECTIONS OF PROBLEMS ARISING FROM UNCOORDINATED AMENDMENTS.—

(1) SECTION 5032.—The first undesignated paragraph of section 5032 of title 18, United States Code, is amended—

(A) by inserting "section 922(x)" before "or section 924(b)"; and

(B) by striking "or (x)".

(2) STRIKING MATERIAL UNSUCCESSFULLY ATTEMPTED TO BE STRICKEN FROM SECTION 1116 BY PUBLIC LAW 103–322.—Subsection (a) of section 1116 of title 18, United States Code, is amended by striking ", except" and all that follows through the end of such subsection and inserting a period.

(3) ELIMINATION OF DUPLICATE AMENDMENT IN SECTION 1958.—Section 1958(a) of title 18, United States Code, is amended by striking "or who conspires to do so" where it appears following "or who conspires to do so" and inserting a comma.

(h) INSERTION OF MISSING END QUOTE.—Section 80001(a) of the Violent Crime Control and Law Enforcement Act of 1994 is amended by inserting a close quotation mark followed by a period at the end.

(i) REDESIGNATION OF DUPLICATE SECTION NUMBERS AND CONFORMING CLERICAL AMENDMENTS.—

(1) REDESIGNATION.—That section 2258 added to title 18, United States Code, by section 160001(a) of the Violent Crime Control and Law Enforcement Act of 1994 is redesignated as section 2260.

(2) CONFORMING CLERICAL AMENDMENT.—The item in the table of sections at the beginning

of chapter 110 of title 18, United States Code, relating to the section redesignated by paragraph (1) is amended by striking "2258" and inserting "2260".

(3) CONFORMING AMENDMENT TO CROSS-REFERENCE.—Section 1961(1)(B) of title 18, United States Code, is amended by striking "2258" and inserting "2260".

(j) REDESIGNATION OF DUPLICATE CHAPTER NUMBER AND CONFORMING CLERICAL AMENDMENT.—

(1) REDESIGNATION.—The chapter 113B added to title 18, United States Code, by Public Law 103–236 is redesignated chapter 113C.

(2) CONFORMING CLERICAL AMENDMENT.—The table of chapters at the beginning of part I of title 18, United States Code is amended in the item relating to the chapter redesignated by paragraph (1)—

(A) by striking "**113B**" and inserting "**113C**"; and

(B) by striking "**2340.**" and inserting "**2340**".

(k) REDESIGNATION OF DUPLICATE PARAGRAPH NUMBERS AND CORRECTION OF PLACEMENT OF PARAGRAPHS IN SECTION 3563.—

(1) REDESIGNATION.—Section 3563(a) of title 18, United States Code, is amended by redesignating the second paragraph (4) as paragraph (5).

(2) CONFORMING CONNECTOR CHANGE.—Section 3563(a) of title 18, United States Code, is amended—

(A) by striking "and" at the end of paragraph (3); and

(B) by striking the period at the end of paragraph (4) and inserting "; and".

(3) PLACEMENT CORRECTION.—Section 3563(a) of title 18, United States Code, is amended so that paragraph (4) and the paragraph redesignated as paragraph (5) by this subsection are transferred to appear in numerical order immediately following paragraph (3) of such section 3563(a).

(l) REDESIGNATION OF DUPLICATE PARAGRAPH NUMBERS IN SECTION 1029 AND CONFORMING AMENDMENTS RELATED THERETO.—Section 1029 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by redesignating those paragraphs (5) and (6) which were added by Public Law 103–414 as paragraphs (7) and (8), respectively;

(B) by redesignating paragraph (7) as paragraph (9);

(C) by striking "or" at the end of paragraph (6) and at the end of paragraph (7) as so redesignated by this subsection; and

(D) by inserting "or" at the end of paragraph (8) as so redesignated by this subsection;

(2) in subsection (e), by redesignating the second paragraph (7) as paragraph (8); and

(3) in subsection (c)—

(A) in paragraph (1), by striking "or (7)" and inserting "(7), (8), or (9)"; and

(B) in paragraph (2), by striking "or (6)" and inserting "(6), (7), or (8)".

(m) INSERTION OF MISSING SUBSECTION HEADING.—Section 1791(c) of title 18, United States Code, is amended by inserting after "(c)" the following subsection heading: "CONSECUTIVE PUNISHMENT REQUIRED IN CERTAIN CASES.—".

(n) CORRECTION OF MISSPELLING.—Section 2327(c) of title 18, United States Code, is amended by striking "delegee" each place it appears and inserting "designee".

(o) CORRECTION OF SPELLING AND AGENCY REFERENCE.—Section 5038(f) of title 18, United States Code, is amended—

(1) by striking "juvenille" and inserting "juvenile", and

(2) by striking "the Federal Bureau of Investigation, Identification Division," and inserting "the Federal Bureau of Investigation".

(p) CORRECTING MISPLACED WORD.—Section 1028(a) of title 18, United States Code, is amended by striking "or" at the end of paragraph (4) and inserting "or" at the end of paragraph (5).

(q) STYLISTIC CORRECTION.—Section 37(c) of title 18, United States Code, is amended by inserting after "(c)" the following subsection heading: "BAR TO PROSECUTION.—".

SEC. 3. REPEAL OF OBSOLETE PROVISIONS IN TITLE 18.

(a) SECTION 709 AMENDMENT.—Section 709 of title 18, United States Code, is amended by striking "Whoever uses as a firm or business name the words 'Reconstruction Finance Corporation' or any combination or variation of these words—".

(b) SECTION 1014 AMENDMENT.—Section 1014 of title 18, United States Code, is amended—

(1) by striking "Reconstruction Finance Corporation,";

(2) by striking "Farmers' Home Corporation,"; and

(3) by striking "of the National Agricultural Credit Corporation,".

(c) SECTION 798 AMENDMENT.—Section 798(d)(5) of title 18, United States Code, is amended by striking "the Trust Territory of the Pacific Islands,".

(d) SECTION 281 REPEAL.—Section 281 of title 18, United States Code, is repealed and the table of sections at the beginning of chapter 15 of such title is amended by striking the item relating to such section.

(e) SECTION 510 AMENDMENT.—Section 510(b) of title 18, United States Code, is amended by striking "that in fact" and all that follows through "signature".

(f) CONTROLLED SUBSTANCES ACT AMENDMENT.—Section 408 of the Controlled Substances Act (21 U.S.C. 848) is amended by striking subsections (g) through (p) and (r) and paragraphs (1) through (3) of subsection (q).

SEC. 4. TECHNICAL AMENDMENTS RELATING TO CHAPTERS 40 AND 44 OF TITLE 18.

(a) REPLACEMENT FOR UNEXECUTABLE AMENDMENT TO SECTION 844.—

(1) AMENDMENT.—Section 844(f) of title 18, United States Code, is amended by striking "twenty years, or fined under this title" and inserting "40 years, fined the greater of the fine under this title or the cost of repairing or replacing any property that is damaged or destroyed".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if the amendment had been included in section 320106 of the Violent Crime Control and Law Enforcement Act of 1994 on the date of the enactment of such Act.

(b) ELIMINATION OF DOUBLE COMMAS IN SECTION 844.—Section 844 of title 18, United States Code, is amended in each of subsections (f) and (i) by striking ",," each place it appears and inserting a comma.

(c) REPLACEMENT OF COMMA WITH SEMICOLON IN SECTION 922.—Section 922(g)(8)(C)(ii) of title 18, United States Code, is amended by striking the comma at the end and inserting a semicolon.

(d) CLARIFICATION OF AMENDMENT TO SECTION 922.—

(1) AMENDMENT.—Section 320927 of the Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103–322) is amended by inserting "the first place it appears" before the period.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if the amendment had been included in section 320927 of the Act referred to in paragraph (1) on the date of the enactment of such Act.

(e) STYLISTIC CORRECTION TO SECTION 922.—Section 922(t)(2) of title 18, United States Code, is amended by striking "section 922(g)" and inserting "subsection (g)".

(f) ELIMINATION OF UNNECESSARY WORDS.—Section 922(w)(4) of title 18, United States Code, is amended by striking "title 18, United States Code," and inserting "this title".

(g) CLARIFICATION OF PLACEMENT OF PROVISION.—

(1) AMENDMENT.—Section 110201(a) of the Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103–322) is amended by striking "adding at the end" and inserting "inserting after subsection (w)".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if the amendment had been included in section 110201 of the Act referred to in paragraph (1) on the date of the enactment of such Act.

(h) CORRECTION OF TYPOGRAPHICAL ERRORS IN LIST OF CERTAIN WEAPONS.—Appendix A to section 922 of title 18, United States Code, is amended—

(1) in the category designated

"Centerfire Rifles—Lever & Slide",

by striking

"Uberti 1866 Sporting Rilfe"

and inserting the following:

"Uberti 1866 Sporting Rifle";

(2) in the category designated

"Centerfire Rifles—Bolt Action",

by striking

"Sako Fiberclass Sporter"

and inserting the following:

"Sako FiberClass Sporter";

(3) in the category designated

"Shotguns—Slide Actions",

by striking

"Remington 879 SPS Special Purpose Magnum"

and inserting the following:

"Remington 870 SPS Special Purpose Magnum"; and

(4) in the category designated

"Shotguns—Over/Unders",

by striking

"E.A.A/Sabatti Falcon-Mon Over/Under"

and inserting the following:

"E.A.A./Sabatti Falcon-Mon Over/Under".

(i) INSERTION OF MISSING COMMAS.—Section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note; Public Law 103–159) is amended in each of subsections (e)(1), (g), and (i)(2) by inserting a comma after "United States Code".

(j) CORRECTION OF UNEXECUTABLE AMENDMENTS RELATING TO THE VIOLENT CRIME REDUCTION TRUST FUND.—

(1) CORRECTION.—Section 210603(b) of the Violent Crime Control and Law Enforcement Act of 1994 is amended by striking "Fund," and inserting "Fund established by section 1115 of title 31, United States Code,".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if the amendment had been included in section 210603(b) of the Act referred to in paragraph (1) on the date of the enactment of such Act.

(k) CORRECTION OF UNEXECUTABLE AMENDMENT TO SECTION 923.—

(1) CORRECTION.—Section 201(1) of the Act, entitled "An Act to provide for a waiting period before the purchase of a handgun, and for the establishment of a national instant criminal background check system to be

contacted by firearms dealers before the transfer of any firearm." (Public Law 103–159), is amended by striking "thereon," and inserting "thereon".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if the amendment had been included in the Act referred to in paragraph (1) on the date of the enactment of such Act.

(l) CORRECTION OF PUNCTUATION AND INDENTATION IN SECTION 923.—Section 923(g)(1)(B)(ii) of title 18, United States Code, is amended—

(1) by striking the period and inserting "; or"; and

(2) by moving such clause 4 ems to the left.

(m) REDESIGNATION OF SUBSECTION AND CORRECTION OF INDENTATION IN SECTION 923.—Section 923 of title 18, United States Code, is amended—

(1) by redesignating the last subsection as subsection (l); and

(2) by moving such subsection 2 ems to the left.

(n) CORRECTION OF TYPOGRAPHICAL ERROR IN AMENDATORY PROVISION.—

(1) CORRECTION.—Section 110507 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) is amended—

(A) by striking "924(a)" and inserting "924"; and

(B) in paragraph (2), by striking "subsections" and inserting "subsection".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect as if the amendments had been included in section 110507 of the Act referred to in paragraph (1) on the date of the enactment of such Act.

(o) ELIMINATION OF DUPLICATE AMENDMENT.—Subsection (h) of section 330002 of the Violent Crime Control and Law Enforcement Act of 1994 is repealed and shall be considered never to have been enacted.

(p) REDESIGNATION OF PARAGRAPH IN SECTION 924.—Section 924(a) of title 18, United States Code, is amended by redesignating the 2nd paragraph (5) as paragraph (6).

(q) ELIMINATION OF COMMA ERRONEOUSLY INCLUDED IN AMENDMENT TO SECTION 924.—

(1) AMENDMENT.—Section 110102(c)(2) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) is amended by striking "shotgun," and inserting "shotgun".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if the amendment had been included in section 110102(c)(2) of the Act referred to in paragraph (1) on the date of the enactment of such Act.

(r) INSERTION OF CLOSE PARENTHESIS IN SECTION 924.—Section 924(j)(3) of title 18, United States Code, is amended by inserting a close parenthesis before the comma.

(s) REDESIGNATION OF SUBSECTIONS IN SECTION 924.—Section 924 of title 18, United States Code, is amended by redesignating the 2nd subsection (i), and subsections (j), (k), (l), (m), and (n) as subsections (j), (k), (l), (m), (n), and (o), respectively.

(t) CORRECTION OF ERRONEOUS CROSS REFERENCE IN AMENDATORY PROVISION.—Section 110504(a) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) is amended by striking "110203(a)" and inserting "110503".

(u) CORRECTION OF CROSS REFERENCE IN SECTION 930.—Section 930(e)(2) of title 18, United States Code, is amended by striking "(c)" and inserting "(d)".

(v) CORRECTION OF CROSS REFERENCES IN SECTION 930.—The last subsection of section 930 of title 18, United States Code, is amended—

(1) by striking "(g)" and inserting "(h)"; and

(2) by striking "(d)" each place such term appears and inserting "(e)".

SEC. 5. ADDITIONAL AMENDMENTS ARISING FROM ERRORS IN PUBLIC LAW 103–322.

(a) STYLISTIC CORRECTIONS RELATING TO TABLES OF SECTIONS.—

(1) The table of sections at the beginning of chapter 110A of title 18, United States Code, is amended to read as follows:

"Sec.
"2261. Interstate domestic violence.
"2262. Interstate violation of protection order.
"2263. Pretrial release of defendant.
"2264. Restitution.
"2265. Full faith and credit given to protection orders.
"2266. Definitions.".

(2) Chapter 26 of title 18, United States Code, is amended by inserting after the heading for such chapter the following table of sections:

"Sec.
"521. Criminal street gangs.".

(3) Chapter 123 of title 18, United States Code, is amended by inserting after the heading for such chapter the following table of sections:

"Sec.
"2721. Prohibition on release and use of certain personal information from State motor vehicle records.
"2722. Additional unlawful acts.
"2723. Penalties.
"2724. Civil action.
"2725. Definitions.".

(4) The item relating to section 3509 in the table of sections at the beginning of chapter 223 of title 18, United States Code, is amended by striking "Victims'" and inserting "victims'".

(b) UNIT REFERENCE CORRECTIONS, REMOVAL OF DUPLICATE AMENDMENTS, AND OTHER SIMILAR CORRECTIONS.—

(1) Section 40503(b)(3) of Public Law 103–322 is amended by striking "paragraph (b)(1)" and inserting "paragraph (1)".

(2) Section 60003(a)(2) of Public Law 103–322 is amended by striking "at the end of the section" and inserting "at the end of the subsection".

(3) Section 60003(a)(13) of Public Law 103–322 is amended by striking "$1,000,000 or" and inserting "$1,000,000 and".

(4) Section 3582(c)(1)(A)(i) of title 18, United States Code, is amended by adding "or" at the end.

(5) Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended by redesignating the second paragraph (43) as paragraph (44).

(6) Subsections (a) and (b) of section 120005 of Public Law 103–322 are each amended by inserting "at the end" after "adding".

(7) Section 160001(f) of Public Law 103–322 is amended by striking "1961(1)" and inserting "1961(1)".

(8) Section 170201(c) of Public Law 103–322 is amended by striking paragraphs (1), (2), and (3).

(9) Subparagraph (D) of section 511(b)(2) of title 18, United States Code, is amended by adjusting its margin to be the same as the margin of subparagraph (C) and adjusting the margins of its clauses so they are indented 2-ems further than the margin of the subparagraph.

(10) Section 230207 of Public Law 103–322 is amended by striking "two" and inserting "2" the first place it appears.

(11) The first of the two undesignated paragraphs of section 240002(c) of Public Law 103–322 is designated as paragraph (1) and the second as paragraph (2).

(12) Section 280005(a) of Public Law 103–322 is amended by striking "Section 991 (a)" and inserting "Section 991(a)".

(13) Section 320101 of Public Law 103–322 is amended—

(A) in subsection (b), by striking paragraph (1);

(B) in subsection (c), by striking paragraphs (1)(A) and (2)(A);

(C) in subsection (d), by striking paragraph (3); and

(D) in subsection (e), by striking paragraphs (1) and (2).

(14) Section 320102 of Public Law 103–322 is amended by striking paragraph (2).

(15) Section 320103 of Public Law 103–322 is amended—

(A) in subsection (a), by striking paragraph (1);

(B) in subsection (b), by striking paragraph (1); and

(C) in subsection (c), by striking paragraphs (1) and (3).

(16) Section 320103(e) of Public Law 103–322 is amended—

(A) in the subsection catchline, by striking "FAIR HOUSING" and inserting "1968 CIVIL RIGHTS"; and

(B) by striking "of the Fair Housing Act" and inserting "of the Civil Rights Act of 1968".

(17) Section 320109(1) of Public Law 103–322 is amended by inserting an open quotation mark before "(a) IN GENERAL".

(18) Section 320602(1) of Public Law 103–322 is amended by striking "whoever" and inserting "Whoever".

(19) Section 668(a) of title 18, United States Code, is amended—

(A) by designating the first undesignated paragraph that begins with a quotation mark as paragraph (1);

(B) by designating the second undesignated paragraph that begins with a quotation mark as paragraph (2); and

(C) by striking the close quotation mark and the period at the end of the subsection.

(20) Section 320911(a) of Public Law 103–322 is amended in each of paragraphs (1) and (2), by striking "thirteenth" and inserting "14th".

(21) Section 2311 of title 18, United States Code, is amended by striking "livestock" where it appears in quotation marks and inserting "Livestock".

(22) Section 540A(c) of title 28, United States Code, is amended—

(A) by designating the first undesignated paragraph as paragraph (1);

(B) by designating the second undesignated paragraph as paragraph (2); and

(C) by designating the third undesignated paragraph as paragraph (3).

(23) Section 330002(d) of Public Law 103–322 is amended by striking "the comma" and inserting "each comma".

(24) Section 330004(18) of Public Law 103–322 is amended by striking "the Philippine" and inserting "Philippine".

(25) Section 330010(17) of Public Law 103–322 is amended by striking "(2)(iii)" and inserting "(2)(A)(iii)".

(26) Section 330011(d) of Public Law 103–322 is amended—

(A) by striking "each place" and inserting "the first place"; and

(B) by striking "1169" and inserting "1168".

(27) The item in the table of sections at the beginning of chapter 53 of title 18, United States Code, that relates to section 1169 is

transferred to appear after the item relating to section 1168.

(28) Section 901 of the Civil Rights Act of 1968 is amended by striking "under this title" each place it appears and inserting "under title 18, United States Code,".

(29) Section 223(a)(12)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(12)(A)) is amended by striking "law)." and inserting "law)".

(30) Section 250008(a)(2) of Public Law 103–322 is amended by striking "this Act" and inserting "provisions of law amended by this title".

(31) Section 36(a) of title 18, United States Code, is amended—

(A) in paragraph (1), by striking "403(c)" and inserting "408(c)"; and

(B) in paragraph (2), by striking "Export Control" and inserting "Export".

(32) Section 1512(a)(2)(A) of title 18, United States Code, is amended by adding "and" at the end.

(33) Section 13(b)(2)(A) of title 18, United States Code, is amended by striking "of not more than $1,000" and inserting "under this title".

(34) Section 160001(g)(1) of Public Law 103–322 is amended by striking "(a) Whoever" and inserting "Whoever".

(35) Section 290001(a) of Public Law 103–322 is amended by striking "subtitle" and inserting "section".

(36) Section 3592(c)(12) of title 18, United States Code, is amended by striking "Controlled Substances Act" and inserting "Comprehensive Drug Abuse Prevention and Control Act of 1970".

(37) Section 1030 of title 18, United States Code, is amended—

(A) by inserting "or" at the end of subsection (a)(5)(B)(ii)(II)(bb);

(B) by striking "and" after the semicolon in subsection (c)(1)(B);

(C) in subsection (g), by striking "the section" and inserting "this section"; and

(D) in subsection (h), by striking "section 1030(a)(5) of title 18, United States Code" and inserting "subsection (a)(5)".

(38) Section 320103(c) of Public Law 103–322 is amended by striking the semicolon at the end of paragraph (2) and inserting a close quotation mark followed by a semicolon.

(39) Section 320104(b) of Public Law 103–322 is amended by striking the comma that follows "2319 (relating to copyright infringement)" the first place it appears.

(40) Section 1515(a)(1)(D) of title 18, United States Code, is amended by striking "; or" and inserting a semicolon.

(41) Section 5037(b) of title 18, United States Code, is amended in each of paragraphs (1)(B) and (2)(B), by striking "3561(b)" and inserting "3561(c)".

(42) Section 330004(3) of Public Law 103–322 is amended by striking "thirteenth" and inserting "14th".

(43) Section 2511(1)(e)(i) of title 18, United States Code, is amended—

(A) by striking "sections 2511(2)(A)(ii), 2511(b)–(c), 2511(e)" and inserting "sections 2511(2)(a)(ii), 2511(2)(b)–(c), 2511(2)(e)"; and

(B) by striking "subchapter" and inserting "chapter".

(44) Section 1516(b) of title 18, United States Code, is amended by inserting "or" at the end of paragraph (1).

(45) The item relating to section 1920 in the table of sections at the beginning of chapter 93 of title 18, United States Code, is amended by striking "employee's" and inserting "employees'".

(46) Section 330022 of Public Law 103–322 is amended by inserting a period after "communications" and before the close quotation mark.

(47) Section 2721(c) of title 18, United States Code, is amended by striking "covered by this title" and inserting "covered by this chapter".

(c) ELIMINATION OF EXTRA WORDS.—

(1) Section 3561(b) of title 18, United States Code, is amended by striking "or any relative defendant, child, or former child of the defendant,".

(2) Section 351(e) of title 18, United States Code, is amended by striking "involved in the use of a" and inserting "involved the use of a".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of Public Law 103–322.

SEC. 6. ADDITIONAL TYPOGRAPHICAL AND SIMILAR ERRORS FROM VARIOUS SOURCES.

(a) MISUSED CONNECTOR.—Section 1958(a) of title 18, United States Code, is amended by striking "this title and imprisoned" and inserting "this title or imprisoned".

(b) SPELLING ERROR.—Effective on the date of its enactment, section 961(h)(1) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 is amended by striking "Saving and Loan" and inserting "Savings and Loan".

(c) WRONG SECTION DESIGNATION.—The table of chapters for part I of title 18, United States Code, is amended in the item relating to chapter 71 by striking "1461" and inserting "1460".

(d) INTERNAL CROSS REFERENCE.—Section 2262(a)(1)(A)(ii) of title 18, United States Code, is amended by striking "subparagraph (A)" and inserting "this subparagraph".

(e) MISSING COMMA.—Section 1361 of title 18, United States Code, is amended by inserting a comma after "attempts to commit any of the foregoing offenses".

(f) CROSS REFERENCE ERROR FROM PUBLIC LAW 103–414.—The first sentence of section 2703(d) of title 18, United States Code, by striking "3126(2)(A)" and inserting "3127(2)(A)".

(g) INTERNAL REFERENCE ERROR IN PUBLIC LAW 103–359.—Section 3077(8)(A) of title 18, United States Code, is amended by striking "title 18, United States Code" and inserting "this title".

(h) SPELLING AND INTERNAL REFERENCE ERROR IN SECTION 3509.—Section 3509 of title 18, United States Code, is amended—

(1) in subsection (e), by striking "government's" and inserting "Government's"; and

(2) in subsection (h)(3), by striking "subpart" and inserting "paragraph".

(i) ERROR IN SUBDIVISION FROM PUBLIC LAW 103–329.—Section 3056(a)(3) of title 18, United States Code, is amended by redesignating subparagraphs (1) and (2) as subparagraphs (A) and (B), respectively and moving the margins of such subparagraphs 2 ems to the right.

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

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

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

Mr. Speaker, I introduced H.R. 2538, the Criminal Law Technical Amendments Act of 1995, on behalf of myself and the gentleman from New York [Mr. SCHUMER], who is the ranking minority member of the Crime Subcommittee. This bill makes a number of strictly technical amendments to the Federal criminal law, principally in title 18 and title 21 of the United States Code.

Over the past several years, the House Office of Legislative Counsel and the Department of Justice have accumulated a list of technical issues that need to be addressed, mostly as a result of rapid change to Federal criminal law.

Mr. Speaker, I want to assure all of my colleagues that all of the changes made in H.R. 2538 are purely technical in nature. There are no substantive modifications to the criminal law made by this bill. For example, the bill corrects a number of misspelled words, and errors in punctuation and other items of grammar. The bill also corrects a number of cross-references in the criminal law that resulted when several new laws were added to title 18 in last year's crime bill. The bill also deletes several specific statutory fine amounts that unintentionally remain in the printed code, notwithstanding the fact that several years ago Congress deleted specific fine amounts from title 18 in favor of a uniform fine statute applicable to all crimes.

Mr. Speaker, some may ask why we are even bothering to make such changes if they are not substantive in nature. Well, I believe it is appropriate that the Congress ensure that the written Federal law, as read by both practitioners and the public, reflects an appropriate level of care for detail and the true intent of Congress. This, among other benefits, strengthens the public's confidence in the legislative branch.

For example, I mentioned criminal fines. In 1987, Congress established a uniform fine of up to $250,000 for a felony conviction. Criminal offenses established prior to that time contained other specific, and mostly lower, fine amounts. Those amounts are no longer effective as a result of the 1987 act, yet they remain on the books. This can be confusing to those who are unfamiliar with Federal criminal law.

This bill helps us achieve the goals I have outlined. I urge all of my colleagues to support this bill.

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

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

Mr. Speaker, I do not want to go through it, but this is as uncontroversial a bill as we are going to get. It has been carefully reviewed by our side to make sure it has no substantive changes in our Federal law.

Mr. Speaker, I urge all Members to support this bill.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. McCOLLUM] that the House suspend the rules and pass the bill, H.R. 2538, 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. McCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill just passed.

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

There was no objection.

INCREASING PENALTY FOR ESCAPING FROM FEDERAL PRISON

Mr. McCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1533) to amend title 18, United States Code, to increase the penalty for escaping from a Federal prison.

The Clerk read as follows:

H.R. 1533

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 751(a) of title 18, United States Code, is amended by striking "five" and inserting "10".

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

The Chair recognizes the gentleman from Florida [Mr. McCOLLUM].

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

Mr. Speaker, this bill is simple and noncontroversial, and yet it makes an important improvement to Federal criminal law. As Federal law enforcement has increased its attack in recent years on serious violent criminals and major drug traffickers by imposing long prison sentences on these most dangerous offenders, the penalty for escaping from prison and other forms of Federal custody has not increased in a corresponding manner.

This presents a risk to the safety of Federal employees who work for the Bureau of Prisons, the Marshals Service, and the other enforcement agencies charged with maintaining the custody of persons convicted of Federal crimes. H.R. 1533 fixes this problem.

This bill was introduced by the gentleman from Tennessee [Mr. BRYANT]. I want to commend him for having the idea and for his initiative.

Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee [Mr. BRYANT] so that he may explain his bill.

Mr. BRYANT of Tennessee. Mr. Speaker, I am pleased to have the opportunity today to speak on behalf of H.R. 1533, a bill which I introduced earlier this year. I especially thank the distinguished chairman of the Subcommittee on Crime, the gentleman from Florida [Mr. McCOLLUM] for his help in moving this legislation to this point of consideration for the full House of Representatives.

H.R. 1533 would simply double from 5 years to 10 years the maximum penalty that Federal escapees can receive. The penalty applies to all escapees and attempted escapees who are in the Attorney General's custody. Therefore this penalty would apply to those who escape or attempt to escape from a Federal prison, from the custody of the United States marshals while in transit or from a halfway house or from other non-Federal facilities such as a private prison or local jails.

I might add that the National Sheriffs' Association supports this bill because of that.

Mr. Speaker, it is time to raise the penalty for escaping from Federal custody. Currently a Federal escapee faces a maximum of 5 years in jail. Of course, due to the sentencing guidelines, he received the 5-year maximum penalty.

There are two primary reasons why such an increase is necessary and needed at this time. First, it would serve as a greater deterrent to those people who would be thinking about attempting to escape from jail, and second, it would maintain the alignment, a better alignment, if my colleagues will, with today's longer-based sentences. Federal prison escapes are up, and they have been going up since 1992 when over 550 Federal detainees jumped the fence, or held up a guard, or smuggled themselves out by way of a trash truck, did whatever they had to do to break out, break away from, the law and creep back into the society to resume their unlawful and in too many instances violent ways. That number has continued to increase to around 600 escapees in 1993 and up to 660 escapees last year.

A Federal marshal and a court security officer have already been killed in one of these attempted escapes in a senseless and intolerable act of misbehavior. This occurred in Chicago under circumstances that I happened to be in that city that day on business and followed that case very closely where a man in transit by a marshal in a Federal courthouse in the parking garage part somehow came into possession of a key to handcuffs and escaped and overcame the guard, the marshal that was accompanying him, took the gun and shot that marshal as well as another court security officer, certainly an example of a tragic incident where we need better and tougher laws against people who make attempts to escape.

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Overall, to their credit, the U.S. Marshals Service has already done an outstanding job of handling these cases successfully, recapturing nearly 500 of the 660 prisoners who have escaped. But tracking these criminals certainly is not easy, let alone a criminal who has escaped and is trying to hide out. When an individual knows they are being pursued, just finding out where they are can cost literally hundreds of hours of investigative work and cause quite a few headaches. This successful record that the marshals have still leaves over 150 escapees from 1994 still out on the streets committing more crimes.

I mentioned earlier the consequences and the risks of escaping. Let us consider exactly what those consequences are and then ask ourselves, are these consequences working to deter people from trying to escape? Under current law, the maximum penalty which can be administered to a Federal escapee, either caught trying to escape or caught after escaping, is the 5 years, as I mentioned earlier. Five years, Mr. Speaker, as we all know, due to the sentencing guidelines, few of those actually caught either after they have escaped or attempting to escape would actually receive this full maximum of 5 years.

I ask the question: Are the current penalties for escaping from Federal custody strong enough? I do not believe so. I do not think that when some Federal prisoners are sitting in the back of a squad car or in a transport van or sitting in their jail cells thinking about making a break for it; I do not think they are thinking about what would happen to them if they got caught. If those who escape or are trying to escape are thinking about it, then we are certainly not deterring them from it. The latest most current penalties must not be working, at least not for these particular people. If they are not thinking about what may happen to them if they are caught, then we definitely need to give them something more to think about.

Mr. Speaker, it is past time to raise the stakes for escaping from Federal custody. When this bill passes, it will not take long for the word to circulate among the jails and the prisons in the county, jails where some of these Federal inmates are kept, about this increase in punishment and the higher risks that they will get caught up in if they attempt to make a break. The penalty will be doubled, and they will understand that.

There is another reason why we need to pass this bill. That is to stay consistent with the much tougher penalties we have already put in place for other crimes due to the tougher sentencing guidelines and due to the mandatory sentence. Quite frankly, a lot of

these people in jail who are serving the longer sentences that we are getting today are not much deterred, are not much affected by the fact that they might risk another 1 or 2 years on the already long jail sentence, so it is worth the risk to them to attempt to escape.

What we are doing by doubling the punishment is, again, raising the stakes and making it more of a serious threat to them and a deterrent to them, because when they try to escape it is not just simply a matter of scooting out the back door, running away and hiding in society. Very often they injure people, they hurt people, as I mentioned in the incident in Chicago, where two completely innocent people doing their jobs were shot dead by this person. So it is a problem that actually does need to be addressed at this time.

One might say, though, "Well, rather than approaching it from this end, why not just simply tighten up the security at the Federal prisons?" Our Bureau of Federal Prisons, our Bureau of Prisons, those folks like the U.S. marshal are doing a tremendous job, but most of the Federal escapes do not occur out of the Federal prisons. As it was pointed out earlier, the U.S. Marshals have to transport these prisoners back and forth, sometimes as witnesses, sometimes as defendants in their own case. They have to be brought all around the country, sometimes, in airplanes and vehicles to courthouses; again, as in Chicago, the gentleman was being escorted out the Federal building in the courthouse and back to the jail.

Many of these Federal prisoners are also kept in State and local jails and in private penitentiaries where security might not be as strong as the BOP, the Bureau of Prisons, on the federal level. This bill addresses those types of prisoners, too. it might be because the county jail is overcrowded, or that they are in a minimum security temporary holding facility. Resources, quite frankly, are just limited. It makes it easier for some of these folks, again, to risk the additional 1 or 2 years they might get to going over the fence and actually probably hurting somebody while they do that.

This is where the brunt of the problem is. Mr. Speaker, it is our responsibility as a Congress to set a reasonable penalty in place as an effort to reduce the number of escapees from increasing every year with our ever-growing prison population. The fact is we must point our escape policy in a different direction than where the increasing number of escapees have pointed it over the course of the next 4 years. Doubling the current 35-year penalty, I believe, is the correct starting point.

Finally, let me add, the Department of Justice supports this bill because of the reasons I have just outlined. A letter from the Assistant Attorney General for Legislative Affairs says the Department of Justice considers any criminal offense committed during incarceration to be egregious, particularly escape attempts.

I am also pleased to have the bipartisan support from many of my colleagues who have supported this legislation, and it passed out of the Committee on the Judiciary by a voice vote overwhelmingly.

In closing, I want to add my personal thanks to a deputy marshal in Memphis, TN, who worked with me when I was U.S. attorney there, Deputy Marshal Scott Sanders, who suggested this idea to me, to double the penalty there.

Finally, I would urge my colleagues to vote in support of H.R. 1533, as it represents another brick in the wall toward restoring law and order in America. I urge its passage.

Mr. MCCOLLUM. Reclaiming my time, Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to first commend the gentleman from Tennessee [Mr. BRYANT] for offering this legislation to begin with. I do not want to make but a couple of comments, and then I will let the gentleman from New York [Mr. SCHUMER] say his piece on this bill.

I think all of us know that dangerous criminals understand the Federal criminal justice system is much tougher than the State systems. We have broad pretrial detention authority, we have mandatory minimum sentences for serious drug trafficking crimes, crimes involving firearms, and we have no parole. Criminals do not want to be prosecuted in the Federal system. A lot of them are pretty tough-looking criminals who break down and even cry. I would like to see the States have those same types of tough laws.

Because the Federal system is so tough, there is a real risk, as the gentleman from Tennessee [Mr. BRYANT] says, that desperate offenders will attempt to escape. No matter what the professionalism of our skilled law enforcement officials who are doing a difficult job, anytime it happens, public servants and law enforcement personnel are at great risk, so I believe this additional penalty for escapes is very important. I am very proud to support the gentleman's bill that is out here today.

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

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

Mr. Speaker, I rise in support of this bill. This bill, as has been stated, increases the maximum penalty for escaping from Federal prison from 5 to 10 years. I strongly support it, and it was strongly supported by the Department of Justice.

There may be lots of disagreements in this Chamber about basic crime strategies, but in my judgment there is little room for disagreement about the danger that prison escapes present. Prison escapes threaten correctional staff, they threaten the communities in which the correctional institutions are located, they threaten the inmates who may be caught up in a given escape scenario.

Although this Congress has steadily increased underlying penalties for many crimes—something, in my judgment, that has a good deal to do with the decrease in crime rates we are seeing; I know some say one has nothing to do with the other, but I do not believe that; I know in my State it has had an effect and it is going to have an effect in places all over America—we have not increased the penalty for prison escape.

This has led to a situation in which, speaking relative to the possibility of punishment, escaping is becoming a low-risk proposition. This bill corrects that situation by making the penalty more severe, and in the judgment of the Department of Justice, severe enough to substantially discourage escape attempts.

Before I conclude, I want to thank the gentleman from Tennessee [Mr. BRYANT] for his diligence in pushing this bill through. It is a needed bill, and I do not know if this is the first bill the gentleman is passing on the floor of the House, but I congratulate the gentleman, whatever bill it is; it is his first one, so I congratulate him on this landmark occasion in his long and distinguished career.

Mr. CONYERS. Mr. Speaker, with all of the problems facing our prison system today—a system which has proven to be a breeding ground for more serious crime—what the majority sends us is a bill increasing the penalties for escaping from prison. And instead of explaining why such a bill is necessary, we hear that the problem is that the judges don't give stiff enough sentences.

H.R. 1533 responds to a non-existent problem. I am unaware of any great rash of prison breaks. In 1993 for example, only 6 people escaped form Federal prisons, 197 people were considered walk aways—people who did not return to halfway houses.

Prison officials are not clamoring for this change in the law. this increased penalty is unnecessary. It is ridiculous to think that potentially higher sentences will deter attempts to escape from prison. Those individuals who attempt such escapes are not thinking about the penalty for getting caught, because they do not think they will get caught. If they thought they would be caught, they wouldn't try to escape in the first place.

There is no way to characterize legislative proposals such as this other than whistling past the graveyard. Just last week the Justice Department released a startling midyear report showing that the incarceration rate in this country had reached an all-time record of 1.1 million people. The number of prisoners grew by 90,000 people last year—another all-time record. The incarceration rate in this country is higher than any other country in the world and is 8 to 10 times higher than other industrialized nations.

And the racial make up of our prison population is even more striking. Last year some 33 percent of black men in their 20's were in prison or on parole. This contrasts with the rate for white men, which was 6.7 percent. Why are such an increasing number of African-Americans serving more time in prison? The Sentencing Project concludes that "the statistics primary reflected changes in law enforcement policies that have resulted in a greater number of defendants receiving prison sentences, especially prison sentences, rather than an increase in the number of crimes committed by black men."

So instead of trying to deal with the very real, very serious problems which face our prisons—like the problem of a disparity in crack cocaine sentences—we will be voting on a bill to increase sentences for attempted escapes from prison. The bill we are considering today is a complete waste of time. I only wish the majority would spend half as much time on the real problems facing our prisons as they do trying to score political points by acting tough on crime.

The SPEAKER pro tempore (Mr. EWING). All time has expired.

The question is on the motion offered by the gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and pass the bill, H.R. 1533.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MCCOLLUM. 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. 1240, H.R. 2418, and H.R. 1533.

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

There was no objection.

NATIONAL TECHNOLOGY TRANSFER AND ADVANCEMENT ACT OF 1995

Mrs. MORELLA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2196) to amend the Stevenson-Wydler Technology Innovation Act of 1980 with respect to inventions made under cooperative research and development agreements, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2196

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 Technology Transfer and Advancement Act of 1995".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Bringing technology and industrial innovation to the marketplace is central to the economic, environmental, and social well-being of the people of the United States.

(2) The Federal Government can help United States business to speed the development of new products and processes by entering into cooperative research and development agreements which make available the assistance of Federal laboratories to the private sector, but the commercialization of technology and industrial innovation in the United States depends upon actions by business.

(3) The commercialization of technology and industrial innovation in the United States will be enhanced if companies, in return for reasonable compensation to the Federal Government, can more easily obtain exclusive licenses to inventions which develop as a result of cooperative research with scientists employed by Federal laboratories.

SEC. 3. USE OF FEDERAL TECHNOLOGY.

Subparagraph (B) of section 11(e)(7) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(e)(7)(B)) is amended to read as follows:

"(B) A transfer shall be made by any Federal agency under subparagraph (A), for any fiscal year, only if the amount so transferred by that agency (as determined under such subparagraph) would exceed $10,000.".

SEC. 4. TITLE TO INTELLECTUAL PROPERTY ARISING FROM COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS.

Subsection (b) of section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(b)) is amended to read as follows:

"(b) ENUMERATED AUTHORITY.—(1) Under an agreement entered into pursuant to subsection (a)(1), the laboratory may grant, or agree to grant in advance, to a collaborating party patent licenses or assignments, or options thereto, in any invention made in whole or in part by a laboratory employee under the agreement, for reasonable compensation when appropriate. The laboratory shall ensure, through such agreement, that the collaborating party has the option to choose an exclusive license for a field of use for any such invention under the agreement or, if there is more than one collaborating party, that the collaborating parties are offered the option to hold licensing rights that collectively encompass the rights that would be held under such an exclusive license by one party. In consideration for the Government's contribution under the agreement, grants under this paragraph shall be subject to the following explicit conditions:

"(A) A nonexclusive, nontransferable, irrevocable, paid-up license from the collaborating party to the laboratory to practice the invention or have the invention practiced throughout the world by or on behalf of the Government. In the exercise of such license, the Government shall not publicly disclose trade secrets or commercial or financial information that is privileged or confidential within the meaning of section 552(b)(4) of title 5, United States Code, or which would be considered as such if it had been obtained from a non-Federal party.

"(B) If a laboratory assigns title or grants an exclusive license to such an invention, the Government shall retain the right—

"(i) to require the collaborating party to grant to a responsible applicant a nonexclusive, partially exclusive, or exclusive license to use the invention in the applicant's licensed field of use, on terms that are reasonable under the circumstances; or

"(ii) if the collaborating party fails to grant such a license, to grant the license itself.

"(C) The Government may exercise its right retained under subparagraph (B) only if the Government finds that—

"(i) the action is necessary to meet health or safety needs that are not reasonably satisfied by the collaborating party;

"(ii) the action is necessary to meet requirements for public use specified by Federal regulations, and such requirements are not reasonably satisfied by the collaborating party; or

"(iii) the collaborating party has failed to comply with an agreement containing provisions described in subsection (c)(4)(B).

"(2) Under agreements entered into pursuant to subsection (a)(1), the laboratory shall ensure that a collaborating party may retain title to any invention made solely by its employee in exchange for normally granting the Government a nonexclusive, nontransferable, irrevocable, paid-up license to practice the invention or have the invention practiced throughout the world by or on behalf of the Government for research or other Government purposes.

"(3) Under an agreement entered into pursuant to subsection (a)(1), a laboratory may—

"(A) accept, retain, and use funds, personnel, services, and property from a collaborating party and provide personnel, services, and property to a collaborating party;

"(B) use funds received from a collaborating party in accordance with subparagraph (A) to hire personnel to carry out the agreement who will not be subject to full-time-equivalent restrictions of the agency;

"(C) to the extent consistent with any applicable agency requirements or standards of conduct, permit an employee or former employee of the laboratory to participate in an effort to commercialize an invention made by the employee or former employee while in the employment or service of the Government; and

"(D) waive, subject to reservation by the Government of a nonexclusive, irrevocable, paid-up license to practice the invention or have the invention practiced throughout the world by or on behalf of the Government, in advance, in whole or in part, any right of ownership which the Federal Government may have to any subject invention made under the agreement by a collaborating party or employee of a collaborating party.

"(4) A collaborating party in an exclusive license in any invention made under an agreement entered into pursuant to subsection (a)(1) shall have the right of enforcement under chapter 29 of title 35, United States Code.

"(5) A Government-owned, contractor-operated laboratory that enters into a cooperative research and development agreement pursuant to subsection (a)(1) may use or obligate royalties or other income accruing to the laboratory under such agreement with respect to any invention only—

"(A) for payments to inventors;

"(B) for purposes described in clauses (i), (ii), (iii), and (iv) of section 14(a)(1)(B); and

"(C) for scientific research and development consistent with the research and development missions and objectives of the laboratory.".

SEC. 5. DISTRIBUTION OF INCOME FROM INTELLECTUAL PROPERTY RECEIVED BY FEDERAL LABORATORIES.

Section 14 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710c) is amended—

(1) by amending subsection (a)(1) to read as follows:

"(1) Except as provided in paragraphs (2) and (4), any royalties or other payments received

by a Federal agency from the licensing and assignment of inventions under agreements entered into by Federal laboratories under section 12, and from the licensing of inventions of Federal laboratories under section 207 of title 35, United States Code, or under any other provision of law, shall be retained by the laboratory which produced the invention and shall be disposed of as follows:

"(A)(i) The head of the agency or laboratory, or such individual's designee, shall pay each year the first $2,000, and thereafter at least 15 percent, of the royalties or other payments to the inventor or coinventors.

"(ii) An agency or laboratory may provide appropriate incentives, from royalties, or other payments, to laboratory employees who are not an inventor of such inventions but who substantially increased the technical value of such inventions.

"(iii) The agency or laboratory shall retain the royalties and other payments received from an invention until the agency or laboratory makes payments to employees of a laboratory under clause (i) or (ii).

"(B) The balance of the royalties or other payments shall be transferred by the agency to its laboratories, with the majority share of the royalties or other payments from any invention going to the laboratory where the invention occurred. The royalties or other payments so transferred to any laboratory may be used or obligated by that laboratory during the fiscal year in which they are received or during the succeeding fiscal year—

"(i) to reward scientific, engineering, and technical employees of the laboratory, including developers of sensitive or classified technology, regardless of whether the technology has commercial applications;

"(ii) to further scientific exchange among the laboratories of the agency;

"(iii) for education and training of employees consistent with the research and development missions and objectives of the agency or laboratory, and for other activities that increase the potential for transfer of the technology of the laboratories of the agency;

"(iv) for payment of expenses incidental to the administration and licensing of intellectual property by the agency or laboratory with respect to inventions made at that laboratory, including the fees or other costs for the services of other agencies, persons, or organizations for intellectual property management and licensing services; or

"(v) for scientific research and development consistent with the research and development missions and objectives of the laboratory.

"(C) All royalties or other payments retained by the agency or laboratory after payments have been made pursuant to subparagraphs (A) and (B) that is unobligated and unexpended at the end of the second fiscal year succeeding the fiscal year in which the royalties and other payments were received shall be paid into the Treasury.";

(2) in subsection (a)(2)—

(A) by inserting "or other payments" after "royalties"; and

(B) by striking "for the purposes described in clauses (i) through (iv) of paragraph (1)(B) during that fiscal year or the succeeding fiscal year" and inserting in lieu thereof "under paragraph (1)(B)";

(3) in subsection (a)(3), by striking "$100,000" both places it appears and inserting "$150,000";

(4) in subsection (a)(4)—

(A) by striking "income" each place it appears and inserting in lieu thereof "payments";

(B) by striking "the payment of royalties to inventors" in the first sentence thereof and inserting in lieu thereof "payments to inventors";

(C) by striking "clause (i) of paragraph (1)(B)" and inserting in lieu thereof "clause (iv) of paragraph (1)(B)";

(D) by striking "payment of the royalties," in the second sentence thereof and inserting in lieu thereof "offsetting the payments to inventors,"; and

(E) by striking "clauses (i) through (iv) of"; and

(5) by amending paragraph (1) of subsection (b) to read as follows:

"(1) by a contractor, grantee, or participant, or an employee of a contractor, grantee, or participant, in an agreement or other arrangement with the agency, or".

SEC. 6. EMPLOYEE ACTIVITIES.

Section 15(a) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710d(a)) is amended—

(1) by striking "the right of ownership to an invention under this Act" and inserting in lieu thereof "ownership of or the right of ownership to an invention made by a Federal employee"; and

(2) by inserting "obtain or" after "the Government, to".

SEC. 7. AMENDMENT TO BAYH-DOLE ACT.

Section 210(e) of title 35, United States Code, is amended by striking ", as amended by the Federal Technology Transfer Act of 1986,".

SEC. 8. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACT AMENDMENTS.

The National Institute of Standards and Technology Act (15 U.S.C. 271 et seq.) is amended—

(1) in section 10(a)—

(A) by striking "nine" and inserting in lieu thereof "15"; and

(B) by striking "five" and inserting in lieu thereof "10";

(2) in section 15—

(A) by striking "Pay Act of 1945; and" and inserting in lieu thereof "Pay Act of 1945;"; and

(B) by inserting "; and (h) the provision of transportation services for employees of the Institute between the facilities of the Institute and nearby public transportation, notwithstanding section 1344 of title 31, United States Code" after "interests of the Government"; and

(3) in section 19—

(A) by inserting ", subject to the availability of appropriations," after "post-doctoral fellowship program"; and

(B) by striking "nor more than forty" and inserting in lieu thereof "nor more than 60".

SEC. 9. RESEARCH EQUIPMENT.

Section 11(i) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(i)) is amended—

(1) by inserting "loan, lease," after "department, may"; and

(2) by inserting "Actions taken under this subsection shall not be subject to Federal requirements on the disposal of property." after "education and research activities.".

SEC. 10. PERSONNEL.

The personnel management demonstration project established under section 10 of the National Bureau of Standards Authorization Act for Fiscal Year 1987 (15 U.S.C. 275 note) is extended indefinitely.

SEC. 11. FASTENER QUALITY ACT AMENDMENTS.

(a) SECTION 2 AMENDMENTS.—Section 2 of the Fastener Quality Act (15 U.S.C. 5401) is amended—

(1) by striking subsection (a)(4), and redesignating paragraphs (5) through (9) as paragraphs (4) through (8), respectively;

(2) in subsection (a)(7), as so redesignated by paragraph (1) of this subsection, by striking "by lot number"; and

(3) in subsection (b), by striking "used in critical applications" and inserting in lieu thereof "in commerce".

(b) SECTION 3 AMENDMENTS.—Section 3 of the Fastener Quality Act (15 U.S.C. 5402) is amended—

(1) in paragraph (1)(B) by striking "having a minimum tensile strength of 150,000 pounds per square inch";

(2) in paragraph (2), by inserting "consensus" after "or any other";

(3) in paragraph (5)—

(A) by inserting "or" after "standard or specification," in subparagraph (B);

(B) by striking "or" at the end of subparagraph (C);

(C) by striking subparagraph (D); and

(D) by inserting "or produced in accordance with ASTM F 432" after "307 Grade A";

(4) in paragraph (6) by striking "other person" and inserting in lieu thereof "government agency";

(5) in paragraph (8) by striking "Standard" and inserting in lieu thereof "Standards";

(6) by striking paragraph (11) and redesignating paragraphs (12) through (15) as paragraphs (11) through (14), respectively;

(7) in paragraph (13), as so redesignated by paragraph (6) of this subsection, by striking ", a government agency" and all that follows through "markings of any fastener" and inserting in lieu thereof "or a government agency"; and

(8) in paragraph (14), as so redesignated by paragraph (6) of this subsection, by inserting "for the purpose of achieving a uniform hardness" after "quenching and tempering".

(c) SECTION 4 REPEAL.—Section 4 of the Fastener Quality Act (15 U.S.C. 5403) is repealed.

(d) SECTION 5 AMENDMENTS.—Section 5 of the Fastener Quality Act (15 U.S.C. 5404) is amended—

(1) in subsection (a)(1)(B) and (2)(A)(i) by striking "subsections (b) and (c)" and inserting in lieu thereof "subsections (b), (c), and (d)";

(2) in subsection (c)(2) by striking "or, where applicable" and all that follows through "section 7(c)(1)";

(3) in subsection (c)(3) by striking ", such as the chemical, dimensional, physical, mechanical, and any other";

(4) in subsection (c)(4) by inserting "except as provided in subsection (d)," before "state whether"; and

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

"(d) ALTERNATIVE PROCEDURE FOR CHEMICAL CHARACTERISTICS.—Notwithstanding the requirements of subsections (b) and (c), a manufacturer shall be deemed to have demonstrated, for purposes of subsection (a)(1), that the chemical characteristics of a lot conform to the standards and specifications to which the manufacturer represents such lot has been manufactured if the following requirements are met:

"(1) The coil or heat number of metal from which such lot was fabricated has been inspected and tested with respect to its chemical characteristics by a laboratory accredited in accordance with the procedures and conditions specified by the Secretary under section 6.

"(2) Such laboratory has provided to the manufacturer, either directly or through the metal manufacturer, a written inspection and testing report, which shall be in a form prescribed by the Secretary by regulation, listing the chemical characteristics of such coil or heat number.

"(3) The report described in paragraph (2) indicates that the chemical characteristics of such coil or heat number conform to those required by the standards and specifications to which the manufacturer represents such lot has been manufactured.

"(4) The manufacturer demonstrates that such lot has been fabricated from the coil or heat number of metal to which the report described in paragraphs (2) and (3) relates.

In prescribing the form of report required by subsection (c), the Secretary shall provide for an alternative to the statement required by subsection (c)(4), insofar as such statement pertains to chemical characteristics, for cases in which a manufacturer elects to use the procedure permitted by this subsection.".

(e) SECTION 6 AMENDMENT.—Section 6(a)(1) of the Fastener Quality Act (15 U.S.C. 5405(a)(1)) is amended by striking "Within 180 days after the date of enactment of this Act, the" and inserting in lieu thereof "The".

(f) SECTION 7 AMENDMENTS.—Section 7 of the Fastener Quality Act (15 U.S.C. 5406) is amended—

(1) by amending subsection (a) to read as follows:

"(a) DOMESTICALLY PRODUCED FASTENERS.—It shall be unlawful for a manufacturer to sell any shipment of fasteners covered by this Act which are manufactured in the United States unless the fasteners—

"(1) have been manufactured according to the requirements of the applicable standards and specifications and have been inspected and tested by a laboratory accredited in accordance with the procedures and conditions specified by the Secretary under section 6; and

"(2) an original laboratory testing report described in section 5(c) and a manufacturer's certificate of conformance are on file with the manufacturer, or under such custody as may be prescribed by the Secretary, and available for inspection.";

(2) in subsection (c)(2) by inserting "to the same" after "in the same manner and";

(3) in subsection (d)(1) by striking "certificate" and inserting in lieu thereof "test report"; and

(4) by striking subsections (e), (f), and (g) and inserting in lieu thereof the following:

"(e) COMMINGLING.—It shall be unlawful for any manufacturer, importer, or private label distributor to commingle like fasteners from different lots in the same container, except that such manufacturer, importer, or private label distributor may commingle like fasteners of the same type, grade, and dimension from not more than two tested and certified lots in the same container during repackaging and plating operations. Any container which contains fasteners from two lots shall be conspicuously marked with the lot identification numbers of both lots.

"(f) SUBSEQUENT PURCHASER.—If a person who purchases fasteners for any purpose so requests either prior to the sale or at the time of sale, the seller shall conspicuously mark the container of the fasteners with the lot number from which such fasteners were taken.".

(g) SECTION 9 AMENDMENT.—Section 9 of the Fastener Quality Act (15 U.S.C. 5408) is amended by adding at the end the following new subsection:

"(d) ENFORCEMENT.—The Secretary may designate officers or employees of the Department of Commerce to conduct investigations pursuant to this Act. In conducting such investigations, those officers or employees may, to the extent necessary or appropriate to the enforcement of this Act, exercise such authorities as are conferred upon them by other laws of the United States, subject to policies and procedures approved by the Attorney General.".

(h) SECTION 10 AMENDMENTS.—Section 10 of the Fastener Quality Act (15 U.S.C. 5409) is amended—

(1) in subsections (a) and (b), by striking "10 years" and inserting in lieu thereof "5 years"; and

(2) in subsection (b), by striking "any subsequent" and inserting in lieu thereof "the subsequent".

(i) SECTION 13 AMENDMENT.—Section 13 of the Fastener Quality Act (15 U.S.C. 5412) is amended by striking "within 180 days after the date of enactment of this Act".

(j) SECTION 14 REPEAL.—Section 14 of the Fastener Quality Act (15 U.S.C. 5413) is repealed.

SEC. 12. STANDARDS CONFORMITY.

(a) USE OF STANDARDS.—Section 2(b) of the National Institute of Standards and Technology Act (15 U.S.C. 272(b)) is amended—

(1) in paragraph (2), by striking ", including comparing standards" and all that follows through "Federal Government";

(2) by redesignating paragraphs (3) through (11) as paragraphs (4) through (12), respectively; and

(3) by inserting after paragraph (2) the following new paragraph:

"(3) to compare standards used in scientific investigations, engineering, manufacturing, commerce, industry, and educational institutions with the standards adopted or recognized by the Federal Government and to coordinate the use by Federal agencies of private sector standards, emphasizing where possible the use of standards developed by private, consensus organizations;".

(b) CONFORMITY ASSESSMENT ACTIVITIES.—Section 2(b) of the National Institute of Standards and Technology Act (15 U.S.C. 272(b)) is amended—

(1) by striking "and" at the end of paragraph (11), as so redesignated by subsection (a)(2) of this section;

(2) by striking the period at the end of paragraph (12), as so redesignated by subsection (a)(2) of this section, and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraph:

"(13) to coordinate Federal, State, local, and private sector standards conformity assessment activities, with the goal of eliminating unnecessary duplication and complexity in the development and promulgation of conformity assessment requirements and measures.".

(c) TRANSMITTAL OF PLAN TO CONGRESS.—The National Institute of Standards and Technology shall, by January 1, 1996, transmit to the Congress a plan for implementing the amendments made by this section.

(d) UTILIZATION OF CONSENSUS STANDARDS BY FEDERAL AGENCIES; REPORTS.—(1) To the extent practicable, all Federal agencies and departments shall use, for procurement and regulatory applications, standards that are developed or adopted by voluntary, private sector, consensus standards bodies.

(2) Federal agencies and departments shall consult with voluntary, private sector, consensus standards bodies, and shall participate with such bodies in the development of standards, as appropriate in carrying out paragraph (1).

(3) If a Federal agency or department elects to develop, for procurement or regulatory applications, standards that are not developed or adopted by voluntary, private sector, consensus standards bodies, the head of such agency or department shall transmit to the Office of Management and Budget, via the National Institute of Standards and Technology, an explanation of the reasons for developing such standards. The Office of Management and Budget, with the assistance of the National Institute of Standards and Technology, shall annually transmit to the Congress explanations concerning exceptions made under this subsection.

SEC. 13. SENSE OF CONGRESS.

It is the sense of the Congress that the Malcolm Baldrige National Quality Award program offers substantial benefits to United States industry, and that all funds appropriated for such program should be spent in support of the goals of the program.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Maryland [Mrs. MORELLA] will be recognized for 20 minutes, and the gentleman from Tennessee [Mr. TANNER] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from Maryland [Mrs. MORELLA].

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

Mr. Speaker, the Science Committee has a long history of encouraging, in a strong bipartisan manner, the transfer of technology and collaboration between our Federal laboratories and industry.

This afternoon, as we consider H.R. 2196, the National Technology Transfer and Advancement Act of 1995, we are following in that tradition.

I am very pleased to have my distinguished colleagues, Science Committee Chairman WALKER, Science committee ranking Member Congressman BROWN, and my Technology Subcommittee ranking member, Congressman TANNER, as original cosponsors of H.R. 2196. Additionally, S. 1164, the Senate companion bill to H.R. 2196, has been introduced by Senator ROCKEFELLER and has passed the Senate Commerce Committee.

I am also very pleased with the strong outside support H.R. 2196 has received. The administration, and a series of Federal agency officials, Federal laboratory directors, as well as a broad spectrum of industry association representatives and private sector officers have all endorsed passage of the Act as an effective method to enhance our Nation's international competitiveness.

Mr. Speaker, successful technology transfer results in the creation of innovative products or processes becoming available to meet or induce market demand. Congress has long tried to encourage technology transfer to the private sector created in our Federal laboratories.

This is eminently logical since Federal laboratories are considered one of our Nation's greatest assets; yet, they are also a largely untapped resource of technical expertise.

The United States has over 700 Federal laboratories, employing one of six scientists in the Nation and occupying one-fifth of the country's lab and equipment capabilities.

It is, therefore, important to our future economic well-being to make the ideas and resources of our Federal laboratory scientists available to United States companies for commercialization opportunities.

Beginning with the landmark Stevenson-Wydler Technology Innovation Act of 1980, through the Federal Technology Transfer Act of 1986, among others, Congress has promoted technology transfer efforts, especially through a cooperative research and development agreement [CRADA].

The CRADA mechanism allows a laboratory and an industrial company to negotiate patent rights and royalties before they conduct joint research, giving the company patent protection for any inventions and products that result from the collaboration. This patent protection provides an incentive for the companies to invest in turning laboratory ideas into commercial products.

A CRADA provides a Federal laboratory with valuable insights into the needs and priorities of industry, and with the expertise available only in industry, that enhances a laboratory's ability to accomplish its mission.

Since the inception in 1986 of the CRADA legislation, over 2,000 have been signed, resulting in the transfer of technology, knowledge, and expertise back and forth between our Federal laboratories and the private sector.

Despite the success of the CRADA legislation, there are, however, existing impediments to private companies entering into a CRADA.

The law was originally designed to provide a great deal of flexibility in the negotiation of intellectual property rights to both the private sector partner and the Federal laboratory.

The law, however, provides little guidance to either party on the adequacy of those rights a private sector partner should receive in a CRADA. Agencies are given broad discretion in the determination of intellectual property rights under CRADA legislation.

This has often resulted in laborious negotiations of patent rights for certain laboratories and their partners each time they discuss a new CRADA.

With options ranging from assigning the company full patent title to providing the company with only a nonexclusive license for a narrow field of use, both sides must undergo this negotiation on the range of intellectual property rights for each CRADA.

This uncertainty of intellectual property rights, coupled with the time and effort required in negotiation, may now be hindering collaboration by the private sector with Federal laboratories.

This, in essence, has become a barrier to technology transfer. Companies are reluctant to enter into a CRADA, or equally important, to commit substantial investments to commercialize CRADA inventions, unless they have some assurance they will control important intellectual property rights.

The National Technology Transfer and Advancement Act of 1995, addresses these concerns, and others, through the following objectives:

First, by promoting prompt deployment by United States industry of discoveries created in a collaborative agreement with Federal laboratories by guaranteeing the industry partner sufficient intellectual property rights to the invention;

Second, by providing important incentives and rewards to Federal laboratory personnel who create new inventions;

Third, by providing several clarifying and strengthening amendments to current technology transfer laws; and

Fourth, by making legislative changes affecting the Fastener Quality Act, the Federal use of standards, and the management and administration of scientific research and standards measurement at the National Institute of Standards and Technology [NIST].

Specifically, H.R. 2196 seeks to enhance the possibility of commercialization of technology and industrial innovation in the United States by providing assurances that sufficient rights to intellectual property will be granted to the private sector partner with a Federal laboratory.

H.R. 2196 guarantees to the private sector partner the option, at minimum, of selecting an exclusive license in a field of use for a new invention created in a CRADA.

The company would then have the right to use the new invention in exchange for reasonable compensation to the laboratory.

The important factor is that industry selects which option makes the most sense under the CRADA. A company will now have the knowledge that they are assured of having no less than an exclusive license in an application area of its choosing.

These statutory guidelines give companies real assurance that they will receive important intellectual property out of any CRADA they fund.

Knowing they have an exclusive claim to the invention will, consequently, give a company both an extra incentive to enter into a CRADA and the knowledge that they can safely invest further in the commercialization of that invention.

In addition, H.R. 2196 addresses concerns about government rights to an invention created in a CRADA. It provides that the Federal Government will retain minimum statutory rights to use the technology for its own purposes.

H.R. 2196 provides limited government "march-in-rights" if there is a public necessity that requires compulsory licensing of the technology.

It also provides important incentives in royalty sharing to Federal laboratory personnel who create new technologies by enhancing the financial incentives and rewards given to Federal laboratory scientists for technology that results in marketable products.

These new incentives respond to criticism made before the Science Committee that agencies are not sufficiently rewarding laboratory personnel for their inventions.

It is important to note that these incentives are paid from the income the laboratories received for commercialized technology, not from tax dollars.

In addition, the Act provides a significant new incentive by allowing the laboratory to use royalties for related scientific research and development, consistent with the objectives and mission of the laboratory.

In this era of limited Federal fiscal resources, as we seek to balance our budget, these important incentives and administrative provisions can be very important to help a laboratory effectively meet its mission.

H.R. 2196 will help facilitate and speed technology cooperation between industry and our Federal laboratories, thus benefiting our economy and our citizens by making a CRADA more attractive to both American industry and Federal laboratories.

The Act is important because it comes at a time when both Federal laboratories and industry need to work closer together for their mutual benefit and our national competitiveness.

I urge all of my colleagues to support this important bill to enhance our Nation's international competitiveness. With today's House passage, H.R. 2196 can be brought to the Senate for its expedited consideration, and then sent to the President for his signature into law.

□ 1800

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

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

Mr. Speaker, I rise in support of H.R. 2196, the National Technology Transfer and Advancement Act of 1995. I want to commend Chairwoman MORELLA for her continued and strong support of technology transfer from the Federal laboratories. We have worked on this bill in a spirit of bipartisan cooperation and it addresses gaps in our current technology transfer laws.

This is a short bill, the sections dealing with technology transfer are only nine pages, yet it impacts an area of considerable Federal investment. This bill amends and improves existing technology transfer laws affecting more than 700 Federal laboratories. H.R. 2196 enhances the ability of our national laboratories to work with industry to develop and commercialize new technologies.

Cooperative research and development agreements [CRADA's] represent

a sizeable investment by the Federal Government and the private sector. Federal laboratories will have more than 6,000 active cooperative research and development agreements with industry and universities in 1995, representing more than $5 billion in Federal investment and matched by private sector partners.

I have witnessed firsthand the importance of technology transfer in maintaining the vitality of our Federal labs and to the economy. Oak Ridge National Laboratory in Tennessee accounts for almost 20 percent of all CRADA's signed by DOE laboratories and contractors. Since 1990, Oak Ridge National Lab has: Invested more than $320 million in cooperative research with industry; signed more than 280 CRADA's—39 percent of them with small businesses; issued more than 152 technology licenses and has a patent portfolio of over 400 licensable technologies; and, applied for almost 100 patents per year.

These activities have resulted in more than $80 million in sales and have generated $3.5 million in royalty payments to Oak Ridge. More importantly, technology transfer activities at Oak Ridge have fostered more than 55 new business and 3,000 private-sector jobs in the past 10 years—17 new businesses have been created as the result of CRADAs in the past 2 years alone.

Additionally, the bill extends the time that Federal labs have to reinvest royalty payments for scientific research and development at the labs. At a time when we are cutting the labs' budgets, we should allow them to benefit from the fruits of their labors.

The Federal labs are a national resource which should benefit all Americans. The labs have worked for the well-being of Americans since their earliest days and not only in terms of national security. It was in the early 1960's that a team of scientists and engineers from the Oak Ridge National Laboratory working with industry developed a machine and a process that have since been credited with saving millions of lives a year worldwide. In less than 1 year this private/public partnership developed a process and machine for isolating and purifying viruses to create vaccines—most notably to treat influenza.

The vaccines produced by this new process eliminated the sometimes severe side effects common with standard vaccines. Severe allergic reaction prevented the administration of the standard vaccine to the young and the old—the very people who needed it. The unique expertise of Oak Ridge scientists and engineers working with their colleagues in industry made this possible.

We should strengthen and build upon the 30-year tradition of cooperation between the national labs and industry. H.R. 21961 makes it easier for the Government and industry to work together—each contributing their respective strengths. We have invested billions of dollars in our research infrastructure and we shouldn't just rely on luck and hope that this investment will be fully utilized.

The bill provides needed incentives to promote public-private technology partnerships. H.R. 2196 deserves our support.

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

Mrs. MORELLA. Mr. Speaker, I want to thank the gentleman from Tennessee [Mr. TANNER] for his comments and for his support. He does exemplify, as does the gentleman from California [Mr. BROWN], bipartisan cooperation on this bill and in other legislation that enhances our competitiveness.

Mr. Speaker, I yield 7 minutes to the gentleman from Minnesota [Mr. GUTKNECHT], a very distinguished member of the subcommittee.

Mr. GUTKNECHT. Mr. Speaker, I thank the gentlewoman and the chairman for yielding time to me.

Mr. Speaker, I rise today in support of H.R. 2196 the National Technology Transfer and Advancement Act of 1995. This legislation will encourage the transfer of basic science and research information from the Federal laboratories to the private sector. This bill also makes important and necessary changes to the Fastener Quality Act.

These changes are of great importance to my constituents who are employed in the fastener industry. One of the fastest growing and best-run companies in the United States is based in Winona, Minnesota. The Fasten all Company is one of the dominant forces in the fastener industry.

Interestingly, Mr. Speaker, they would probably benefit, or probably do benefit, from some of the rules and regulations currently enacted, but they have told me that whether they benefit or not, it actually, in the long run, is bad for business and industry.

In 1990, the 101st Congress enacted the Fastener Quality act to answer concerns that counterfeit and substandard fasteners posed a threat to our national defense and our public safety. In most cases, counterfeit and substandard fasteners are two separate problems.

While well-meaning in nature, the original Fastener Quality Act required that fasteners be tested, inspected, and certified by accredited laboratories before being distributed to the market. Fastener manufacturers were required to register their fastener headmarkings with the Patent and Trademark Office and keep certification of performance and a copy of the test report on file. These requirements are typical of unnecessary regulations which previous Congresses have dictated.

Today, we would be acting on the recommendations which have been made by the Fastener Advisory Committee, amending the Fastener Quality Act. The Fastener Advisory Committee, created by Congress, determined that the Fastener Quality Act will have an unintended detrimental impact on business. The Fastener Advisory committee reported that without these recommended changes, the cumulative burden of cost on the fastener industry could be close to $1 billion for absolute compliance to the Fastener Quality Act.

The Committee has adopted recommendations in this legislation for amending the Fastener Quality Act that were submitted in March of 1992, and then again in February of 1995, to the Congress by the Fastener Advisory Committee.

□ 1815

Such recommendations were the result of nine public meetings by the Fastener Advisory Committee involving more than 2,000 pages of transcript documenting the need for the amendments. Subsequent to the recommendations to Congress, the National Institute of Standards and Technology [NIST] published proposed implementing regulations for public comment in August 1992. More than 300 letters were received from the public. Over 70 percent of the letters supported the recommendations of the Fastener Advisory Committee for amending the act.

I urge all members to support this important legislation.

Mrs. MORELLA. Mr. Speaker, will the gentleman yield?

Mr. GUTKNECHT. I yield to the gentlewoman from Maryland.

Mrs. MORELLA. Mr. Speaker, the gentleman is correct regarding the great extent we have undertaken to work out these amendments with the fastener industry.

We listened to the Fastener Advisory Committee, its Fastener Public Law Task Force, and other representatives from the manufacturing, importing, and distribution sectors of the United States fastener industry in crafting these amendments to the Fastener Quality Act.

The task force represents 85 percent of all United States companies and their suppliers involved in the manufacture, distribution, and importation of fasteners and over 100,000 employees in all 50 States.

The section focuses mainly on mill heat certification, mixing of like-certified fasteners, and sale of fasteners with minor nonconformances. The act will maintain safety, reduce the unnecessary burdens on industry, and ensure proper enforcement of the Fastener Quality Act.

In addition to the fastener provisions in the bill, I believe it is important to note the other major provisions in the act. These include some very important administrative and management

changes to the National Institute of Standards and Technology (NIST), which include making permanent the NIST Personnel Demonstration Project.

This project has helped NIST recruit and retain the best and the brightest scientists to meet its scientific research and measurement standards mission.

Also, included in the act are provisions affecting the Federal involvement in the use of standards and its development. Standards play a crucial role in all facets of daily life and in the ability of the Nation to compete in the global marketplace.

The United States, unlike the federalized standards system of most other countries, relies heavily on a decentralized, private sector-based, voluntary consensus standards system.

This unique consensus-based voluntary system has served us well for over a century and has contributed significantly to United States competitiveness, health, public welfare, and safety.

Playing an important role in maintaining a future competitive edge is the ability to develop standards which match the speed of the rapidly changing technology of the marketplace.

The key challenge is to update domestic standards activities, in light of increased internationalization of commerce, and to reduce duplication and waste by effectively integrating the Federal Government and private sector resources in the voluntary consensus standards system, while protecting its industry-driven nature and the public good.

Better coordination of Federal standards activities is clearly crucial to this effort. These issues were raised by the National Research Council (NRC) in its March 1995, report entitled, "Standards, Conformity Assessment, and Trade in the 21st Century."

We have adopted some of the recommendations in the NRC report clarifying NIST's lead role in the implementation of a government-wide policy of phasing out the use of federally-developed standards, wherever possible, in favor of standards developed by private sector, consensus standards organizations. We also adopted the recommendation to codify the present requirements of OMB Circular A-119, which requires agencies, through OMB, to report annually to Congress on the reasons for deviating from voluntary consensus standards, when the head of the agency deems that prospective consensus standards are not appropriate to the agency needs.

Mr. Speaker, I thank the gentleman for yielding so that I could put into the RECORD and explain the benefits of the statements that he made with regard to standards.

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

Mr. TANNER. Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, this is a good bill for many reasons. It will create more jobs, it will provide incentives for important scientific inventions, and it is going to make it easier to give or loan equipment to our schools, Federal equipment.

But it is also a bill that is important in another very important technological way, and that is for stimulating commercialization of the research being done in our national laboratories. I represent one of them, Los Alamos National Laboratory, and it is going to benefit enormously from this legislation.

What this bill also does, it extends the Federal charter and set-aside for the Federal Laboratory Consortium for Technology Transfer. This charter was created through the hard work of Dr. Eugene Stark at the Los Alamos Laboratory.

The set-aside has provided very stable annual funding to the consortium which has permitted technology transfer officers of the various laboratories to work together. The Federal Laboratory Consortium members are linked together electronically, which enables them to help businesses find out what other Federal laboratories have expertise in specific areas.

So my colleagues know, what we are trying to do is get the labs more into economic competitiveness, into commercialization, so that their science can be used commercially for the best economic interests of the country. For example, if an agriculturally oriented business in New Mexico or Tennessee went to the technology transfer officers at Los Alamos with a problem, Los Alamos would be able to find out if any of the laboratories in the Departments of Agriculture or Interior could have expertise that is useful to that company.

The bill also gives far better incentives to Federal inventors, who are an imperative necessity to our national security. Currently, inventors receive only 15 percent of the royalty stream from their inventions, meaning that most inventions have produced less than $2,000 per year. By changing the calculation so that agencies pay inventors the first $2,000 of the royalties receive by the agency for the inventions, as well as 15 percent of the royalties above that amount, the bill provides incentives that these employees can use and give them more equitable compensation.

Finally, this bill clarifies that a Federal laboratory, agency, or department may give, loan, or lease excess scientific equipment to public and private schools and nonprofit organizations without regard to Federal property disposal laws.

Therefore, if for instance Los Alamos or Sandia or any of our national labs wanted to donate unused equipment to a university, it would not have to go through the bureaucratic redtape that is now required. Some labs would rather store their unwanted equipment rather than going through the hassle of GSA disposal.

This is a good bill, especially a good bill to all of us who have Federal laboratories in our districts, and that is about 14 States around the country and approximately 130 Members of Congress have lab components in their districts. It advocates technology transfer, it creates incentives for Federal inventors, and it makes it easier to donate equipment to needy schools.

I want to commend the author of the bill, the gentleman from Tennessee [Mr. TANNER], I want to commend the gentlewoman from Maryland [Mrs. MORELLA], and I see the fingerprints of the gentleman from California [Mr. BROWN], the former Science chairman, all over this bill.

Mrs. MORELLA. Mr. Speaker, I include in the RECORD a letter dated December 12, 1995 to the gentleman from Pennsylvania [Mr. WALKER], the chairman of the Committee on Science, from the administration, Ron Brown, indicating the administration's support of the Fastener Quality Act as it is contained in H.R. 2196.

THE SECRETARY OF COMMERCE,
Washington, DC, December 12, 1995.

Hon. ROBERT S. WALKER,
Chairman, Committee on Science,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your recent letter seeking the Administration's position on the amendments to Public Law No. 101-592, the Fastener Quality Act, contained in H.R. 2196, The National Technology Transfer and Advancement At of 1995. The Administration supports the amendments to the Fastener Quality Act included in H.R. 2196.

Again, thank you for your letter. Please let me know if you have any additional questions.

Sincerely,

RONALD H. BROWN.

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

Mr. TANNER. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. BROWN].

Mr. BROWN of California. I thank the gentleman for yielding me this time. I would like to engage in a colloquy with the Congresswoman from Maryland [Mrs. MORELLA]. It will cover some of the subjects she has already spoken eloquently about.

There has been concern expressed in parts of the executive branch regarding section 12(d) of this bill which is our committee's codification of OMB Circular A-119 which the gentlewoman has referred to. I would like to be reassured that the Congresswoman's understanding is consistent with my understanding of the scope of Section 12(d).

First, the term "voluntary, private sector, consensus standards bodies" is used throughout the section but is not defined. I assume that the voluntary consensus standards bodies referred to in this section are our nation's standards development organizations such as the American Society for Testing and Materials, the American Society of Mechanical Engineers, the American Petroleum Institute, and the Society of Automotive Engineers and the umbrella organization, the American National Standards Institute.

Mrs. MORELLA. Mr. Speaker, if the gentleman would yield, he is correct. We used voluntary consensus standards in the same manner that it would be used in the engineering and standards communities when they talk about technical, mechanical, or engineering standards. The private sector consensus standards bodies covered by the act are engineering societies and trade associations as well as organizations whose primary purpose is development or promotion of standards. The standards they develop are the common language of measurement, used to promote interoperability and ease of communications in commerce. We meant to cover only those standards which are developed through an open process in which all parties and experts have ample opportunity to participate in developing the consensus embodied in that standard. Our use of the term "private sector" is meant to indicate that these standards are developed by umbrella organizations located in the private sector rather than to preclude government involvement in standards development. In fact, it is my hope that this section will help convince the Federal Government to participate more fully in these organizations' standards developing activities to increase the likelihood that the standards can meet public sector as well as private sector needs.

Mr. BROWN of California. I would assume from your comments that you would expect a rule of reason to prevail in the implementation of this section and that new bureaucratic procedures would be inconsistent with the intent of this section.

Mrs. MORELLA. If the gentleman would yield further, that was our intent in beginning the section with the words "To the extent practicable". For instance, we would expect Government procurements of off-the-shelf commercial products or commodities to be exempted by regulation from any review under the act. We also do not intend through this section to limit the right of the Government to write specifications for what it needs to purchase. Our focus instead is on making sure the Federal Government does not reinvent the wheel. We are merely asking Federal agencies to make all reasonable efforts to use voluntary, private sector, consensus standards unless there is a significant reason not to do so when developing regulations or describing systems, equipment, components, commodities, and other items for procurement. We expect Government specifications to use the private sector's standards language rather than unique government standards whenever practicable to do so. However, as under OMB Circular A-119, agencies would still have broad discretion to decline to use a voluntary standard if the agency formally determined that the standard was inadequate for government, did not meet statutory criteria, or was otherwise inappropriate.

Mr. BROWN of California. I thank the gentlewoman for her clarification. I agree with the gentlewoman and thank her for her explanations. I hope that they will assist in the interpretation of the meaning of the language of the bill.

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Mr. Speaker, with the permission of the gentleman from Tennessee, I would like to make a few concluding remarks with regard to my general support of the legislation.

I do rise in support of H.R. 2196, the Technology Transfer and Advancement Act of 1995, a bill which does make significant incremental steps in the proper direction in Federal technology and laboratory policies. Previous speakers have indicated the importance of the Federal laboratories as a part of the Nation's scientific and technological infrastructure, and I would like to reinforce those statements in every way that I can.

I would like to also mention again, because the gentlewoman from Maryland has already mentioned it, that there is nothing in this bill more important than the provision which makes the personnel system at the National Institutes of Standards and Technology permanent. A decade has now passed since the Packard committee recommendations on civil service reform for scientists and engineers were presented to the Congress. This is a report worth dusting off and reading anew.

Then science committee chairman Don Fuqua pushed related legislation which resulted in a personnel experiment at NIST. For 8 years NIST has strived under a merit-based clone of progressive private sector personnel systems, and the results are obvious, they are impressive, and they are cheaper than the old way of doing business.

One of the lesser known and least controversial provisions of last year's competitive legislation was our attempt to make the NIST experimental personnel system its permanent one.

I am happy the committee has seen fit to report our provisions unchanged because it is exactly what NIST needs to continue to attract its fair share of the best and the brightest, and I want to particularly commend the chairwoman of this subcommittee for persevering in getting through the enactment of this very important piece of our bills.

I am also pleased with the standards provisions in the bill, and I will abbreviate my remarks on that somewhat. But it will do a great deal in rationalizing the procurement of all Federal Government needs, particularly in the Defense Department.

The legislation also makes changes that will be beneficial to NIST, to other Federal labs and to the Federal laboratory consortium, some which have been mentioned by both the gentlewoman from Maryland [Mrs. MORELLA] and the gentleman from New Mexico [Mr. RICHARDSON].

I do have some reservations about the process really which led to the inclusion of the Fastener Quality Act amendments in this bill. I do believe that the Fastener Quality Act does need some improvements. This bill provides it, but I was not happy with the process with which this was done. I have criticized this before. I will not belabor it. We have brought this same language to the floor several times. It was defective each time because there was not a process of committee hearings and review which would have corrected some of the problems.

I think, but I am still not sure, that all the problems have been corrected. I sincerely trust this is the case because I know the importance of having a good set of rules on the books to deal with this very important problem.

Having said this mild criticism, I want to make it clear the bill is well worth voting for in almost all respects, statutory proof that the two parties can work closely together on important legislation and, when they do so, as in the present case, the American people emerge the winners.

Mr. Speaker, I rise in support of H.R. 2196, the Technology Transfer and Advancement Act of 1995, a bill which makes significant incremental steps in the proper direction in Federal technology and laboratory policy.

I consider nothing in the bill more important than the provision which makes the personnel system at the National Institute of Standards and Technology permanent. A decade has now passed since David Packard's recommendations on civil service reform for scientists and engineers were presented to the Congress. This is a report worth dusting off and reading anew. Then Science Committee Chairman Don Fuqua pushed related legislation which resulted in a personnel experiment at NIST. For 8 years NIST has thrived under a merit-based clone of progressive private sector personnel systems and the results are obvious, impressive, and cheaper than the old way of doing business. One of the lesser known and least controversial provisions of last year's competitiveness legislation was our attempt to make the NIST experimental personnel system, its permanent one. I am happy

that the Committee has seen fit to report our provision unchanged because it is exactly what NIST needs to continue to attract its fair share of the best and the brightest.

I am also pleased with the standards provisions contained in this bill. One of Secretary of Defense Perry's biggest achievements is his replacement of most of his Department's military specifications with private sector standards. This action may have put a bigger dent to government waste than any other during my tenure in Washington. It is also one of the biggest victories of common sense over business as usual. Why should the government spend the money to design, test, and procure unique parts and equipment in instances where it can be shown equally good ones have stood the test of the commercial marketplace. What Secretary Perry did was reverse the burden of proof. Anyone who wants to develop a standard or a specification now has to justify why private sector standards won't solve the problem. This bill extends the Perry philosophy to all government regulatory and procurement standards using agency heads, OMB, and NIST as those who must be convinced that a problem is so unique that the private sector does not have a solution. This is a problem that our committee worked on during my entire tenure as chairman and I am happy that our current majority leadership is taking our work a step forward.

This legislation also makes changes that will be beneficial to NIST, to the Federal labs, and to the Federal laboratory consortium. Some came from last Congress' Morella-Rockefeller legislation; some came from our competitiveness bill. All are non-controversial and welcome changes.

There is only one cloud on the horizon—one set of actions which cause me to qualify my endorsement of this legislation ever so slightly. This is the unfortunate way in which the complicated issue of the Fastener Quality Act Amendments has been handled which I might say stands in contrast to the care with which the rest of the bill was handled. I regret that the committee did not see fit to hold hearings or publicly seek advice on these complicated changes to a rather important piece of public health and safety legislation. I expect if we had set up hearings and carefully listened to all sides on this issue that we would have ended up with a stronger bill and without the embarrassment of having to make technical changes on the floor, in the committee, and then on the floor again.

That said, I want to make it clear that HR 2196 in my opinion is a bill well worth voting for and in almost all respects statutory proof that the two parties can work closely together on important legislation and when they do so, as in this case, the American people emerge the winners.

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

I have no one else who wishes to speak on this bill, but again I want to reiterate what the gentleman from California [Mr. BROWN] said and the gentleman from Tennessee [Mr. TANNER] had said before in the fact that this is an excellent example of bipartisan working together in the best interests of our country and our national competitiveness.

I urge all of my colleagues to support this important bill to enhance our competitiveness.

Mr. WALKER. Mr. Speaker, I commend the gentlelady from Maryland for her leadership in bringing H.R. 2196, the National Technology Transfer and Advancement Act of 1995, to the floor.

As chair of the Science Committee, I am proud of the committee's rich tradition of promoting technology transfer from our Federal laboratories. Beginning with the Stevenson-Wydler Technology Innovation Act of 1980, the Science Committee has originated legislation which has stimulated and increased the quality of technology in the United States.

The Stevenson-Wydler Act required Federal laboratories to take an active role in technical cooperation and established technology transfer offices at all major Federal laboratories. The landmark Stevenson-Wydler Act legislation was expanded considerably by the Federal Technology Transfer Act of 1986, which allowed a government-owned, government-operated [GOGO] laboratory staffed by Federal employees to enter into a Cooperative Research and Development Agreement [CRADA] with industry, universities, and others. The National Competitiveness Technology Transfer Act of 1989 extended the CRADA authority to a government-owned, contractor-operated [GOCO] laboratory such as the Department of Energy laboratories.

These acts have permitted the private sector to develop cooperative research and development agreements [CRADA] with our Federal laboratories, thereby providing them access to the expertise of the engineers, scientists, and facility resources of our national labs. In a CRADA, the laboratories can contribute people, facilities, equipment, and ideas, but not funding, while the private sector companies contribute people and funding.

H.R. 2196 provides guidelines that simplify the negotiation of a CRADA—addressing a major concern of private sector companies—and, in the process, gives companies greater assurance they will share in the benefits of the research they fund.

As a result, the act will reduce the time and effort required to develop a CRADA, reduce the uncertainty that can deter companies from working with the Government, and thus speed the transfer and commercialization of laboratory technology to the American public. The act is an important step toward making our Government's huge investment in science and technology—made primarily to carry out important Government missions—more useful to interested commercial companies and our economy.

By rethinking and improving the method our Government conducts its business, without the need to invoke new spending authority, H.R. 2196 signals a new approach to government technology policy legislation.

I am also very pleased that H.R. 2196 includes amendments to the Fastener Quality Act. These amendments are very important to the fastener industry and the need to include these changes to the current act is clear. When this committee marked up the Fastener Quality Act in 1991, I attached an amendment to form the Fastener Advisory Committee. This committee was to determine if the act would have a detrimental impact on business. The Fastener Advisory Committee reported that without their recommended changes the burden of cost would be close to $1 billion on the fastener industry.

We attempted in the last Congress to amend the law, but unfortunately, were not successful. We had language pass the House and the Senate; however, the language died in conference.

The act addresses the concerns of the Fastener Advisory Committee regarding mill heat certification, mixing of like certified fasteners, and sale of minor non-conformances.

Working with this Congress and NIST, the Fastener Public Law Task Force, comprised of members from manufacturing, importing, and distributing, has worked to improved the law while maintaining safety and quality. The Public Law Task Force represents 85 percent of all companies involved in the manufacture, distribution, and importation, of fasteners and their suppliers in the United States.

Combined, the task force represents over 100,000 employees in all 50 States. We have worked with both sides of the aisle, the administration, manufacturers, distributors, and importers to reach this solution and I support the changes to the Fastener Quality Act.

I also support the provisions in the act which relate to standards conformity. The act restates existing authorities for National Institute of Standards and Technology [NIST] activities in standards and conformity assessment and requires NIST to coordinate among Federal agencies, survey existing State and Federal practices, and report back to Congress on recommendations for improvements in these activities.

In addition, the act codifies, OMB circular A–119 requiring Federal agencies to adopt and use standards developed by voluntary consensus standards bodies and to work closely with those organizations to ensure that the developed standards are consistent with agency needs. These provisions are very important since they will have the effect of assisting agencies in focusing their attention on the need to work with private sector, voluntary consensus standards bodies.

As an original cosponsor, I urge support for the passage of H.R. 2196, the National Technology Transfer and Advancement Act.

Mr. DINGELL. Mr. Speaker, the bill being considered today includes numerous amendments to the Fastener Quality Act.

The Committee on Energy and Commerce's Subcommittee on Oversight and Investigations conducted a multiyear, indepth investigation of counterfeit and substandard fasteners that ultimately led to the enactment of the Fastener Quality Act on November 16, 1990. Unfortunately, the regulations implementing the law have not yet been issued by the National Institute on Standards and Technology [NIST] and are now more than 4 years overdue.

During the last Congress, as part of the National Competitiveness Act, amendments to the Fastener Quality Act were passed by the House. The amendments adopted related to heat mill certification and minor nonconformance. In its bill, the Senate included the same amendments, plus an additional amendment that would have permitted commingling at all levels of the industry—from manufacturing

through distribution. I, as well as the administration, opposed this amendment because it would seriously undermine safety and accountability under the law. Because efforts to pass the underlying bill were unsuccessful, the fastener amendments were not enacted into law and NIST has made no effort to issue the long overdue implementing regulations.

The bill before us includes amendments on heat mill certification, minor nonconformance, commingling, as well as other amendments. The commingling amendment appears to be more limited in scope than the previous Senate provision and allows purchasers to request lot traceability. There are additional amendments to the Fastener Quality Act that also appear in the bill. To my knowledge, no hearings have been held on these amendments by any congressional committee nor has any adequate explanation or justification been advanced for these provisions, other than that certain fastener industry interests support them.

I note that Chairman BLILEY recently wrote Chairman WALKER, making it clear that the Commerce Committee has not waived its jurisdictional concerns about the legislation and requesting that members of the Commerce Committee be named as equal conferees on fastener provisions in any ensuing House-Senate conference. I wish to express my support for Chairman BLILEY's request and trust that we will be able to have an opportunity to participate fully in any conference on these issues of great importance to public safety.

Mr. OXLEY. Mr. Speaker, I rise to address the amendments to the Fastener Quality Act which are in H.R. 2196.

The Fastener Quality Act is the result of a 4-year-long study by the Oversight and Investigations Subcommittee of the Committee on Commerce. The statute requires testing and labeling procedures for certain grades of bolts and fasteners subject to high degrees of stress, such as in military and aerospace applications. The requirements of the Fastener Quality Act were designed to prevent the use of substandard bolts in applications where, if they were to fail, death or injury could occur.

The Commerce Committee and the Science Committee have a long history of working together on this act. After the Commerce Committee Oversight and Investigations Subcommittee investigation, our committees worked together to secure passage of this legislation in the 101st Congress and the amendments to the Fastener Act contained in this legislation.

Mr. Speaker, the amendments to the Fastener Quality Act included in this legislation are almost identical to those passed by the House in H.R. 2405 earlier this year. These amendments simply restore the original intent of the Fastener Quality Act. Additionally, they provide for notice and comment on the appropriate threshold standard to assess a significant alteration with respect to the electroplating of fasteners. The Committee on Commerce has no objection to these amendments and urges their adoption.

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

Mr. TANNER. 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 gentlewoman from Maryland [Mrs. MORELLA] that the House suspend the rules and pass the bill, H.R. 2196, 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

Mrs. MORELLA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2196, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF MOTION TO DISPOSE OF REMAINING SENATE AMENDMENT TO H.R. 1868, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1996

Mr. GOSS, from the Committee on Appropriations, submitted a privileged report (Rept. No. 104–399) on the resolution (H.R. 296) providing for consideration of a motion to dispose of the remaining Senate amendment to the bill (H.R. 1858) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1996, and for other purposes, which was referred to the House Calendar and ordered to be printed.

WAIVING A REQUIREMENT OF CLAUSE 4(b) OF RULE XI WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM THE COMMITTEE ON RULES

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 104–400) on the resolution (H. Res. 297) waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolutions reported from the Committee on Rules, and for other purposes, which was referred to the House Calendar and ordered to be printed.

VETERANS HOUSING, EMPLOYMENT PROGRAMS, AND EMPLOYMENT RIGHTS BENEFITS ACT OF 1995

Mr. STUMP. Mr. Speaker, I move the House suspend the rules and pass the bill (H.R. 2289) to amend title 38, United States Code, to extend permanently certain housing programs, to improve the veterans employment and training system, and to make clarifying and technical amendments to further clarify the employment and reemployment rights and responsibilities of members of the uniformed services, as well as those of the employer community, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2289

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 "Veterans Housing, Employment Programs, and Employment Rights Benefits Act of 1995".

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—VETERANS' HOUSING PROGRAMS

SEC. 101. EXTENSIONS OF CERTAIN VETERANS' HOUSING PROGRAMS.

(a) NEGOTIATED INTEREST RATES.—Paragraph (4) of section 3703(c) is amended by striking out subparagraph (D).

(b) ENERGY EFFICIENT MORTGAGES.—Section 3710(d) is amended—

(1) in paragraph (1), by striking out "to demonstrate the feasibility of guaranteeing" and inserting in lieu thereof "to guarantee"; and

(2) by striking out paragraph (7).

(c) ENHANCED LOAN ASSET SALE AUTHORITY.—Section 3720(h)(2) is amended by striking out "1995" and inserting in lieu thereof "2000".

(d) AUTHORITY OF LENDERS OF AUTOMATICALLY GUARANTEED LOANS TO REVIEW APPRAISALS.—Section 3731(f) is amended by striking out paragraphs (3), (4), and (5).

(e) HOUSING ASSISTANCE FOR HOMELESS VETERANS.—Section 3735 is amended by striking out subsection (c).

SEC. 102. CODIFICATION OF REPORTING REQUIREMENTS AND CHANGES IN THEIR FREQUENCY.

(a) CODIFICATION OF HOUSING RELATED REPORTING REQUIREMENTS.—(1) Chapter 37 is amended by adding after section 3735 the following new section:

"§ 3736. Reporting requirements

The annual report required by section 529 of this title shall include a discussion of the activities under this chapter. Beginning with the report submitted at the close of fiscal year 1996, and every second year thereafter, this discussion shall include information regarding the following:

"(1) Loans made to veterans whose only qualifying service was in the Selected Reserve.

"(2) Interest rates and discount points which were negotiated between the lender and the veteran pursuant to section 3703(c)(4)(A)(i) of this title.

"(3) The determination of reasonable value by lenders pursuant to section 3731(f) of this title.

"(4) Loans that include funds for energy efficiency improvements pursuant to section 3710(a)(10) of this title.

"(5) Direct loans to Native American veterans made pursuant to subchapter V of this chapter.".

(2) The table of sections at the beginning of chapter 37 is amended by inserting after the item relating to section 3735 the following new item:

"3736. Reporting requirements.".

(b) REPEAL OF SUPERSEDED REPORTING REQUIREMENTS.—The Veterans Home Loan Program Amendments of 1992 (Public Law 102–547; 106 Stat. 3633) is amended by striking out sections 2(c), 3(b), 8(d), 9(c), and 10(b).

SEC. 103. JOB PLACEMENT FOR HOMELESS VETERANS.

(a) HOMELESS VETERANS EMPLOYMENT PROGRAM.—Section 738(e)(1) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11448(e)(1)) is amended—

(1) in subparagraph (A), by striking out "1993" and inserting in lieu thereof "1996";

(2) in subparagraph (B)—

(A) by striking out "$12,000,000" and inserting in lieu thereof "$10,000,000", and

(B) by striking out "1994" and inserting in lieu thereof "1997"; and

(3) in subparagraph (C)—

(A) by striking out "$14,000,000" and inserting in lieu thereof "$10,000,000", and

(B) by striking out "1995" and inserting in lieu thereof "1998".

(b) GENERAL AUTHORIZATION OF APPROPRIATIONS.—Section 739(a) of such Act (42 U.S.C. 11448(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 "1995" and inserting in lieu thereof "1998".

TITLE II—VETERANS' EMPLOYMENT AND TRAINING

SEC. 201. REGIONAL OFFICES FOR VETERANS' EMPLOYMENT AND TRAINING.

Paragraph (1) of section 4102A(e) is amended to read as follows:

"(1) The Secretary of Labor shall assign regional administrators for Veterans' Employment and Training in such regions, which may not be less than five in number, as the Secretary may determine are necessary for the effective administration of the Veterans' Employment and Training Service. Each regional administrator appointed after the date of the enactment of the Veterans Housing, Employment Programs, and Employment Rights Benefits Act of 1995 shall be a veteran.".

SEC. 202. SUPPORT PERSONNEL FOR DIRECTORS OF VETERANS' EMPLOYMENT AND TRAINING.

Subsection (a) of section 4103 is amended—

(1) in the first sentence, by striking out "full-time Federal clerical support" and inserting in lieu thereof "full-time Federal clerical or other support personnel"; and

(2) in the third sentence, by striking out "Full-time Federal clerical support personnel" and inserting in lieu thereof "Full-time Federal clerical or other support personnel".

SEC. 203. DIRECTORS AND ASSISTANT DIRECTORS FOR VETERANS' EMPLOYMENT AND TRAINING.

Subparagraph (B) of section 4103(b)(1) is amended to read as follows:

"(B) A person who serves in the position of Director for Veterans' Employment and Training or Assistant Director of Veterans' Employment Training for any State for not less than two years is eligible for appointment as such a Director or Assistant Director for any State, regardless of the period of the person's residence in that State.".

SEC. 204. PILOT PROGRAM TO INTEGRATE AND STREAMLINE FUNCTIONS OF LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES.

(a) AUTHORITY TO CONDUCT PILOT PROGRAM.—In order to assess the effects on the timeliness and quality of services to veterans resulting from re-focusing the staff resources of local veterans' employment representatives, the Secretary of Labor is authorized to conduct a pilot program under which the primary responsibilities of local veterans' employment representatives will be case management and the provision and facilitation of direct employment and training services to veterans.

(b) AUTHORITIES UNDER CHAPTER 41.—To implement the pilot program, the Secretary is authorized to suspend or limit application of those provisions of chapter 41 (other than sections 4104 (b)(1) and (c)) of such title that pertain to the Local Veterans' Employment Representative Program in States designated by the Secretary under subsection (d), except that the Secretary may use the authority of chapter 41, as the Secretary may determine, in conjunction with the authority of this section, to carry out the pilot program. The Secretary may collect such data as the Secretary considers necessary for assessment of the pilot program. The Secretary shall measure and evaluate on a continuing basis the effectiveness of the pilot program in achieving its stated goals in general, and in achieving such goals in relation to their cost, their effect on related programs, and their structure and mechanisms for delivery of services.

(c) TARGETED VETERANS.—Within the pilot program, eligible veterans who are among groups most in need of intensive services, including disabled veterans, economically disadvantaged veterans, and veterans separated within the previous four years from active military, naval, or air service shall be given priority for service by local veterans' employment representatives. Priority for the provision of service shall be given first to disabled veterans and then to the other categories of veterans most in need of intensive services in accordance with priorities determined by the Secretary of Labor in consultation with appropriate State labor authorities.

(d) STATES DESIGNATED.—The pilot program shall be limited to not more than five States to be designated by the Secretary of Labor.

(e) REPORTS TO CONGRESS.—(1) One year after the date of the enactment of this Act, the Secretary of Labor shall submit to Congress and the Committees on Veterans' Affairs of the Senate and the House of Representatives, an interim report describing in detail the development and implementation of the pilot program on a State by State basis.

(2) Not later than 120 days after the expiration of this section under subsection (h), the Secretary of Labor shall submit to Congress and the Committees on Veterans' Affairs of the Senate and the House of Representatives, a final report evaluating the results of the pilot program and make recommendations based on the evaluation, which may include legislative recommendations.

(f) DEFINITIONS.—For the purposes of this section—

(1) the term "veteran" has the meaning given such term by section 101(2) of title 38, United States Code;

(2) the term "disabled veteran" has the meaning given such term by section 4211(3) of such title; and

(3) the term "active military, naval, or air service" has the meaning given such term by section 101(24) of such title.

(g) AUTHORIZATION.—There is authorized to be appropriated for the pilot program, in the States designated by the Secretary of Labor pursuant to subsection (d), the amount allocated to such States under section 4102A(b)(5) of title 38, United States Code, for fiscal years 1996, 1997, and 1998.

(h) EXPIRATION DATE.—Except as provided by subsection (e), this section shall expire on October 1, 1998.

TITLE III—EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES

SEC. 301. PURPOSES.

Section 4301(a)(2) is amended by striking out "under honorable conditions".

SEC. 302. DEFINITIONS.

Section 4303(16) is amended by inserting "national" before "emergency".

SEC. 303. DISCRIMINATION AGAINST PERSONS WHO SERVE IN THE UNIFORMED SERVICES AND ACTS OF REPRISAL PROHIBITED.

Section 4311 is amended by striking out subsections (b) and (c) and inserting in lieu thereof the following:

"(b) An employer may not discriminate in employment against or take any adverse employment action against any person because such person (1) has taken an action to enforce a protection afforded any person under this chapter, (2) has testified or otherwise made a statement in or in connection with any proceeding under this chapter, (3) has assisted or otherwise participated in an investigation under this chapter, or (4) has exercised a right provided for in this chapter. The prohibition in this subsection shall apply with respect to a person regardless of whether that person has performed service in the uniformed services.

"(c) An employer shall be considered to have engaged in actions prohibited—

"(1) under subsection (a), if the person's membership, application for membership, service, application for service, or obligation for service in the uniformed services is a motivating factor in the employer's action, unless the employer can prove that the action would have been taken in the absence of such membership, application for membership, service, application for service, or obligation for service; or

"(2) under subsection (b), if the person's (A) action to enforce a protection afforded any person under this chapter, (B) testimony or making of a statement in or in connection with any proceeding under this chapter, (C) assistance or other participation in an investigation under this chapter, or (D) exercise of a right provided for in this chapter, is a motivating factor in the employer's action, unless the employer can prove that the action would have been taken in the absence of such person's enforcement action, testimony, statement, assistance, participation, or exercise of a right.

"(d) The prohibitions in subsections (a) and (b) shall apply to any position of employment, including a position that is described in section 4312(d)(1)(C).".

SEC. 304. REEMPLOYMENT RIGHTS OF PERSONS WHO SERVE IN THE UNIFORMED SERVICES.

(a) INCLUSION OF PREPARATION AND TRAVEL TIME PRIOR TO SERVICE.—Section 4312(a) is amended by striking out "who is absent from a position of employment" and inserting in lieu thereof "whose absence from a position of employment is necessitated".

(b) LIMITATION ON SERVICE EXEMPTION TO WAR OR NATIONAL EMERGENCY.—Section 4312(c)(4)(B) is amended to read as follows:

"(B) ordered to or retained on active duty (other than for training) under any provision of law because of a war or because of a national emergency declared by the President or the Congress as determined by the Secretary concerned;".

(c) BRIEF, NONRECURRENT PERIODS OF SERVICE.—Section 4312(d)(2)(C) is amended by striking out "is brief or for a nonrecurrent period and without a reasonable expectation" and inserting in lieu thereof "is for a brief, nonrecurrent period and there is no reasonable expectation".

(d) CONFORMING AMENDMENTS TO REDESIGNATIONS IN TITLE 10.—Section 4312(c) is amended—

(1) in paragraph (3), by striking out "section 270" and inserting in lieu thereof "section 10147"; and

(2) in paragraph (4)—

(A) by striking out "section 672(a), 672(g), 673, 673b, 673c, or 688" in subparagraph (A) and inserting in lieu thereof "section 688, 12301(a), 12301(g), 12302, 12304, or 12305";

(B) by striking out "section 673b" in subparagraph (C) and inserting in lieu thereof "section 12304"; and

(C) by striking out "section 3500 or 8500" in subparagraph (E) and inserting in lieu thereof "section 12406".

SEC. 305. REEMPLOYMENT POSITIONS.

Section 4313(a)(4) is amended—

(1) by striking out "uniform services" in clause (A)(ii) and inserting in lieu thereof "uniformed services"; and

(2) by striking out "of lesser status and pay which" and inserting in lieu thereof "which is the nearest approximation to a position referred to first in clause (A)(i) and then in clause (A)(ii) which".

SEC. 306. LEAVE.

Section 4316(d) is amended by adding at the end the following new sentence: "No employer may require any such person to use vacation, annual or similar leave during such period of service.".

SEC. 307. HEALTH PLANS.

Section 4317(a) is amended—

(1) by striking out "(a)(1)(A) subject to paragraphs (2) and (3), in" and inserting in lieu thereof "(a)(1) In";

(2) by redesignating clauses (i) and (ii) of paragraph (1) (as amended by paragraph (1) of this section) as subparagraphs (A) and (B), respectively;

(3) by redesignating subparagraph (B) as paragraph (2); and

(4) by redesignating subparagraph (C) as paragraph (3), and in that paragraph by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), and by redesignating subclauses (I) and (II) as clauses (i) and (ii), respectively.

SEC. 308. EMPLOYEE PENSION BENEFIT PLANS.

The last sentence of section 4318(b)(2) is amended by striking out "services," and inserting in lieu thereof "services, such payment period".

SEC. 309. ENFORCEMENT OF EMPLOYMENT OR REEMPLOYMENT RIGHTS.

(a) TECHNICAL AMENDMENT.—The second sentence of section 4322(d) is amended by inserting "attempt to" before "resolve".

(b) NOTIFICATION.—Section 4322(e) of is amended—

(1) in the matter preceding paragraph (1), by striking out "with respect to a complaint under subsection (d) are unsuccessful," and inserting in lieu thereof "with respect to any complaint filed under subsection (a) do not resolve the complaint,"; and

(2) in paragraph (2), by inserting "or the Office of Personnel Management" after "Federal executive agency".

SEC. 310. ENFORCEMENT OF RIGHTS WITH RESPECT TO A STATE OR PRIVATE EMPLOYER.

Section 4323(a) is amended—

(1) in paragraph (1), by striking out "of an unsuccessful effort to resolve a complaint"; and

(2) in paragraph (2)(A), by striking out "regarding the complaint under section 4322(c)" and inserting in lieu thereof "under section 4322(a)".

SEC. 311. ENFORCEMENT OF RIGHTS WITH RESPECT TO FEDERAL EXECUTIVE AGENCIES.

(a) REFERRAL.—Section 4324(a)(1) is amended by striking out "of an unsuccessful effort to resolve a complaint relating to a Federal executive agency".

(b) ALTERNATIVE SUBMISSION OF COMPLAINT.—Section 4324(b) is amended—

(1) in the matter preceding paragraph (1), by inserting "or the Office of Personnel Management" after "Federal executive agency"; and

(2) in paragraph (1), by striking out "regarding a complaint under section 4322(c)" and inserting in lieu thereof "under section 4322(a)".

(c) RELIEF.—Section 4324(c)(2) is amended—

(1) by inserting "or the Office of Personnel Management" after "Federal executive agency"; and

(2) by striking out "employee" and inserting in lieu thereof "Office".

SEC. 312. ENFORCEMENT OF RIGHTS WITH RESPECT TO CERTAIN FEDERAL AGENCIES.

Section 4325(d)(1) is amended—

(1) by striking out ", alternative employment in the Federal Government under this chapter,"; and

(2) by striking out "employee" the last place it appears and inserting in lieu thereof "employees".

SEC. 313. CONDUCT OF INVESTIGATION; SUBPOENAS.

Section 4326(a) is amended by inserting "have reasonable access to and the right to interview persons with information relevant to the investigation and shall" after "at all reasonable times,".

SEC. 314. TRANSITION RULES AND EFFECTIVE DATES.

(a) REEMPLOYMENT.—Section 8(a) of the Uniformed Services Employment and Reemployment Rights Act of 1994 (38 U.S.C. 4301 note) is amended—

(1) in paragraph (3), by adding at the end thereof the following: "Any service begun up to 60 days after the date of enactment of this Act, which is served up to 60 days after the date of enactment of this Act pursuant to orders issued under section 502(f) of chapter 5 of title 32, United States Code, shall be considered under chapter 43 of title 38, United States Code, as in effect on the day before such date of enactment. Any service pursuant to orders issued under section 502(f) of chapter 5 of title 32, United States Code, served after 60 days after the date of enactment of this Act, regardless of when begun, shall be considered under the amendments made by this Act."; and

(2) in paragraph (4), by striking out "such period" and inserting in lieu thereof "such 60-day period".

(b) INSURANCE.—Section 8(c)(2) of such Act is amended by striking out "person on active duty" and inserting in lieu thereof "person serving a period of service in the uniformed services".

SEC. 315. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this title shall take effect as of October 13, 1994.

(b) REORGANIZED TITLE 10 REFERENCES.—The amendments made by section 304(d) shall take effect as of December 1, 1994.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona [Mr. STUMP] will be recognized for 20 minutes, and the gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Arizona [Mr. STUMP].

GENERAL LEAVE

Mr. STUMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2289, the bill now under consideration.

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

There was no objection.

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

Mr. Speaker, H.R. 2289, would make improvements to several veterans benefit programs.

These would: Extend several VA home loan and housing programs; reduce VA reporting requirements; streamline the operations of the veterans employment and training service; and clarify many of the provisions of the Uniformed Services Employment and Reemployment Rights Act.

Under pay-as-you-go budget rules, this bill would save $14 million over the next 3 fiscal years.

As always, I want to thank the VA Committee's ranking member, my distinguished colleague and good friend, SONNY MONTGOMERY for his hard work and assistance on this bill.

I also want to thank the chairman of the Education, Employment, Training and Housing Subcommittee, STEVE BUYER, and the subcommittee's ranking member, MAXINE WATERS, for their bipartisan work on this measure.

They worked in a very constructive fashion with other members of the committee to resolve differences of opinion and accommodate members' desires in regard to this legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana [Mr. BUYER], chairman of the Subcommittee on Education, Training, Employment and Housing.

Mr. BUYER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, H.R. 2289 contains provisions affecting various veterans' benefits. Title I makes several VA home loan pilot programs permanent.

To share with the colleagues, in particular, loans for energy-efficient home improvements, the ability of veterans to negotiate interest rates, the ability of the VA to package its portfolio for resale in the secondary market, automatic review of appraisals by lenders

and continuation of authority to provide for foreclosed properties to community homeless providers, and it reduces reporting requirements on VA loan programs.

I would also ask my colleagues to, please, note that the President's budget did not call for an extension of the VA adjustable rate mortgage program. However, the committee looked at that program and of consideration, approved it. Prior to the passage of the committee, the CBO estimated that the ARM cost would be zero. After the committee's passage, CBO reestimated the ARM cost at $37 million dollars. Clearly, we could not find the offset. Therefore, the extension of the VA adjustable rate mortgage program is not in this bill.

However, the Committee on Veterans' Affairs will continue to work to find a way to reauthorize the program.

H.R. 2289 will also rename and promote the homeless veterans' reintegration project. Although the project is unfunded this year, it is important to keep alive so that the Department of Labor can fund it out of its resources.

Title II of this bill focuses on the veterans' employment and training service, VETS. The changes in the law will assist the VETS program in streamlining its approach to finding jobs for veterans and improve the service at the same time. This portion of the bill will, first, reduce the number of regional administrators; second, broaden the support staff responsibilities; third, amend the residency requirements for Federal directors of veterans' employment and training stations in the States. Providing that flexibility is important. And, authorize, fourth, authorize a pilot program to test the VETS participation in the one-stop employment centers.

Title III of this bill makes several technical improvements to the Uniformed Services Employment and Reemployment Rights Act that was passed in the 103d Congress. The changes specifically would clarify the employee and employer responsibilities, the time periods covered by the law, and also clarifies issues such as health care and pension benefits while called to active duty, and define what constitutes both discrimination and reprisal under the law.

Mr. Speaker, I would like to give special recognition to the chairman of the committee and the ranking member for their continued leadership and also the distinguished ranking member of the subcommittee, the gentlewoman from California [Ms. WATERS]. During work on the reemployment rights portion of the bill, she offered an amendment that was very constructive that significantly improved a large portion of title III of the bill. I appreciate her efforts and thank her for the bipartisan way in which she has worked with me on this bill.

I also thank my colleagues in the Subcommittee on Education, Training, Employment and Housing for their dedication on behalf of veterans.

It is a pleasure to bring this bill to the floor and to note that it streamlines the process and saves money.

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

I rise in strong support of H.R. 2289, a measure which would make permanent certain veterans' housing programs, improve, Mr. Speaker, the veterans' employment and training programs, and further improve and clarify veterans' reemployment rights. The veterans' housing and employment programs we have enacted in the last several Congresses are working well. This bill extends the VA authority to make housing loans, a very important benefit for the veteran and for the active-duty personnel.

Mr. Speaker, we are encouraging in this bill and in other legislation to get active-duty persons to use their veterans' home benefits. When they are on active duty, they are veterans, and they still have the privilege of using some of these home loans.

It also allows changes in our veterans' employment programs to go forward. Fewer resources and less staff personnel means these programs must streamline and become more efficient. H.R. 2289 authorizes these necessary changes.

I do want to commend the gentleman from Indiana [Mr. BUYER], the chairman of the Subcommittee on Education, Training, Employment and Housing, and also the Ranking member of the subcommittee, the gentlewoman from California [Ms. WATERS], and all members of the subcommittee for really developing an excellent bill.

I also want to thank my good friend, the gentleman from Arizona [Mr. STUMP], for brining this measure to the floor. This bill will help veterans, and I urge my colleagues to support it.

Mr. Speaker, I will yield such time as she may consume to the gentlewoman from California [Ms. WATERS], the ranking member of the subcommittee.

□ 1845

Ms. WATERS. Mr. Speaker, I thank the gentleman for yielding me time and for all of his work and support on this and all of the legislation on behalf of veterans in the Committee on Veterans Affairs.

Mr. Speaker, I, too, rise in strong support of H.R. 2289. Title I of this measure will greatly enhance the ability of veterans to purchase the home of their choice. I am, however, disappointed that we were forced to drop the section which would have extended the VA Adjustable Rate Mortgage [ARM] program. Unfortunately, CBO changed their cost estimate and, two days after the full committee markup, told us we have to come up with over $30 million to fund the ARM. We simply do not have those funds. I fully intend to work with the subcommittee chairman on this matter, however, and expect we will revisit this issue in the future.

The provisions of title II will improve the implementation and administration of veterans' employment programs. I am particularly pleased the bill includes an amendment I offered which would authorize the Secretary of Labor to conduct a pilot program under which the responsibilities of Local Veterans' Employment Representatives [LVER's] would be redirected to focus on case management and direct service to veterans.

Last year, the committee extensively revised chapter 43 of title 38, which provides employment and reemployment rights for members of the uniformed services. Public Law 103–353, the Uniformed Services Employment and Reemployment Rights Act of 1994, was signed into law on October 13, 1994. Because of the complex and technical nature of this measure, the committee anticipated that technical and clarifying amendments would be necessary. Title II of H.R. 2289 responds to the issues and concerns that have thus far been brought to the attention of the committee.

Mr. Speaker, I want to thank the chairman of the subcommittee, my colleague, STEVE BUYER, for the cooperative, bipartisan spirit with which he has conducted the business of the subcommittee. We have had a good year, and the veterans of our Nation will benefit from our joint efforts.

H.R. 2289 is an excellent bill. I am proud of the work we have done on this measure, and I hope our colleagues will support H.R. 2289.

Mr. STUMP. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. GILMAN], the chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I am pleased to rise today in strong support of H.R. 2289, the Veterans Housing and Educational Benefits Act of 1995, and I commend its sponsor, the gentleman from Indiana, Mr. BUYER, as well as Mr. STUMP, the chairman of the House Veterans' Affairs Committee and the committee's ranking member, Mr. MONTGOMERY for their dedicated work on this important veterans measure.

This bill, H.R. 2289 provides permanent authorization for negotiated interest rates, energy efficient mortgages, and extends the VA's authority for enhanced loan asset sales for an additional 5 years in VA loan programs. This change will improve the secondary market of VA-backed mortgages and thereby eliminates the need for future VA servicing.

Where this bill provides great assistance for our Nation's veterans is in the

area of the provision of housing assistance for homeless veterans and for employment services for those who have sacrificed so much for the freedoms we hold so dear.

For our homeless veterans this bill provides $10 million per year to assist them in their plight. For our veterans competing in an increasingly competitive employment market this measure requires the Secretary of Labor to maintain no fewer than five veterans employment and training facilities with which to assist our job training efforts for our veterans.

Accordingly, Mr. Speaker, I urge my colleagues to fully support this important measure which will provide further educational and housing support for our Nation's veterans.

Mr. MONTGOMERY. Mr. Speaker, I yield myself one minute.

Mr. Speaker, I do so only to point out to the House that the gentleman from Arizona, Chairman STUMP, and I have sent each Member of the House of Representatives a letter pointing out that he and I have been notified by the VA officials that if either the VA–HUD appropriations bills or a continuing resolution has not been passed by December 21, the Veterans Administration says the checks for veterans will be delayed. So I think Members should know that.

We are talking about 2.5 million veterans getting their checks delayed. It is a 2.6-percent cost-of-living increase in those checks. So I certainly hope that the House and the Senate and the President of the United States can get together and we will not delay these veterans' checks as well as other checks that go to people in this country.

Mr. Speaker, this is a fine bill, and I ask support of the House.

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

Mr. FARR. Mr. Speaker, yesterday the House of Representatives voted for legislation to ensure continued assistance to our Nation's veterans. I voted for this bill, the Veterans Housing and Employment Rights Benefits Act, which would permanently extend programs which provide invaluable assistance to our Nation's veterans and military retirees.

The bill would extend a number of important home-loan programs. One such program permits veterans to negotiate for favorable interest rates and terms for mortgages. Another service allows veterans to get mortgage loans with interest rates fixed by the Department of Veterans Affairs. A third program extended by the bill allows veterans to secure mortgages for energy-saving improvements to their homes.

All of these services allow veterans, who often do not have the collateral or financial resources normally needed to purchase a home, a chance to pursue the American dream of owning and maintaining their own home.

Other programs reauthorized by the bill include the Homeless Veterans Employment Program, and the VA program providing housing assistance to homeless veterans. It also makes changes to current law to help veterans further and prevent discrimination against veterans—such as a measure ensuring that employers cannot force employees to use their vacation time to participate in military training programs.

I thank my colleagues, Chairman BOB STUMP and Representative SONNY MONTGOMERY, for bringing this important legislation to the House floor. It is my hope that we shall soon see this bill signed into law.

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

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Arizona [Mr. STUMP] that the House suspend the rules and pass the bill, H.R. 2289, 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.

REPORT ON INQUIRY INTO VARIOUS COMPLAINTS FILED AGAINST REPRESENTATIVE NEWT GINGRICH

Mrs. JOHNSON of Connecticut, from the Committee on Standards of Official Conduct, submitted a privileged report (Rept. No. 104–401) on the inquiry into various complaints filed against Representative NEWT GINGRICH, which was referred to the House Calendar and ordered to be printed.

STATEMENT ON REPORT OF COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

(Mrs. JOHNSON of Connecticut asked and was given permission to address the House for 1 minute.)

Mrs. JOHNSON of Connecticut. Mr. Speaker, today, at the direction of the Committee on Standards of Official Conduct, I have introduced a resolution which eliminates one of the few exceptions to House Rules regarding outside earned income.

As you know, the Rules of the House now restrict the amount of outside income a Member or senior staffer may earn to $20,040 per year. However, copyright royalties and book advances are exempted from this restriction. A Member may publish a book and receive a large cash advance and unlimited royalties.

The resolution introduced today would amend rule 47 of the Rules of the House of Representatives so as to prohibit advances and treat copyright royalties as earned income subject to the $20,040 yearly cap. The new restriction would apply to royalties earned after December 31, 1995, for any book published after the beginning of House service, and would prohibit the deferral or royalties beyond the year in which earned.

It is the committee's hope that this resolution will be considered and approved this year.

As with our necessary reforms, this proposal may cause some momentary financial hardship in individual cases, or even delay the communication of useful ideas. In the long run, however, this proposal, by preventing the perception that book contracts are offered or their terms altered in deference to a Member's position rather than as a reflection of the book's content, will bring added attention to whatever ideas we may put forth.

As has passage of the gift rule resolution and, hopefully, other reform initiatives, this change in our House rules will assure that our actions—both in fact and perception—merit public confidence.

BANK INSURANCE FUND AND DEPOSITOR PROTECTION ACT OF 1995

Mrs. ROUKEMA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1574) to amend the Federal Deposit Insurance Act to exclude certain bank products from the definition of a deposit.

The Clerk read as follows:

H.R. 1574

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 "Bank Insurance Fund and Depositor Protection Act of 1995".

SEC. 2 DEFINITION OF DEPOSIT.

Section 3(1)(5) of the Federal Deposit Insurance Act (12 U.S.C. 1813(1)(5) is amended—

(1) in subparagraph (A), by striking "and" at the end;

(2) in subparagraph (B), by striking the period at the end and inserting"; and"; and

(3) by adding at the end the following new subparagraph:

"(C) any liability of an insured depository institution that arises under an annuity contract, the income of which tax deferred under section 72 of the Internal Revenue Code of 1986.".

SEC. 3. EFFECTIVE DATE.

The amendments made by section 2 shall apply to any liability of an insured depository that arises under an annuity contract issued on or after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New Jersey [Mrs. ROUKEMA] will be recognized for 20 minutes, and the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from New Jersey [Mrs. ROUKEMA].

GENERAL LEAVE

Mrs. ROUKEMA. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1574.

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

There was no objection.

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

Mr. Speaker, as chairmwoman of the Financial Institutions & Consumer Credit Subcommittee I would like to commend you and my colleagues for considering H.R. 1574, The Bank Insurance Fund and Depositor Protection Act of 1995, on the suspension calendar.

H.R. 1574 is a bill with broad bipartisan support that would clarify that a bank product known as the retirement CD is not to be covered by Federal deposit insurance. We strongly believe these instruments could pose serious safety and soundness for banks that issue them.

Last year, certain banks received the authority to offer these retirement CDs. Banks that intend to offer them claim these instruments combine the tax-deferred income accumulation and lifetime payout features of a traditional annuity with the Federal deposit insurance guarantee normally associated with bank certificates of deposits [CDs].

The problem is that the lifetime payment feature of the retirement CD exposes the issuing bank to a potential liability with an unknown duration raising safety and soundness issues. In addition, any deferred payments above the amount in the deposit account at maturity will not be federally insured. This is misleading to bank customers.

There is no reason for the Federal Government to forego currently taxing the income produced by an annuity product while at the same time guaranteeing the payment of the principal plus the untaxed interest. This would constitute an expansion of the Federal deposit insurance net and, once again, raises serious safety and soundness concerns. Furthermore, the FDIC has indicated that they are neutral on the matter and understand that expanding the insurance net to these or similar products could have some unknown consequences.

In addition, the Internal Revenue Service has raised other concerns about the instrument's tax-deferred status. After reviewing the components of the retirement CD, the IRS proposed to strip it of its tax-deferred status. Under U.S. tax law, the IRS believes that any favorable tax treatment for these instruments should be eliminated.

In addition, the Congressional Budget Office carefully scrutinized this product and noted, in particular, that, and I quote, that substantial uncertainty exists about its potential tax consequences. The CBO concluded that, taken as a whole, the enactment of H.R. 1574 should result in no significant budgetary impact, and therefore support the bill.

As I stated earlier, this legislation has strong bipartisan support to ban these questionable products. There is strong agreement that these instruments place the insurance industry at a competitive disadvantage, as well pose serious disclosure problems for bank depositors.

Finally, it is worth noting that this bill has companion legislation in the Senate, where it too, has broad support on both sides of the aisle. Given the time constraints that the House is presently under, I appreciate the bipartisan support on this legislation, and urge its adoption.

Mr. Speaker, I include for the RECORD the memorandum I referred to earlier.

NOVEMBER 21, 1995.

Memorandum

To: Steve Johnson, House Banking Committee.

From: Mary Maginniss, Congressional Budget Office.

Subject: H.R. 1574.

As requested, I have reviewed H.R. 1574, the Bank Insurance Fund and Depositor Protection Act of 1995. The bill would amend the Federal Deposit Insurance Act to exclude certain bank products—retirement certificates of deposits—from the definition of a deposit. This exclusion would mean that a bank or thrift would not pay insurance premiums on these liabilities, but neither would the retirement certificate of deposits (CDs) be protected by deposit insurance if an institution were to fail. Based on this review, I would expect that enacting H.R. 1574 would not result in any significant budgetary impact.

Retirement certificates of deposits combine features of a traditional certificate of deposit (CD) with certain payment terms and tax advantages of an annuity contract. The market for annuities with a known maturity is substantial—over $1.6 trillion is outstanding—and the retirement (CD) has been licensed to 12 banks. Nonetheless, the retirement CD has had very limited sales to date. In particular, substantial uncertainty exists about its potential tax consequences. The Internal Revenue Service has issued a proposed ruling that would limit the tax advantage of the retirement CD; a final decision is expected early next year.

Assuming that the final ruling is consistent with the proposed rule, demand for the product would be limited because without the tax advantage, sales of retirement CDs would be expected to have little appeal. CBO projects that the liabilities of banks and thrifts would include few retirement CDs, and only a negligible amount of the premiums such institutions pay for deposit insurance in the future would be to cover losses in retirement CDs. Similarly, I expect the deposit insurance funds to face minimal risk of reimbursing the few depositors who might own retirement CDS in the event of a future bank failure. As a result, enactment of H.R. 1574 should result in no significant budgetary impact.

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

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

Mr. Speaker, I, as a cosponsor of the legislation, rise in support of this measure and commend the gentlewoman from New Jersey [Mrs. ROUKEMA], our subcommittee chairwoman, for her effort on this matter. This is a bipartisan matter that would clarify that the bank products known as retirement CD's are not to be covered by Federal deposit insurance. We introduced this legislation earlier this year because of concerns that these financial savings instruments could pose real safety and soundness problems for the banks that issue them and thus a significant liability to the U.S. taxpayers.

As my colleagues may be aware, recently several bank and insurance experts collaborated on creating this new type of financial instrument intended to combine the tax deferred income accumulation features of an annuity contract with the deposit insurance protection of a bank deposit. This has raised serious questions and concerns within the Congress, the Internal Revenue Service, and with those engaged in the business and enterprise providing retirement products without the benefit of Federal deposit insurance.

Mr. Speaker, this is a $1 trillion industry. I think that most of us understand that it has been operating for years without deposit insurance. Those that engage and invest in such instruments take some risk in the process. I do not think it is necessary for the deposit insurance system to be involved in this particular enterprise. As a consequence, I think if we are going to do that, we ought to do it on an affirmative basis.

□ 1900

That we ought to, in fact, extend the deposit insurance and say we are now going to fold the insurance aspect of anmnities into banks and give them that power and defer the taxation and deal with it on that basis. That, clearly, is not the decision that should be made on an ad hoc basis without the involvement of Congress.

I think most of us have in the background of our mind problems that financial institutions have experienced in recent years, which has involved, obviously, a significant outlay of taxpayers dollars to deal with the shortfalls in terms of deposit insurance funds.

With this in mind, and with the idea that we are working in collaboration and in coordination with, in fact, tax policies and laws, Mr. Speaker, I, of course, rise in support and ask Members to support this important measure.

I yield myself such time as I may consume. As a cosponsor of this legislation, I rise in support of H.R. 1574 and commend our subcommittee chairwomen MARGE ROUKEMA for her effort on this matter. H.R. 1574 is of course a bipartisan bill that would clarify that

a bank product known as the retirement CD is not to be covered by Federal deposit insurance. We introduced this legislation earlier this year because of concerns that these financial savings instruments could pose real safety and soundness problems for the banks that issue them and thus, a significant liability to U.S. taxpayers.

As my colleagues may be aware, recently, several banking and insurance experts collaborated on creating this new type of financial instrument intended to combine the tax-deferred income accumulation features of an annuity contract with the deposit insurance protection of a bank deposit. This raised serious concerns within the Congress, the Internal Revenue Services and with those engaged in the business and enterprise of providing retirement products without the benefit of federal deposit insurance.

There is not a solid public policy basis for the Federal Government to forego currently taxing the income produced by an annuity product and at the same time guaranteeing the payment of the principal plus the untaxed interests in a differential manner to other retirement annuities. The annuity market works without the need for Federal deposit insurance guarantees, and there is no reason for the Federal deposit insurance funds to be extended to cover the risk of this trillion dollar market. If it is the congressional policy and loan judgment to extend deposit insurance to such products, then that ought to be a positive decision not an ad hoc action by individual financial institutions.

I would note for the record that from the beginning, we have stressed that the language of the bill does not prevent anyone from offering this product. It simply provides that annuity contracts issued by insured depository institutions on which the income is tax deferred shall not be considered as deposits eligible to receive FDIC deposit insurance coverage.

The U.S. Internal Revenue Service has issued proposed rules making clear that certain bank-issued annuities are not entitled to Federal tax deferral. For products which are determined to be subject to such rules, H.R. 1574 should not have any effect. Unless the product receives tax deferral as an annuity, H.R. 1574 would not be applicable. Thus there is no conflict, duplication, or inconsistency between the prospective IRS ruling expected sometime in the spring of next year and the legislation before us today. The two policies should compliment each other.

We need to enact this legislation now, before Deposit Insurance retirement CD's proliferate, thus exposing the FDIC deposit insurance to the potential of inordinate risk and expenditures in the future. I urge my colleagues to support this legislation and reserve the balance of my time.

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

Mrs. ROUKEMA. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. CHRYSLER], a member of the committee.

Mr. CHRYSLER. Mr. Speaker, I rise in support of H.R. 1574, as a cosponsor of the Bank Insurance Fund and Depositor Protection Act. This bill, introduced by my colleague on the Committee on Banking and Financial Services, the gentlewoman from New Jersey, Congresswoman MARGE ROUKEMA, would amend the Federal Deposit Insurance Act to exclude from deposit insurance eligibility a select class of investments known as retirement certificates of deposit. This issue is not related to the banks selling insurance discussions, which are presently underway.

Mr. Speaker, I have no objections to banks offering this product. However, I believe these retirement CD's should not be covered under FDIC insurance. There is an uneven playing field when one entity can sell a product, for example the retirement CD's, with FDIC insurance, and another entity can only sell the products without taxpayer-backed insurance.

Mr. Speaker, I would like to commend the gentlewoman from New Jersey [Mrs. ROUKEMA] on her efforts to have this bill reach the floor. I also want to thank the majority leader for placing this bill on a very crowded congressional calendar. I have high hopes that the other body will act on this important legislation in a timely manner.

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

Mrs. ROUKEMA. Mr. Speaker, I yield 2 minutes to the gentleman from Delaware [Mr. CASTLE], a member of the committee.

Mr. CASTLE. Mr. Speaker, I thank the gentlewoman for yielding me time, and with due respect to her and to the gentleman from the other side, I have some questions, at least, about this legislation. I do not intend to oppose it at this time, but the bottom line is that I have looked at this with some degree of care, and I have learned some interesting facts about it.

For example, the Office of the Comptroller of the Currency, which, of course, is the regulatory agency for national banks, has confirmed that national banks have authority to issue the retirement CD under the expressed statutory powers of the National Bank Act, and the FDIC has ruled that the retirement CD qualifies as an insured deposit under the Federal Deposit Act.

It also has been supported, and I assume still is, by the American Bankers Association, the Independent Bankers Association of America, Independent Bankers Associations of various States, and America's community bankers. In fact, the small community banks have found this as a very good asset to be able to offer to their customers, and, as a result, are very supportive of it.

Mr. Speaker, I have heard the arguments here, and have heard them before, concerning the issue of deposit insurance. And while I do not know enough about that to be able to argue it vehemently with anybody, I would suggest that that is a bit of a gray area in terms of what could or could not be done.

Obviously, insurance companies and others who might issue annuities of a different sort might be opposed to this, but I am concerned that we are rushing forward. I must note this piece of legislation did not go through any subcommittee or committee markup at all. I do not even know if it went through any hearings at all at that level. So, as a result, I think we need to post on the RECORD someplace that there perhaps is another side to this and some questions that need to be raised.

So having said that, hopefully, before it is all said and done, whatever legislation comes out of this will be something which is correct and which is in the best interest of all aspects of the community dealing with it.

Mr. KANJORSKI. Mr. Speaker, as an original cosponsor of H.R. 1574, the Bank Insurance Fund and Depositor Protection Act, I rise in strong support of this legislation, and I urge all my colleagues to support it.

It is entirely appropriate that H.R. 1574 is on the Suspension Calendar today, because it is genuinely bipartisan legislation, introduced by Congresswoman MARGE ROUKEMA, the chair of the Financial Institutions Subcommittee, along with the ranking Democratic member of the subcommittee, Congressman BRUCE VENTO, myself, and Congressman BILL MCCOLLUM of Florida.

I want to commend Chairwoman ROUKEMA, as well as full committee Chairman JIM LEACH and full committee and subcommittee ranking members HENRY GONZALEZ and BRUCE VENTO, for their bipartisan cooperation on this legislation. If all legislation considered by the 104th Congress was handled in such a cooperative, bipartisan fashion, we would not be facing gridlock on the budget and so many other issues.

H.R. 1574 is a very short, and simple bill. It is designed to permanently close a loophole which crafty lawyers attempted to use to create an insurance product, commonly known as a retirement CD, with both Federal deposit insurance and special tax-deferred status.

Fortunately, the effort to create this kind of unique retirement CD was largely thwarted by the eagle eyes of the Internal Revenue Service, which has correctly issued proposed rules stipulating that such instruments should not be allowed special tax-deferred status.

While the IRS' action has put a halt to the proliferation of these retirement CD's, there are other important policy reasons why their inssuance should not be allowed.

First, they expose federally insured financial institutions to potential liabilities of unknown size which raises safety and soundness concerns for the institutions and the Federal Deposit Insurance Corporation's deposit insurance fund. If Federal deposit insurance for retirement CD's is allowed, the Federal Government would, in effect, become the guarantor of which is now a private pension system. The deposit insurance system should not take on this enormous contingent liability.

Second, the unusual hybrid nature of these instruments, which combine features of traditional uninsured insurance annuities with certificates of deposit, raises serious disclosure

issues for consumers who may not understand what they are purchasing and the extent to which it is insured by the FDIC. The FDIC has determined, for example, that deposit insurance coverage would not extend to the lifetime payment feature of such products, because that could constitute a liability substantially in excess of the amount on deposit. This is the kind of nuance most consumers would not understand.

Third, the issuance of these certificates could create an unlevel playing field in which insurance companies are at a severe competitive disadvantage to banks because bank annuity products would be insured by the FDIC, while annuity products offered by insurance companies would not. The market for traditional annuities already exceeds $1.5 trillion, and was $125 billion in 1993 alone. This makes it clear that neither banks nor insurance companies need Federal deposit insurance to induce customers to purchase annuities.

It is for these reasons that the bipartisan leadership of the House Banking Committee believes that this loophole needs to be permanently closed. H.R. 1574 accomplishes this goal by specifically defining this kind of product as ineligible for Federal deposit insurance.

It is important to note, Mr. Speaker, that H.R. 1574 does not preclude anyone from offering this kind of product for sale. It merely stipulates that annuity contracts issued by insured depository institutions on which the income is tax deferred are not simultaneously eligible for Federal deposit insurance.

Mr. Speaker, it is important that we act now, to clear the air, before these kinds of products proliferate. Companion legislation, S. 799, has been introduced by a bipartisan group in the other body, Senator AL D'AMATO, chairman of the Senate Banking Committee, and Senator CHRIS DODD. Consequently there is good reason to believe that if the House approves H.R. 1574 it will be favorably considered by the Senate.

Mr. Speaker, we all learned as children that you can't have your cake and eat it too. That is exactly what the creators of the retirement CD wanted to do, they wanted to create a tax-deferred annuity which also had Federal deposit insurance. H.R. 1574 simply tells them they have to choose one Federal benefit or the other, but they cannot have both. H.R. 1574 is fair, it is equitable, and it should be supported by all Members.

Mrs. ROUKEMA. Mr. Speaker, those who have requested time are not here on the floor at this moment, so I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New Jersey [Mrs. ROUKEMA] that the House suspend the rules and pass the bill, H.R. 1574.

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

A motion to reconsider was laid on the table.

CONCURRENT RESOLUTION CONCERNING WRITER, POLITICAL PHILOSOPHER, HUMAN RIGHTS ADVOCATE, AND NOBEL PEACE PRIZE NOMINEE WEI JINGSHENG

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 117) concerning writer, political philosopher, human rights advocate, and Nobel Peace Prize nominee Wei Jingsheng, as amended.

The Clerk read as follows:

H. CON. RES. 117

Whereas Wei Jingsheng is a writer, political philosopher, and human rights advocate who is widely known and respected in China and throughout the world;

Whereas on November 21, 1995, the Government of the People's Republic of China announced the arrest of Wei Jingsheng and its intention to try him for "attempt[ing] to overthrow the government";

Whereas prior to this announcement Wei had been detained since April 1994 without formal charges or the opportunity to communicate with his family or with legal counsel, in violation of Article 9 of the Universal Declaration of Human Rights and other international standards prohibiting arbitrary arrest and detention;

Whereas the government had previously imprisoned Wei from 1979 until 1993 on a charge of "spreading counterrevolutionary propaganda" for his peaceful participation in the Democracy Wall movement;

Whereas Wei's analysis of democracy in 1979 as a necessary "fifth modernization" was an important theoretical and practical contribution to the movement for freedom and democracy in China and also to modern political philosophy;

Whereas during his long imprisonment Wei was subjected to beatings and other severe ill treatment which left him in extremely poor health;

Whereas after his release in 1993 Wei devoted his time to humanitarian activities, including visiting and assisting the families of victims of the June 4, 1989, massacre at Tiananmen Square, as well as the surviving victims themselves, and assisting the civilian effort to secure compensation for damages caused to the Chinese people by the Japanese Government during World War II;

Whereas, far from advocating an "overthrow" of the Government of China, Wei has been a strong advocate of nonviolence and a peaceful transition to democracy;

Whereas Wei was regarded as a leading candidate for the 1995 Nobel Peace Prize, having been nominated by parliamentarians throughout the world, including 58 members of the United States Congress;

Whereas Wei was also the recipient of the 1995 Olaf Palme Foundation Award, the 1994 Robert F. Kennedy Human Rights Award, and the 1993 Gleitsman Foundation International Activist Award; and

Whereas because of his great courage, the force of his ideas, and his long unjust imprisonment Wei has come to embody the aspirations of the people of China for democracy and for the enjoyment of free speech and other universal and inalienable human rights, and his fate has come to symbolize their fate: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the United States Congress—

(1) urges the immediate and unconditional release of Wei Jingsheng;

(2) urges, in the event Wei Jingsheng is not immediately released, that he be afforded all internationally recognized human rights, including the right to consult freely with counsel of his choice, to assist in the preparation of his defense, and to communicate with his family, and that his trial be open to the domestic and foreign press, to diplomatic observers, and to international human rights monitors;

(3) urges the United States Department of State to make the release of Wei Jingsheng and the protection of his internationally recognized human rights a particularly important objective in relations with the Government of China, and that it raise these issues forcefully and effectively in every relevant bilateral and multilateral forum; and

(4) recognizes that the efforts of Wei Jingsheng once again merit careful consideration for the Nobel Peace Prize in 1996.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. GILMAN] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

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

Mr. Speaker, I am pleased to rise in support of House Concurrent Resolution 117 and I commend the chairmen and ranking minority members of the Asia and Pacific and International Organizations and Human Rights Subcommittees for expeditiously marking up this resolution. I especially commend the gentleman from New Jersey [Mr. SMITH], for crafting House Concurrent Resolution 117.

During this past summer we were told by the administration that there was a cloud over United States-Sino relations because the Congress insisted that President Lee of Taiwan be allowed to enter the United States. But the storm developed many years ago when the Communist Party took control of China. The so-called cloud was just a smoke ring blown to deflect attention from the root of the problem; democracies and dictatorships are fundamentally different and will always clash.

The case of Wei Jingsheng—Way Ching Shung—is just the tip of an iceberg. According to Asia Watch there are over a thousand peaceful prodemocracy activists imprisoned in China and Tibet. Let us not overlook the hundreds of Christian priests and even a bishop some of whom are serving lengthy terms in prison for just practicing their faith.

Beijing is notorious for arresting and imprisoning high profile prodemocracy advocates so that it can be rewarded for releasing them later. The First Lady went to Beijing to attend the women's conference after American citizen Harry Wu was released after his illegal arrest. Wei Jinsheng was released after serving nearly 15 years in prison in September 1994 so that China would have a better chance at hosting

the world Olympics in the year 2000. He was arrested again in February 1994, and has not been heard from since, after meeting with assistant secretary of human rights John Shattuck, in February 1994.

The arrest, release, arrest, release cycle has worked to Beijing's advantage, so we should not be surprised that Wei is going on trial. The trial could be linked to the upcoming discussion at the U.N. subcommission on human rights regarding China's human rights record.

Over the last 5 years in which MFN for China has been debated, the Chinese have engaged in a pattern of releasing prominent dissidents. We have also seen this cynical action taken just before bilateral trade talks. Recently the administration has always jumped at the opportunity to use the prison release as a fig leaf for deflecting substantive action.

Whenever an effort is made by the Congress to have China abide by bilateral agreements on trade, human rights, prison labor, or weapons proliferation we are told that "now is not the time. . . . there is a political transition period underway in China and if we take any strong action we will be strengthening the hand of the hardliners in Beijing."

In addition to the concern about transition periods, the administration sweeps aside China's violations of its many accords and agreements with the United States by dismissing enforcement as an attempt to isolate or contain China.

Accusations and concerns about isolation, containment and transition periods are broad brush-stroke generalizations that avoid the hard question of how to deal pragmatically and effectively with a totalitarian Government that has enormous resources to cause havoc.

Until we hold China accountable for what it does, our response to Beijing's egregious behavior will be manipulated by these arrests, trials, imprisonments, and release incidents.

Wei is just a pawn and Beijing is the only player. If we want to get in the game we need to insist on a seat at the table. At this point we have not done so. Accordingly, I join with my colleagues in deploring the charges brought against Wei and urge my colleagues to fully support House Concurrent Resolution 117.

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

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

Mr. Speaker, I rise to support the House Concurrent Resolution 117 as amended, and certainly commend the chairman of the Committee on International Relations, the gentleman from New York [Mr. GILMAN], and also my colleague, the gentleman from New Jersey [Mr. SMITH], who is the chief sponsor of this legislation.

Mr. Speaker, this resolution has broad bipartisan support. I certainly would like to commend also the gentleman from Indiana [Mr. HAMILTON] as the ranking Democrat on the full committee; also my colleague from California [Mr. BERMAN], who is the ranking Democrat of the subcommittee on Asian and Pacific Affairs. I commend these gentlemen and also the gentlewoman from California [Ms. PELOSI], the gentleman from California, [Mr. LANTOS], and the gentleman from Connecticut [Mr. GEJDENSON], all sponsors of this important legislation.

Mr. Speaker, this is an important resolution, and it comes at an extremely opportune time. Tomorrow, Mr. Wei Jingsheng goes on trial for allegations that he attempted to overthrow the Government of the People's Republic of China.

Mr. Wei Jingsheng is probably the leading pro-democracy advocate today in China, Mr. Speaker. For 14 years of his life he was in prison, from 1979 to 1993, and was released in 1993. And yet he was arrested again in April of last year, shortly after his meeting with the Assistant Secretary of State for Human Rights, Mr. John Shattuck.

Mr. Wei Jingsheng, since last year we did not know what was happening to him, until now we find out from the Government that he will have an open trial tomorrow.

Mr. Speaker, I submit that the committee unanimously adopted this resolution last week. The resolution urges the unconditional release of Mr. Wei Jingsheng; and, in the event this does not happen, that he be afforded all the internationally recognized human and legal rights.

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The resolution also urges the State Department to make Mr. Wei's release a particularly important objective in relations with China, and to raise the issue relevant in bilateral and multilateral forums.

Finally, Mr. Speaker, the resolution recognizes Mr. Wei merits careful consideration for the Nobel Peace Prize. The resolution has been changed in a number of respects, and the administration fully supports this resolution, as amended.

Mr. Speaker, the only thing Mr. Wei is guilty of is standing as a symbol for the aspirations of the Chinese people to adhere to the basic and fundamental principles of freedom and democracy.

I am sensitive to China's enormous and difficult task in meeting the needs of her 1.3 billion citizens, while undergoing dramatic economic and social changes. But I also submit, Mr. Speaker, at the same time the People's Republic of China must show more evidence of complying with the basic provisions of the United Nations Charter, specifically that of enhancement and protection of human rights.

Mr. Speaker, it is important that the Congress of the United States speak out in very specific terms on the matter of human rights. We must say to China's political leaders that we expect them to live up to internationally accepted standards of conduct and behavior by all its citizens.

Mr. Speaker, the People's Republic of China, as a full-fledged member of the United Nations, certainly should comply with the basic provisions of human rights as stated in the charter of the United Nations. I urge my colleagues to support the adoption of this resolution, and I commend again the gentleman from New Jersey [Mr. GILMAN], my good friend and chairman of the Committee on International Relations, for bringing this resolution to the floor.

Mr. Speaker, I include for the RECORD articles on Wei Jingsheng.

[From the Washington Post, Dec. 12, 1995]

WHY IS CHINA TAKING ON WORLD BY TRYING DISSENT?

BEIJING.—Nine years ago this month, senior leader Deng Xiaoping urged Communist Party leaders to take a hard line against domestic critics, without concern for China's international image.

"Didn't we arrest Wei Jingsheng?" Deng asked rhetorically about the democracy activist who was sentenced to a 15-year prison term in 1979. "We arrested him and haven't let him go, yet China's image has not suffered."

This week China's leaders put Wei on trial again, charged with attempting to overthrow the government. And many China watchers worry that the trial portends a resurgence of actions by China's hard-line leadership violating internationally recognized human rights.

"There's no way that this can help China internationally," said UCLA political scientist Richard Baum. "It's an unsettling sign, a jarring occurrence for a regime trying to portray itself as having joined the international community."

Like many political prisoners, Wei's reputation and stature has been growing the longer he sits in prison. While many other Chinese political activists have put aside politics to pursue business, Wei has remained an uncompromising advocate of democracy for China. Over the last decade, he has become China's most prominent dissident.

Wei's trial, scheduled for Wednesday at Beijing's Intermediate Court, has mobilized groups anxious about the outcome, which could carry punishment ranging from 10 years in prison to the death penalty. Human rights groups are prodding the U.S. Congress to adopt a resolution calling for Wei's release.

Wei's sister, Wei Shanshan, who lives in Germany, flew to the United States today to lobby lawmakers on her brother's behalf. A demonstration is being organized for Tuesday afternoon in front of the Chinese Embassy on Connecticut Ave.

Human rights groups are pressing the Clinton administration to take a strong stand in defense of Wei. Those groups say that President Clinton, by soft-pedaling human rights issues in his October meeting with Chinese President Jiang Zemin and by severing the link between human rights and trade, might

have led the Chinese government to think it could sentence Wei without severe repercussions.

Among those offerring to serve on Wei's defense team are: Nicholas Katzenbach and Richard Thornburgh, attorneys general under presidents Lyndon Johnson and George Bush; for French justice minister Robert Badinter; Singapore's former solicitor general Francis Seow, and former chairman of the Bar of England and Wales Lord Gareth Williams.

A Chinese court spokesman said today that the trial of Wei would be open, an unusual step in political cases. The court said, however, that foreign lawyers would not be allowed to participate. Wei's family has hired Zhang Sishi, who defended dissidents Wang Juntao and Chen Ziming when they were tried for participating in the 1989 democracy demonstrations. Each was sentenced to 13 years in prison. In China, an arrest generally is announced after police and the courts have decided they have enough evidence to convict.

Wei was the most daring and influential of the so-called Democracy Wall activists who in late 1978 printed magazines and pasted democracy manifestoes on a wall just west of the former Forbidden City, now part of the Chinese leadership compound.

At that time, Deng had returned to power and promised to deliver China from the political upheaval of the Cultural Revolution and to undertake four modernizations: in agriculture, industry, science and technology, and national defense.

While many Chinese welcomed Deng's return after a turbulent decade, Wei and other Democracy Wall activists were critical. Wei said Deng's program would fail without a "fifth modernization"—democracy.

Unlike political reformers within the Communist Party, Wei and his associates at Exploration magazine in 1978 totally rejected Marxism-Leninism. He said Marxist countries were "without exception undemocratic and even anti-democratic autocracies."

Wei was convicted of "counter-revolutionary" activities and of leaking secret information about China's war with Vietnam to a reporter. He was sentenced to 15 years in jail and was paroled six months early in September 1993. Unrepentant, he urged the international community to deny the 2000 Olympic Games to Beijing. He was rearrested April 1, 1994, shortly after meeting Assistant Secretary of State for Human Rights John Shattuck, and was held incommunicado until last month—when the government announced charges against him.

Analysts note several possibilities in trying to explain why Wei is being put on trial now.

Some suggest China wants to use a convicted and resentenced Wei as a bargaining chip to persuade other governments to back off from a critical human rights resolution at the United Nations. That concern could also help explain the Chinese government's effort to make the trial look more legitimate.

Others say that China could be preparing to boot Wei out of the country and that it needs to show its toughness by first handing him a long prison term—just as it did with Chinese-born American citizen Harry Wu, who was detained this summer while trying to enter China. Expulsion would give Wei a platform overseas but it would remove him from the Chinese political scene.

A third possibility is that hard-line officials in the Ministry of State Security, the army and the Communist Party propaganda department are using the trial as a vehicle for their political comeback—as well as a warning to anyone contemplating dissent as the 91-year-old Deng fades from power.

Whatever legal motions the government goes through, no observer consulted related Wei's incarceration to what are widely viewed as trumped-up charges. Merle Goldman, a professor of Chinese politics at Boston University, said, "I don't see what evidence they can have since he was followed every single minute he was out of jail."

[From the Reuters News Agency, Dec. 12, 1995]

CHINESE DISSIDENT'S TRIAL TO BE OPEN TO THE WEST—BUT EX-U.S. OFFICIALS CAN'T DEFEND WEI

(By Jeffrey Parker)

BEIJING, December 1.—In a highly unusual move, China has opened the trial of top dissident Wei Jingsheng to Western reporters—but will not allow him to be defended by two former U.S. attorneys general who have offered to take his case.

The Beijing Intermediate People's Court said Western reporters were asked to submit applications to attend tomorrow's session. The trial will also be open to the public, meaning close relatives and a few court-selected citizens would be allowed in.

But court spokesman Chen Xiong said Mr. Wei could not hire foreign lawyers, thus rejecting an offer by former U.S. Attorneys General Dick Thornburg and Nicholas D. Katzenbach to defend Mr. Wei against what is seen widely in the West as a political charge.

The defendant has retained Beijing lawyer Zhang Sizhi, a relative said.

China meanwhile sentenced three dissident Christian activists to up to 2½ years of re-education through labor, a form of administrative detention, sources close to the defendants said.

The Beijing Muncipal Re-education Through Labor Committee sentenced the three recently, but the exact date was not clear, the sources said.

Defendants Xu Yonghai, Gao Feng and Liu Fenggang all have been active in Beijing's underground Christian circles, seeking to practice their religion outside state-sanctioned churches.

Mr. Wei's trial technically opened December 1, when presecutors lodged the charge of "conspiring to overthrow the government," which can carry the death penalty on conviction.

The same charge was used to imprison many dissidents arrested when the Communist government crushed the 1989 Tiananmen Square pro-democracy protests.

Widely viewed as a father of China's democracy movement, Mr. Wei was first jailed in the late 1970's Democracy Wall era after proposing that leader Deng Xiao-ping's Four Modernizations drive needed a fifth component—multi-party democracy.

Mr. Wei's relatives have denounced his prosecution, saying he did nothing but exercise his costitutional right to speak his mind.

[From the Washington Post, Nov. 22, 1995]

CHINA ACCUSES DISSIDENT OF COUP ATTEMPT

BEIJING.—China formally arrested its leading critic, Wei Jingsheng, today and charged him with attempting to overthrow the Chinese government.

Under Chinese law, conviction could result in a sentence ranging from 5 years in prison to execution, according to legal experts here. In China, conviction is almost certain after a formal arrest is announced.

Wei, 44, regarded as the father of China's tiny democracy movement, thus was publicly charged nearly 20 months after his detention. He had vanished after being stopped by security agents on a road outside Beijing on April 1, 1994. Despite appeals from world leaders, China has given no indication of Wei's whereabouts nor was he allowed to see family members or attorneys.

The official New China News Agency said "an investigation by Beijing's municipal public security departments showed that Wei had conducted activities in [an] attempt to overthrow the government. * * * His actions were in violation of the criminal law and constituted crimes."

An uncompromising voice for free speech and democracy, Wei has spent all but six months of the last 18 years in detention. This year he was a strong contender for the Nobel Peace Prize. A former soldier and an electrician, Wei was jailed in 1979 for his role in the Democracy Wall movement. At that time he wrote and published an essay that criticized Chinese leader Deng Xieoping for leaving democracy out of his reform program. Wei later branded Deng a "new dictator."

The latest charge appears to signal Beijing's continued determination to stifle overt political dissent as well as its confidence that foreign companies' eagerness to do business in China's booming economy will prevent any foreign trade restrictions in response.

The timing of the announcement—just after Chinese President Jiang Zemin's meetings with President Clinton in New York, German Chancellor Helmut Kohl in Beijing, and leaders of the Asia-Pacific Economic Forum in Osaka—allowed Jiang to sidestep confrontations over China's human rights conditions. But the charge against Wei also suggests that appeals those world leaders said they made on behalf of political prisoners had little effect.

In Washington, a State Department spokesman said, "We regret the government's decision to formally charge Chinese democracy activist Wei Jingsheng. We have expressed our concerns about this latest development in his case to Chinese officials."

Most people familiar with Wei express doubt that any evidence against him exists, apart from a lifetime of bold writing against what he called "political swindlers."

Wei came from a classic Communist "good family background." His parents and siblings were Communist Party cadres and Wei grew up with the party elite. Wei's father, a high-ranking Foreign Ministry official, was a devoted Maoist who forced his son to memorize a page a day from the writings of Chinese Communist Party Chairman Mao Zedong. If Wei failed, he was sent to bed without dinner.

In 1968, Wei was among the millions of youths who went to Tiananmen Square to see Mao review Red Guards * * * the Cultural Revolution. The next year Wei was jailed briefly amid internecine Red Guard strife. After his release, Wei was assigned to work as an electrician at the Bejing zoo. He quit to join the People's Liberation Army, where he spent four years. He later wrote that his military service took him around the country and showed him how peasants suffer. In 1976, he returned to his job at the zoo.

In late 1978, Wei took part in the Democracy Wall movement, when activists plastered posters and political essays on walls in the center of the city. Wei ran a magazine

called Explorations, produced on a handcranked printer.

While many Democracy Wall activists cautiously couched their essays in the jargon of the day, Wei lambasted the "deafening noise of 'class struggle' slogans." At a time that many Chinese were welcoming Deng's "four modernizations"—agriculture, industry, science and technology, and national defense—Wei said Deng's reform plan would fail without democracy, which he called the "fifth modernization."

Arrested in 1979 and sentenced to 15 years in jail, Wei served much of his time in solitary confinement. He also worked in a labor camp.

Released in 1993 when China was trying to persuade the international community to choose Bejing as the site of the 2000 Olympic Games, Wei immediately made new contacts with workers, intellectuals and foreign journalists even though he was closely monitored by Beijing police. Wei spoke out against China's treatment of political prisoners and urged the international community to pick a different site for the Olympics. The latest detention came just after Wei met with Assistant Secretary of State for Human Rights John Shattrick.

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

Mr. GILMAN. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. COX].

Mr. COX of California. Mr. Speaker, tomorrow the Communist government of the People's Republic of China will put China's leading advocate of democracy on trial. This so-called trial speaks volumes about the abysmal state of human rights and the complete and utter denial of political freedoms in the People's Republic of China.

Wei Jingsheng is China's foremost dissident, and has become a personal target of Deng Xiaoping because he demanded that Deng's "Four Modernizations", agriculture, industry, science, and defense, be supplemented with a very important fifth: Democracy. Wei's magazine, "Exploration", repudiated not just Maoism and Leninism, but Marxism itself.

Mr. Speaker, for this he spent 14½ years of his life in some of Communist China's most brutal and remote prison camps. Much of that time was spent in solitary confinement. His alleged offense was counterrevolutionary activities. The truth is that he led the Democracy Wall Movement. That movement, as the Speaker knows, took its name from the wall near the Forbidden City which activists used to displace their prodemocracy manifestos.

When the People's Republic of China recently was seeking international acceptance so that it could host the Olympic Games, forthcoming in the year 2000, Wei was paroled just 6 months before the expiration of that grueling 15-year sentence. This was done obviously in order to curry favor with Western governments and the International Olympic Committee.

But when Wei was released, he did not stop speaking. He called on the members of the Olympic Committee to punish Beijing for its abysmal human rights record by denying it the opportunity to host the Olympic Games. Shortly after that, in April 1994, Wei disappeared. For the past 20 months the Communist authorities have refused to tell anyone, even his family, his whereabouts.

Mr. Speaker, it is now probable that Wei will be put on trial tomorrow for allegedly plotting to overthrow the government. In truth, the sum total of his offenses against China's Communist Government has been his underlying support for democracy and human rights. His likely punishment will be a minimum of 10 years, and perhaps death.

The Chinese Government may return him to Laogai, the notorious Chinese gulag. They may expel him after imposing a Draconian sentence, which is what they did to Californian Harry Wu.

The Communist regime is no doubt retaliating against Wei because he was nominated for the Nobel Peace Prize, and because the Olympic Committee decided not to award the People's Republic of China the Olympics.

Mr. Speaker, the Wei case demonstrates the nature of justice under the current Communist government in China. Wei was arrested 20 months ago without warning and without explanation. For nearly 2 years he has been held incommunicado. Only afterward did the Communist government initiate its investigation of Wei. Then, and only then, did the Communist government announce the charges against Wei and set his trial for tomorrow.

But sadly, Mr. Speaker, this will be a sham trial. There is no doubt, absolutely none, about the result. Wei will be found guilty. The trial in China's Intermediate People's Court will be anything but the open proceeding announced in the press of the People's Republic of China. It will not be public.

American and European requests to monitor the trial have either been rejected or gone simply unanswered, and the Chinese regime has refused to allow a distinguished international team to assist Wei. In addition, two former United States Attorneys General, Nicholas Katzenbach and Dick Thornburgh, one Republican and one Democrat, have been trying to assist in Wei's defense, and the Chinese Government has told them coldly, harshly, "No."

Wei Jingsheng, like the heroic students of Tiananmen Square, is living proof that China's people are not indifferent to democracy. They are not indifferent to human rights. They are not content with lawlessness, dictatorship and corruption.

Tomorrow, the People's Republic of China will attempt to put Wei Jingsheng on trial, but it will be China's Communist dictatorship that is in fact on trial. Mr. Speaker, the message in this resolution is clear. Wei Jingsheng should be immediately released and his sham trial should be stopped.

The detention and trial of Wei Jingsheng is only the latest and most striking case of China's systematic infringement of political freedoms, individual liberties, and human rights. This Congress and this resolution intends to make clear that communist China's continued violations of human rights will have consequences.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I thank the gentleman from American Samoa for his leadership, as well as that of the gentleman from New York [Mr. GILMAN], the gentleman from Nebraska [Mr. BEREUTER], the gentleman from New Jersey [Mr. SMITH], the gentleman from California [Mr. BERMAN], and others who have brought this legislation to the floor today. I commend them all, and am pleased to be a sponsor of the resolution before us.

Mr. Speaker, it is most fitting that we consider this bill today, the day before Wei Jingsheng is tried in a Chinese court. Today is also the day on which the U.S. Department of State is celebrating Human Rights Day. On December 5, President Clinton signed a proclamation designating the week of December 10 through 16, 1995 as Human Rights Week. President Clinton said:

> We live in an era of great advances for freedom and democracy. Yet, sadly, it also remains a time of ongoing suffering and hardship in many countries. As a nation long committed to promoting individual rights and human dignity, let us continue our efforts to ensure that people in all regions of the globe enjoy the same freedoms and basic human rights that have always made America great.

Our action today on this legislation demonstrates our congressional commitment to living up to our American values of promoting human rights, basic freedoms and human dignity.

Wei Jingsheng is scheduled to be tried tomorrow, I guess it is in a few hours, taking into consideration the time difference, in a Chinese courtroom on charges of attempting to overthrow the Government, a capital offense. The charges against Wei are spurious, the trial is fixed, and the entire event would be farcical if a man's life were not at stake.

The case of Wei Jingsheng, a key figure in China's pro-democracy movement, once again exposes to world view the flaws in China's judicial system and the alarming pattern of human rights abuses by China's authoritarian Government.

Wei Jingsheng was first imprisoned as a result of his 1979 democracy wall activities. His activities at that time include daring to write and to publicize material critical of Marxist-Leninism and critical of China's Communist Government. For those activities, Wei was sentenced to 15 years in prison.

He was released after serving 14½ years of that 15 year sentence and I might add, much of that in solitary confinement. As part of the public relations campaign by China's dictatorial Government to woo the International Olympic Committee into naming Beijing as an Olympics site.

Wei Jingsheng was detained again by the Chinese Government in 1994, less than 6 months after obtaining his freedom. His crime? Daring to continue to speak out against China's Communist Government.

When Wei met with foreign journalists and officials, including U.S. Assistant Secretary of State for Human Rights John Shattuck. The Chinese Government did not like what Wei had to say or to whom he was saying it and shortly after his meeting with Assistant Secretary of State Shattuck, Wei was thrown once again into the bowels of the Chinese Government penal system.

Wei Jingsheng was held incommunicado for 20 months by China's dictators. During that time, he was nominated for the Nobel Peace Prize by an international group of parliamentarians, including 58 Members of the U.S. Congress. During those 20 months, the Chinese Government held Wei without charging him, in violation of their own laws.

Two days before the U.S. holiday of Thanksgiving, I mention that because it is clear that the Chinese Government knew this would be at a time when Congress was not in session and able to respond to the charges, the Chinese Government finally acknowledged that they were holding Wei and formally charged him with attempting to overthrow the government. Last Friday, they announced that his trial would be on Wednesday, December 13. The charges are absurd; the verdict predictable and predetermined.

Wei's family has hired a talented and dedicated attorney to defend him, the same attorney who defended prominent dissidents Wang Juntao and Chen Ziming. Unfortunately, as of 48 hours before the trial, the attorney had neither been granted access to Wei nor allowed to view the dossier against him. This is but one example of the sham trial which is about to be undertaken.

Chinese authorities had originally announced that the trial would be open. The question here is to whom the word open applies—neither foreign journalists nor U.S. Embassy officials who have requested to attend the trial are being permitted to do so.

Wei Jingsheng's sister, Wei Shanshan, is in Washington, DC this week to appeal for help in freeing her brother. The bill before us today bolsters an international campaign on Wei's behalf. The international efforts include a campaign by prominent and distinguished international jurists, represented in the U.S. by former attorneys General Nicholas Katzenbach and Dick Thornburgh, to defend Wei and a campaign by PEN, the international authors organization, to appeal for Wei's release. House Concurrent Resolution 117 puts the strong voice and the moral authority of the United States House of Representatives on record in support of a fighter for freedom and Democratic reform, a man who embodies the values upon which our own great democracy was built.

As we commemorate human rights week, I call on the administration to live up to its rhetoric on human rights. President Clinton should communicate directly and in no uncertain terms to the Chinese Government at the highest levels that Wei Jingsheng must be released immediately and unconditionally. The United States and China cannot have a normal relationship while China insists upon violating international law and violating international norms of behavior.

I urge my colleagues to support freedom and democracy in China by supporting Wei Jingsheng. Wei is a strong symbol of, to, and for the Chinese dissidents who are risking their lives by bravely speaking out against tyranny.

Mr. Speaker, this morning we cheered the remarks of Shimon Peres as he spoke out in support of democracy and how it was important to peace. Hopefully, our colleagues will now join together in sending another strong message in support of democracy by supporting this resolution.

Once again, I commend the gentleman from New York [Mr. GILMAN], the gentleman from Nebraska [Mr. BEREUTER], the gentleman from New Jersey [Mr. SMITH], and the gentleman from American Samoa [Mr. FALEOMAVAEGA] for giving us this opportunity to vote on this important legislation this evening.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. HASTINGS].

Mr. HASTINGS of Florida. Mr. Speaker, I rise in strong support of the concurrent resolution.

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

Mr. GILMAN. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. PORTER], the cochairman of the Human Rights Caucus.

(Mr. PORTER asked and was given permission to revise and extend his remarks.)

□ 1930

Mr. PORTER. Mr. Speaker, I thank the gentleman from New York, the chairman of the committee, for yielding time to me.

Mr. Speaker, the world was outraged a month ago when the Government of Nigeria, the Abacha government, executed Ken Sarawiwa and all of the Ogoni Nine. Now China, Mr. Speaker, is conducting a quiet but comprehensive campaign to quash the remainder of China's dissident movement left from the violent 1989 crackdown on democracy protesters.

The trial of human rights advocate and Nobel Peace Prize nominee Wei Jingsheng, scheduled to begin tomorrow, culminates this vicious campaign. Human Rights Watch World Report 1996 reports that the formal arrest of Mr. Wei for conducting activities in an attempt to overthrow the Chinese Government was the most blatant example of the Chinese Government using trumped-up criminal charges against political dissidents.

Mr. Speaker, again and again the Chinese Government flagrantly ignores domestic and international pressure for peaceful political change. Instead relying on its economic attractiveness to foreign investors, Beijing continues to demonstrate its disdain for fundamental human rights guarantees and the rule of law.

It is time, Mr. Speaker, that that change. Mr. Speaker, it is outrageous that Mr. Wei has been detained since April 1994 without formal charges or the opportunity to communicate with his family or legal counsel. The Government of China should unconditionally release Mr. Wei. But at a minimum, Mr. Wei should be afforded all internationally recognized human rights, including the right to consult freely with counsel of his choice and to communicate with his family.

Mr. Speaker, to the extent that the world tolerates these outrageous abuses is the extent to which it encourages all repressive governments. But to the extent that we respond strongly against them, this and other governments will be restrained.

I commend the gentleman from New Jersey for offering this resolution. I commend the gentleman from New York for bringing it to the floor. I urge all Members to support its adoption.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Speaker, I rise in strong support of H. Con. Res. 117, a resolution which urges the Government of the People's Republic of China to immediately and unconditionally release Wei Jingsheng, a leader of China's modern democracy movement.

I want to thank the chairman, the gentleman from New York [Mr. GILMAN], and the chairman, the gentleman from New Jersey [Mr. SMITH], for moving this bill quickly.

I would say it is good that the Congress is speaking out both in the House and the Senate. When this comes up for a vote, it will be, hopefully, passed 435 to nothing.

I wonder, where is the business community? Why are they not speaking out on this issue? This indictment of Wei was handed down only 3 days after

Vice President AL GORE met with Chinese President Jiang Zemin in Osaka. Why has Wei been charged with attempting to overthrow the powerful and the repressive and weapons-laden Chinese Government? Because he dared to speak to Assistant Secretary for Human Rights and Humanitarian Affairs, John Shattuck, shortly after he was released in 1994.

Wei, Mr. Speaker, is the kind of hero and a patriot the United States should be supporting. The Clinton administration unfortunately has just simply expressed regret that the whole incident, a wholly inappropriate response, not even a slap on the wrist. The Vice President, Mr. Speaker, has even refused to meet with Wei's sister who is in Washington lobbying on behalf of her brother. If America does not have a hand to lend in his struggle for freedom, who does? Wei is like Sakharov or Shcharansky or Solzhenitsyn or someone like this.

I urge a strong and unanimous vote. I want to again thank Chairman GILMAN, Chairman SMITH, and the gentlewoman from California, Ms. PELOSI, and the others for their efforts to move this bill quickly.

The Chinese Government's formal arrest of Wei in November is a classic example of what happens to China's brave democracy activists when the world turns its back on them. Mr. Speaker, through the de-linking of trade from human rights in May 1994 and the failure of the Senate to take up the China Policy Act of 1995, the United States has indeed turned its back on Wei Jingsheng and the hundreds of other political prisoners, Christians, and Tibetan Buddhists who languish in Chinese jails today. The resolution we are debating today is only a step in the right direction. What the United States really needs is a tougher overall policy towards China. Engagement just isn't working. This indictment of Wei was handed down only 3 days after Vice President AL GORE met with Chinese President Jiang Zemin in Osaka.

Why has Wei Jingsheng been charged with attempting to overthrow the powerful, repressive, weapons-laden Chinese Government? Because he dared to speak to Assistant Secretary for Human Rights and Humanitarian Affairs John Shattuck shortly after he was released in 1994. Because he dared to tell the world that it should keep pressure on China to address human rights problems. Because he dared to speak to foreign journalists about the need for democracy despite being banned for 3 years from doing so by Chinese authorities.

Wei Jingsheng is the kind of hero and patriot the United States should be supporting. But the Clinton administration has simply expressed regret at the whole incident. A wholly inappropriate response. Not even a slap on the wrist. The Vice President has even refused to meet with Wei's sister who is in Washington lobbying on behalf of her brother. If America doesn't have a hand to lend to these struggling for freedom, who does? Where do they turn for help?

In July, 410 members of this Chamber supported H.R. 2058, a bill that would have given definition to the administration's China policy and commended brave democracy reformers like Wei Jingsheng. Supporters and opponents of revoking MFN status for China rallied around this unified message of disdain for China's human rights, weapons proliferation, and unfair trade policies.

It's been 6 months and the Senate has not yet taken up the bill. There are some who argue it's not the right time to tweak the Chinese Government's nose. There are some who want only to dialogue and engage and continue to let brave reformers like Wei Jingsheng suffer in jail or worse. If Congress cannot pass a statement of policy like H.R. 2058, what hope do people like Wei Jingsheng have?

I urge my colleagues to vote for H. Con. Res. 117, but I also encourage my colleagues to look inside themselves and decide when enough is enough. When Congress reconvenes in January, perhaps the MFN-human rights fight should begin anew. America must not walk away from these people.

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

Mr. ROHRABACHER. Mr. Speaker, here we are on the floor of the House of Representatives talking about someone who languishes on in prison halfway around, on the other side of the world.

I would like to point something out here in this Chamber. Here as we stand in this bastion of democracy of the legislative branch, one of the oldest elected legislative branches in the world, we have two pictures on our walls. One is of George Washington; the other is of Lafayette. That suggests something about freedom and the way the American people think of freedom. The fact is that Lafayette heard of our struggle for freedom and democracy in far-off France, a country that was much further away from the United States in those days than we are from China today, and came to our country to help us in our struggle for freedom. We never forgot Lafayette. Years later he returned to the United States and was welcomed as a hero by the American people. Every little city and town and hamlet throughout our country welcomed him as a champion of American freedom.

That is because the people who founded our country understood that the concept of freedom and democracy is universal. It is not something that we hold dear just for Americans, but it is, instead, something that unites all peace-loving and freedom-loving people of the world everywhere.

Today another hero languishes in far-off China, in a prison in far-off China. We are putting the world on notice that we have remained true to the principles of Washington and of Lafayette and of Jefferson because we are on his side. I ask support of this resolution and ask my colleagues to join us in supporting Wei Jingsheng and his struggle for democracy and the people of China's struggle for democracy.

Mr. GILMAN. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey [Mr. SMITH], the sponsor of this measure, who is also a member of our Committee on International Relations.

Mr. SMITH of New Jersey. Mr. Speaker, I want to thank the gentleman from New York [Mr. GILMAN], the chairman, for his expeditious passage of this legislation in the full committee. I also thank the gentleman for his very strong leadership on human rights, particularly as it relates to the People's Republic of China.

I would like to thank the gentleman from Nebraska [Mr. BEREUTER], the gentleman from American Samoa [Mr. FALEOMAVAEGA], the gentleman from California [Mr. BERMAN], the gentleman from California [Mr. LANTOS], and the gentlewoman from California [Ms. PELOSI], who has been a real stalwart when it has come to China, Mr. LANTOS, Mr. BERMAN and the gentleman from California [Mr. COX], who spoke earlier and, of course, my good friend and colleague with whom I have traveled to China on behalf of human rights, the gentleman from Virginia [Mr. WOLF], who has been tenacious in promoting human rights around the globe.

Mr. Speaker, today the American people stand united in outrage at the latest assaults on freedom, democracy and decency by the government of the People's Republic of China. The ordeal of Wei Jingsheng began in 1979 when he took the Communist government at its word and wrote articles suggesting political reform. For this they sentenced him to a 15-year jail term.

In late 1993, he was unexpectedly released on parole, a few months prior to the end of his sentence. This gesture, I would note parenthetically, was designed to induce the Olympic committee to award Beijing as host of the Olympics 2000. They did not get it, as we all know.

During his long and unjust imprisonment, he has been severely beaten and subjected to other forms of physical and psychological abuse. He was in extremely poor health, but he had also become a hero in the meantime, a symbol of courage and even of hope to a beleaguered people.

It was my privilege, Mr. Speaker, to visit with Wei Jingsheng in Beijing in January 1994, during his very brief period of freedom. I found him to be extremely articulate, compassionate and principled. He spoke of his quest for democracy and human rights with a very keen understanding. Notwithstanding his horrific ordeal in prison, he never once slandered the leadership of the People's Republic of China. I was amazed at his lack of malice and his lack of rancor toward his jailers. I was deeply impressed by his kindness and his goodness.

A few weeks later, after meeting with Assistant Secretary of State for

Human Rights John Shattuck, he was rearrested. For 19 months the Beijing government would not even admit that they had Wei in its custody. He was cut off from communication with his family, with legal counsel, with his colleagues and admirers in the human rights movement. None of us knew for sure whether or not he was dead or alive.

When I visited Beijing in September of this year, I asked to visit Wei in prison. My request was not denied, it was just ignored as if he was persona non grata. Finally on November 21 of this year, the Beijing authorities acknowledged what the world already knew, that Wei was their prisoner. They announced their intention to try him for "attempting to overthrow the government."

This charge is clearly false, Mr. Speaker, unless it is just another way of saying that anyone who believes in freedom and democracy and who is not afraid to say so is a threat to the ultimate survival of a totalitarian regime such as the one in Beijing.

In a free country, Mr. Speaker, Wei Jingsheng would have a place of high honor in society. In today's China, the only question is whether he will be tried for a crime that is punishable by death or by a very, very long imprisonment. Wei is an innocent man, Mr. Speaker. In a free country, this would matter. In Communist China, it is his very innocence that his jailers hate and fear.

Mr. Speaker, there is disagreement among the Members of the United States Congress as to the best way to bring freedom and democracy to the People's Republic of China. Some believe that we must pursue a course of constructive engagement, that if we work closely with the Chinese officials and give them much of what they want from us, we will be in the best position to encourage them to improve their dismal human rights record. Others feel that the last 20 years of U.S. policy towards China amounts to a long and unrequired one-way love affair with a Communist dictatorship. Today, however, we all stand together, Republicans and Democrats, liberals and conservatives, pro- and anti-MFN advocates, united by one simple truth: This decent and gentle man is not a criminal.

The trial of Wei Jingsheng is set to begin in just a few hours and, looking at the clock, probably in just a few minutes. We appeal to President Zemin on his behalf. Release him. Today we pray, we hope and we can tell the truth on the floor of this House about what is happening to Wei Jingsheng. For just this one day, let us let the world know that the United States did not conduct business as usual with a government that brutalizes its own people and dishonors its heroes.

Wei Jingsheng deserves to be free. Let us send a clear, unmistakable expression of our support for him as he goes on trial and again in just a couple of minutes in China.

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

Mr. Speaker, I would like to again commend the gentleman from New Jersey, [Mr. SMITH] as the chief sponsor of this legislation. Not only that, but I commend him not only as an outstanding leader on our committee but certainly a champion of human rights throughout the world. I want to commend him for his leadership in that capacity.

Certainly I want to thank the gentleman from New York, chairman of our Committee on International Relations, for his leadership. In the spirit of bipartisanship, Mr. Speaker, I urge my colleagues that we support this resolution.

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

□ 1945

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

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspended the rules and agree to the concurrent resolution, House Concurrent Resolution 117, as amended.

The question was taken.

Mr. GILMAN. 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 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order: H.R. 2243, de novo; H.R. 2677, by the yeas and nays; H.R. 2148, by the yeas and nays; and House Concurrent Resolution 117 by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

TRINITY RIVER BASIN FISH AND WILDLIFE MANAGEMENT REAUTHORIZATION ACT OF 1995

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and passing the bill, H.R. 2243, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska [Mr. YOUNG] that the House suspend the rules and pass the bill, H.R. 2243, as amended.

The question was taken.

Mr. RIGGS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 412, nays 0, not voting 20, as follows:

[Roll No. 845]

YEAS—412

Abercrombie	Collins (IL)	Gallegly
Allard	Collins (MI)	Ganske
Andrews	Combest	Gejdenson
Archer	Condit	Gekas
Armey	Conyers	Gephardt
Bachus	Cooley	Geren
Baesler	Costello	Gibbons
Baker (CA)	Cox	Gilchrest
Baker (LA)	Coyne	Gillmor
Baldacci	Cramer	Gilman
Ballenger	Crane	Gonzalez
Barcia	Crapo	Goodlatte
Barr	Cremeans	Goodling
Barrett (NE)	Cubin	Gordon
Barrett (WI)	Cunningham	Goss
Bartlett	Danner	Graham
Barton	Davis	Green
Bass	de la Garza	Greenwood
Bateman	Deal	Gunderson
Becerra	DeFazio	Gutierrez
Beilenson	DeLauro	Gutknecht
Bentsen	DeLay	Hall (OH)
Bereuter	Dellums	Hall (TX)
Berman	Deutsch	Hamilton
Bevill	Diaz-Balart	Hancock
Bilbray	Dickey	Hansen
Bilirakis	Dixon	Harman
Bishop	Doggett	Hastings (FL)
Bliley	Dooley	Hastings (WA)
Blute	Doolittle	Hayes
Boehlert	Dornan	Hayworth
Boehner	Doyle	Hefley
Bonilla	Dreier	Hefner
Bonior	Duncan	Heineman
Bono	Dunn	Herger
Borski	Durbin	Hilleary
Boucher	Edwards	Hilliard
Brewster	Ehlers	Hinchey
Browder	Ehrlich	Hobson
Brown (CA)	Emerson	Hoekstra
Brown (FL)	Engel	Hoke
Brown (OH)	English	Holden
Brownback	Ensign	Horn
Bryant (TN)	Eshoo	Hostettler
Bunn	Evans	Houghton
Bunning	Everett	Hoyer
Burr	Ewing	Hunter
Burton	Farr	Hutchinson
Buyer	Fattah	Hyde
Callahan	Fawell	Inglis
Calvert	Fazio	Istook
Camp	Fields (LA)	Jackson-Lee
Canady	Fields (TX)	Jacobs
Cardin	Filner	Jefferson
Castle	Flake	Johnson (CT)
Chabot	Flanagan	Johnson (SD)
Chambliss	Foglietta	Johnson, E. B.
Chenoweth	Foley	Johnson, Sam
Christensen	Forbes	Johnston
Chrysler	Fowler	Jones
Clay	Fox	Kanjorski
Clayton	Frank (MA)	Kaptur
Clement	Franks (CT)	Kasich
Clinger	Franks (NJ)	Kelly
Clyburn	Frelinghuysen	Kennedy (MA)
Coble	Frisa	Kennedy (RI)
Coburn	Frost	Kennelly
Coleman	Funderburk	Kildee
Collins (GA)	Furse	Kim

King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Vento
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zeliff

NOT VOTING—20

Ackerman
Bryant (TX)
Chapman
Dicks
Dingell
Ford
Hastert
Lofgren
Martini
McInnis
Moakley
Pryce
Roberts
Rush
Studds
Tucker
Velázquez
Volkmer
Wyden
Zimmer

□ 2007

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair had postponed further proceedings.

NATIONAL PARK AND NATIONAL WILDLIFE REFUGE SYSTEMS FREEDOM ACT OF 1995

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 2677, as amended.

The clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska [Mr. YOUNG] that the House suspend the rules and pass the bill, H.R. 2677, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, an there were—yeas 254, nays 156, not voting 22, as follows:

[Roll No. 846]

YEAS—254

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Oxley
Packard
Parker
Pastor
Paxon
Payne (VA)
Peterson (MN)
Petri
Pombo
Pomeroy
Porter
Portman
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Rogers
Rohrabacher
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thurman
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff

NAYS—156

Abercrombie
Baldacci
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Davis
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jefferson
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Lewis (GA)
Lipinski
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mink
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Payne (NJ)
Pelosi
Peterson (FL)
Pickett
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Slaughter
Spratt
Stark
Stokes
Stupak
Tejeda
Thompson
Thornton
Torres
Torricelli
Towns
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
White
Williams
Wise
Woolsey
Wynn
Yates

NOT VOTING—22

Ackerman
Bryant (TX)
Buyer
Chapman
Dicks
Ford
Hastert
Levin
Lofgren
Martini
McInnis
Moakley
Nussle
Pryce
Roberts
Rush

Studds
Tucker
Velazquez
Volkmer
Wyden
Zimmer

□ 2017

Mr. BROWN of Ohio changed his vote from "yea" to "nay."

So (two-thirds having not voted in favor thereof), the motion was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. RUSH. Mr. Speaker, during rollcall vote No. 846, I was unavoidably detained. Had I been present I would have voted "nay".

DNA IDENTIFICATION GRANTS IMPROVEMENT ACT OF 1995

The SPEAKER pro tempore (Mr. LAHOOD). The pending business is the question of suspending the rules and passing the bill, H.R. 2418, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and pass the bill, H.R. 2418, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 407, nays 5, not voting 20, as follows:

[Roll No. 847]

YEAS—407

Abercrombie
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Martinez
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Vento
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zeliff

NAYS—5

Clayton
Clyburn
Scarborough
Waters
Watt (NC)

NOT VOTING—20

Ackerman
Bryant (TX)
Chapman
Clay
Dicks
Ford
Hastert
Lofgren
Markey
Martini
McInnis
Moakley
Roberts
Rush
Studds
Tucker
Velazquez
Volkmer
Wyden
Zimmer

□ 2025

Mr. SCARBOROUGH and Mr. CLYBURN changed their vote from "yes" to "nay."

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONCURRENT RESOLUTION CONCERNING WRITER, POLITICAL PHILOSOPHER, HUMAN RIGHTS ADVOCATE, AND NOBEL PEACE PRIZE NOMINEE WEI JINGSHENG

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, House Resolution 117 as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and agree to the concurrent resolution, House Resolution 117, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 409, nays 0, not voting 23, as follows:

[Roll No 848]

YEAS—409

Abercrombie
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel

English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flanagan
Foglietta
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Vento
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zeliff

NOT VOTING—23

Ackerman
Bryant (TX)
Buyer
Chapman
Clay
DeLauro
Dicks
Flake
Ford
Hastert
Lofgren
Martini
McInnis
Moakley
Pickett
Roberts
Rush
Studds
Tucker
Velazquez
Volkmer
Wyden
Zimmer

□ 2032

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. DELAURO. Mr. Speaker, during rollcall vote No. 848 on House Concurrent Resolution 117, I was unavoidably detained. Had I been present, I would have voted "yea".

PERSONAL EXPLANATION

Mr. HASTERT. Mr. Speaker, on rollcall No. 845, 846, 847, and 848 I was unavoidably detained. Had I been present, I would have voted "yea" on each of those votes.

PERSONAL EXPLANATION

Mr. RUSH. Mr. Speaker, during rollcall vote Nos. 834, 835, 836, 837, 845, 847, and 848, I was unavoidably detained. Had I been present I would have voted "aye."

RESIGNATION AS CONFEREE AND APPOINTMENT OF CONFEREE ON H.R. 2539, ICC ELIMINATION ACT OF 1995

The SPEAKER pro tempore laid before the House the following resignation as a conferee:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 12, 1995.

Hon. NEWT GINGRICH,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I hereby resign as a conferee on H.R. 2539, the ICC Elimination Act, effective immediately.

Thank you for your prompt attention to this matter. With best wishes and kind regards, I remain.

Sincerely,

WILLIAM O. LIPINSKI,
Member of Congress.

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the resignation is accepted.

There was no objection.

The SPEAKER pro tempore. Without objection, to fill the vacancy, the Speaker appoints the gentleman from West Virginia [Mr. WISE] for consideration of the House bill and the Senate amendment and modifications committed to conference.

There was no objection.

The SPEAKER pro tempore. The Clerk will notify the Senate of the change in conferees.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following resignation from the House of Representatives:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 12, 1995.

Hon. PETE WILSON,
Governor, State Capitol,
Sacramento, CA.

DEAR MR. GOVERNOR: Obviously, you are aware of the recent turn of events in my life. While I finally received my day in court, I, unfortunately, was not judged by a jury of my peers and in my opinion, did not receive a just verdict. Nevertheless, that verdict is a reality pending appeal.

As I stated to the media immediately after my verdict, it was never my intention to put the Congress through a vote on expulsion if I were convicted. Therefore, I am hereby tending my resignation as representative of the 37th Congressional district effective December 15, 1995.

Contrary to what anyone has ever said or intimated, I have never sold out my constituency or my oath of office. I am fully persuaded that in the near future God will vindicate my name.

Sincerely,

WALTER R. TUCKER III.

GENERAL LEAVE

Mr. TATE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2243, passed earlier today.

Mr. SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

GENERAL LEAVE

Mr. TATE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2677, passed earlier today.

Mr. SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

SITUATION IN BOSNIA

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

Mr. DORNAN. Mr. Speaker, I spent the greater part of today up in New

Hampshire. I was in California over the weekend. Everywhere I go, along with the budget and Americans telling Republicans, "Either get with it or get out of the way, you will not be reelected if you do not keep your promises," but right up there, coequal and even more impassioned, is Bosnia.

I circulated a letter with 70 signatures, I only needed 50, last week. I have a conference at 9 o'clock in the morning. I do not think it is the most propitious time. I kind of have a suspicion I am being sandbagged. I am putting all of the Republicans on notice, 235.

One cannot go home this Christmas, particularly after the first American steps on a mine, and be truthful and say you did everything you could to support our troops by not sending them in harm's way.

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

Mr. DORNAN. I yield to the gentleman from Florida.

Mr. SCARBOROUGH. Let me just follow up. There is no excuse for any Republican to say he or she is too busy tomorrow morning, at 9 a.m. in the morning, to make a statement on what is going on in Bosnia, on whether we send young Americans to die in a conflict over Christmas in the snows of Bosnia in a three-way civil war that has been going on 500 years. I thank the gentleman for letting us get involved, and I will certainly be there.

MORE ON BOSNIA

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

Mr. SCARBOROUGH. Mr. Speaker, as I was saying, there is nothing more important we can be doing tomorrow morning than make a definitive statement on Bosnia.

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

Mr. SCARBOROUGH. I yield to the gentleman from California.

Mr. DORNAN. Mr. Speaker, there is an aspect to this that can be like one of the best debates in this century, and that was the debate over Desert Storm and Desert Shield.

What I would say, we are not going to yell at anybody that says their vision of supporting the troops is just a cave-in to Clinton. We are going to discuss the Constitution, the powers allocated to the presidency, Republican, Democrat, or prohibition party. This is not an imperial presidency that can send people no matter what the needs to Tibet, Rwanda, Sudan, Somalia, Haiti, and back to all the Balkan countries, without the Congress, both the House and the Senate, weighing in in the debate.

Mr. SCARBOROUGH. Mr. Speaker, reclaiming my time, the question is not whether we support the troops or not. Both the gentleman and I will support the troops, we will salute those troops, we will go over and visit them, in fact, over the holidays if they are in fact sent. But we have a responsibility to ask very difficult questions before we commit troops to get involved in a 500-year civil war.

RICH GET RICHER, POOR GET POORER

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. GENE GREEN of Texas. Mr. Speaker, I would like to recommend to all members an article that appeared in the Washington Post business section last week, which I will insert in the RECORD.

The article reported on a bipartisan round-table discussion on the rising gap between rich and poor, and the shrinking middle class in our country.

This trend is no secret. Ask any working American. We have been downsized, laid-off, cut pay, cut jobs to the point that even the Business section reports it.

I was pleased to read that some of the speakers—notably Jack Kemp—emphasized economic growth and economic development as the way to narrow the income gap in our country, not just balancing the budget.

Mr. Kemp continues to be one of the few Republicans willing to address the issue of income inequality and the poor condition of our cities instead of treating them as inconvenient facts that should be ignored or denied.

Beyond balancing the budget, we need to emphasize education and training for our children and make the necessary public investments to help create economic growth.

It is a shame that programs such as the School-to-Work program—which connects high school students to the world of work—could be eliminated by this Congress.

I invite those from the other side of the aisle who believe that the income gap is a real problem to speak up—as Jack Kemp has—and give this issue the attention it deserves.

[From the Washington Post, Dec. 7, 1995]

INCOME GAP IS ISSUE NO. 1, DEBATERS AGREE

(By Steven Pearlstein)

The growing income gap between the rich and the poor has become the central issue in American politics, and the party that figures out what to do about it—or that makes the right noises about it—will dominate American politics.

That was the message from the left and the right, Democrat and Republican, politician and pollster, economist and financier at a forum on inequality held yesterday on Capitol Hill.

"The main cause of America's anxiety is the growing gap between the haves, the have-nots and those in the middle who feel they are on a treadmill in which they have to run faster and faster merely to say in place," said Rep. Charles E. Schumer (D-N.Y.), who organized the event with retiring Sen. Bill Bradley (D-N.J.).

Stanley Greenberg, who conducts polls for the White House and the Democratic National Committee, told the gathering that nearly all recent elections have been decided by "downscale" voters who swing between Republicans, Democrats and independents such as Ross Perot in a desperate search for an answer to their declining economic fortunes.

"There is no more central subject in politics today," Greenberg declared, "and no party will be successful without addressing it successfully."

Kevin Phillips, a free-ranging Republican theorist and author of "The Politics of Rich and Poor," said the reluctance of Republicans to face up to the inequality issue was now costing them the support of one-third of their natural base of voters.

Rather than signaling the rise of a new Republican era, Phillips predicted, last year's Republican takeover of Congress will go down as the last gasp of a Republican era that began with the election of Richard Nixon in 1968, but has now been taken over by a coalition of right-wing ideologues and Wall Street interests. He noted that two earlier Republican eras, the Gilded Age of the 1880s and 1890s and the Roaring Twenties, ended when progressives were able to ride into office on the inequality issue.

Treasury Secretary Robert E. Rubin opened the session by declaring that rising inequality has so torn the social fabric that fixing it amounts to not only a moral or political imperative, but also an economic one.

If no solution is found, Rubin said, angry voters will soon turn to radical measures such as restoring trade barriers or re-regulating entire industries—moves that he predicts would slow economic growth and ultimately be self-defeating.

And former representative Jack F. Kemp, who now heads a Republican tax reform commission, warned that the plight of the urban poor had become morally "unconscionable" and politically unacceptable. For that reason, Kemp said Republicans should make boosting economic growth rates, not balancing the budget, their top political priority.

Nobody at yesterday's session took issue with a raft of recent reports showing that the household incomes of those in the bottom 40 percent of the economy have slipped over the last 20 years, when adjusted for inflation, while all the income growth has been concentrated in the households in the top 20 percent.

But there was a spirited and, in the end, unresolved debate over what to do about it.

Steven Rattner, a managing partner at the Wall Street investment firm of Lazard Freres & Co., argued that they key to narrowing the income gap was more and better training programs to get a better match between the jobs demanded by the new economy and the skills of workers at the bottom of the income scale.

But Louis Jacobson, a researcher at Westat Inc. in Rockville, said his studies found that such programs inevitably reach only a small portion of the work force that could benefit from them.

And Cornell University economist Robert Frank argued that many labor markets now exhibit a "winner take all" quality to them that gives disproportionate salaries to whoever is at the top, no matter how much education and training the people below them have.

Kemp, along with Rattner, argued that it would be folly to address the problem of rising inequality by expanding government efforts to transfer income from the rich to the poor.

"I don't think poor people are poor because rich people are rich," said Kemp in arguing against welfare and other "redistributionist" programs.

But not everyone agreed.

"Redistribution is not a naughty word," said Gary Burtless, an economist at the Brookings Institution in Washington.

Burltess noted that the long-term shift in the government's income support programs from the poor to the elderly middle class was a major contributor to growing inequality in recent years. And he noted that countries such as Germany and Japan had been able to finance much more generous social programs than the United States while still turning in as good or better economic performance over the past 20 years.

Burltess's comment was seconded by Timothy Smeeding, an economist at Syracuse University whose recent study found that although the United States is the richest nation, its poor have a lower standard of living than the poor of all other industrial countries.

"I think we have no choice now but to take greater account of the losers," said Smeeding.

SPECIAL ORDERS

The SPEAKER pro tempore. (Mr. JONES). 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.

AGREEMENT NEEDED ON REACHING A BALANCED BUDGET IN 7 YEARS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine [Mr. LONGLEY] is recognized for 5 minutes.

Mr. LONGLEY. Mr. Speaker, this is now coming under the third week where we have had an agreement with the administration to work together to achieve a 7-year balanced budget. Again, I need to call attention to the fact that our national debt of over $4.9 trillion remains unaddressed from the standpoint of our ability to come up with a successful budget.

I happened to see an article dated from last week's New York Times, December 6, 1995, an article by David Sanger, with the headline that says "Administration says it can avoid a borrowing crisis through January."

As we all know, the administration is struggling to avoid dealing with the reality of the fact that we must work together to achieve a balanced Federal budget in the next 7 years. The article goes on to say, "Treasury Secretary Robert E. Rubin said today that the administration had found new, though legally untested methods, of keeping the government solvent at least through January."

The article goes on to say "While Mr. Rubin would not discuss how long he could drag out his delicate fiscal balancing act, other administration officials said the Treasury and Justice Department lawyers had been meeting daily to devise a legally defensible strategy for sidestepping the Congressionally set $4.9 trillion limit on Federal borrowing well into the spring." I emphasize that.

It goes on to say, "Mr. Rubin declined to say what method the Treasury had chosen to keep the government paying its bills and the interest and principal due on government securities."

Mr. Speaker, this is an extremely serious matter. As I read into the article, it goes on to say that the extent of borrowing that has been designed to sidestep the debt limit may well exceed $60 billion. That is $60 billion of potentially unauthorized indebtedness.

It goes on to say that, quoting from the article in the New York Times, Wednesday, December 6, by manipulating how the Government retirement funds are invested, the Treasury Secretary has put the Government about $60 billion under the debt ceiling, enough to enable it to borrow the funds to make it through the month of December.

I think this is a serious issue, and I hope that as we try to work together with the administration through the rest of this week, as we work together with the administration to try to reach a balanced budget over the next 7 years, we can come to some complete and final agreement on how Republicans and Democrats can work together to finally balance the Federal budget.

□ 2045

REPRESENTATIVE MFUME SPEAKS TO HIS DECISION TO LEAVE THE CONGRESS TO HEAD UP THE NAACP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland [Mr. MFUME] is recognized for 5 minutes.

Mr. MFUME. Mr. Speaker, I actually thought I would wait until later in the week or perhaps later in the month to come before the House and to express to my colleagues who are here and those who are watching in their respective offices a great sense of appreciation, a great deal of loss, and, at the same time, a great deal of anticipation of what, for me, becomes the beginning of a new journey of a thousand miles.

Mr. Speaker, I came to this institution in early 1987 with the class of the historic 100th Congress. It was a different Congress then, and in many respects there were different people. This institution, over the years, long before I got here, and I am sure long after I am gone, will continue, in many respects, to be the scorn in the eyes of some, the hope in the eyes of others, but the only institution that, as Americans, we have in our legislative branch of Government.

So as we contemplate coming and going, for me it was a tough decision and yet an easy decision. I was always taught that we come here with nothing and we leave this life with nothing, and that it is what we do between our birth date and our death date that determines our worth and our value and our substance as a human being.

Those of us who have come to this point to be in service to America and to our colleagues and to people all across this country, whose policies affect countless millions of nameless, faceless Americans, and whose conduct, quite frankly, and whose decorum is watched by persons who want to be here and by those who will never get here. But all of those things in the aggregate essentially determine what kind of government we have and how we, as caretakers of that government, are perceived.

Mr. Speaker, I will miss, obviously, this institution. I have come to love it. I believe in the necessity of an open and free Democratic form of government. I will miss the individuals here, who I have served with on both sides of the aisle, all from different walks of life. We have debated great issues together: The Civil Rights Act of 1991, the gulf war, the great decisions to think of and to ultimately pass an Americans With Disabilities Act, and numbers of other bills and measures that speak to the life style that many of America's people now enjoy.

I will also miss, to some extent, the process. But I think those who know me recognize that because I come from humble beginnings, it really was not a major decision to give up a safe congressional seat, with 82 and 84 percent of the vote election after election, and to walk toward an organization considered by some to be in disarray and perhaps by some to be in disrepair.

Because I have an excitement inside of me that speaks of a new vision, a new vision of hope and possibility, I believe in the aspect of coalition. I know what it will take in this country for us to be a better Nation. I want to be a part of the process. I agonize, like many of my colleagues going home at night, in the comfort of my own surroundings, and knowing that violence still plagues our Nation, that hatred and racial polarization have not gone away, that many people who look like you and look like me, regardless of their station in their life, still have a dose of despair in their eyes, that are young and have given up on themselves, and they plan now for their funerals because they do not expect to reach the age of 25, that drug abuse and spousal abuse and child abuse run

rampant in a Nation that ought have been beyond that and ought to have found lessons to have gotten there.

All of those things are also part of the America that we love, but they beckon me in a different way tonight, and they call me in such a way that I cannot say no.

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

Mr. MFUME. I would be more than happy to yield to the gentleman from California.

Mr. CUNNINGHAM. First of all, there will be a lot of the conservatives that will miss the gentleman. Your willingness, I know on the civil rights bill, and other issues that were very complicated, it does not mean we do not disagree on certain models, but the gentleman will leave this House with integrity, value and substance, Mr. MFUME. And I want to let the gentleman know that of a lot of the Members on that side, the gentleman has been someone that I have been able to sit down with, even with differing issues. The gentleman has been very amenable, very supportive, and I want to thank him.

Mr. MFUME. Mr. Speaker, I thank the gentleman for those kind and heartfelt words.

There is an aspect of service in this America that I talked about, even fraught with all those problems and difficulties, that I also need to say before I yield back any time I have remaining, and that is the relationships, the personal relationships that we develop in here and the desire to always want to believe in the best of other people.

I looked at the gentleman from Missouri, HAROLD VOLKMER, go through the agony of watching his wife, die of cancer over a sustained period of time. I have talked to Members on both sides of the aisle about the birth of a child, or a wedding, or the ability to get a child through college, or the need just to find a way to get away from the day-to-day agonies of the job and to be people again. I would hope that as we all come to grips with what we do in this institution, that we recognize that as individuals and as Americans, aside from party affiliation, it really is what we do between that birth date and that death date that will determine our worth as human beings.

Mr. WELDON of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. MFUME. I would be more than happy to yield to the gentleman from Pennsylvania.

Mr. WELDON of Pennsylvania. Mr. Speaker, just to add my comments to our friend and colleague from California. I came to the session of the Congress that the gentleman came to and have had the highest respect for him in the 9 years I have known him.

The gentleman will leave this body and will leave a great loss to us because he has been a key leader and someone that all of us respect on both sides of the aisle. But he certainly is the gain for the NAACP and those issues which he will lead this country forward on.

We look forward to working with the gentleman in his new capacity and pledge the gentleman our full cooperation. He has been a real inspiration to Members on both sides of the aisle. We will miss him, but we look forward to his leadership on an even greater height for all of America.

Mr. MFUME. Mr. Speaker, I thank the gentleman very much. I know I am out of time.

The SPEAKER pro tempore (Mr. JONES). The time of the gentleman from Maryland has expired, but we would like to give 3 or 4 additional minutes to the fine gentleman from Maryland.

Mr. MFUME. I thank the Chair for his generosity, and I promise I will not use all of that, because despite the best wishes of some, I am still going to be around here for a few more weeks raising you know what.

I do want to say, before sitting down, that I believe that we have a golden opportunity, and certainly I do, heading up the NAACP, America's oldest and largest civil rights organization, to bring a sense of balance, to add to the dialog, to seek coalition, to give hope to our young people, to defy the odds, to put in place an apparatus for economic empowerment, to do away with some of the disparities in our society, to emphasize again educational excellence and individual responsibility, and to really provide a clear and consistent path that might be visible to other people.

So I welcome that task and I thank all of my colleagues who I have served with, for their friendship over the years, for their counsel, for their ability to engage in debate on those principal issues that they believed in, but most of all for being a part of what I consider to be the greatest institution of American Government, and that is the House of the people.

VOTE ON BOSNIA IS ESSENTIAL BEFORE THURSDAY, DECEMBER 14, 1995

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington [Mr. METCALF] is recognized for 5 minutes.

Mr. METCALF. Mr. Speaker, I would like to discuss today why it is absolutely essential that we have a vote on Bosnia before Thursday. The President will initial and actually sign the peace agreement on Thursday, and I believe it is absolutely vital that we go through this one more time so that we are certain we have done everything that we can to be sure about such things as what is the vital U.S. interest. The President's discussion of that in his speech was absolutely inadequate. It would apply to any trouble spot in the world.

I said during the campaign, and I would say now, I would only support U.S. ground troops anywhere in the world if clearly defined and easily understood vital U.S. issues are clearly threatened. In addition, the President promised specific detailed information on the mission, the objective, and the objective to be achieved so that we can leave in 1 year. Specific detailed information. I have not seen that. It may have been given, but I have not seen it.

Mr. Speaker, sad experiences have taught us it is very easy to move troops in; it is very difficult to accomplish the objective once they are there, and extremely more difficult to get out in a timely and honorable way.

I believe we must do everything we can to prevent funding, to in every way tell the President this is not a good idea and that the American people are not thrilled about this Bosnia adventure. I think we must do this before the signing, before the decision is irrevocable.

We know and the people know, Mr. Speaker, that the Bosnia adventure is folly. The President is ignoring the public, as he ignored the 315 Members of this House that voted asking the President not to make our troops in Bosnia a part of the peace agreement. He went and did it anyway. I think ignoring the people and the Congress is a shocking thing, and I think that we do have to have the vote to either endorse the President's action, which may happen, or tell him clearly that it is not in the public interest.

SECRETARY O'LEARY THE CLINTON ADMINISTRATION'S MATERIAL GIRL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas [Mr. TIAHRT] is recognized for 5 minutes.

Mr. TIAHRT. Mr. Speaker, Secretary O'Leary is the Clinton administration's material girl. Secretary O'Leary has taken 16 overseas trips since she has taken office. She has been gone 130 days. That is, amazingly, 50 percent more time overseas than Secretary of State Warren Christopher, who is responsible for foreign relations and responsible for foreign policy.

There is no material reason why the "material girl" spends so much time overseas. The Secretary of the Department of Defense is responsible for the storage of civilian and Department of Defense nuclear waste. She is responsible for the national energy labs, power marketing administrations, and storage of strategic oil reserves. But Clinton's material girl, all her responsibilities are domestic. Domestic responsibilities.

But Secretary O'Leary has leased a luxury jet, the same luxury jet that Hollywood's material girl, Madonna, uses. Let us look at one of the trips she spent on the Madonna jet. She went to South Africa. She was gone 10 days. She took 51 staffers, 58 guests, a total of 109 people. Photographers were hired. They hired video crews to record the whole event. The cost to the American taxpayer, $560,000.

Now, Vice President GORE has tried to defend Secretary O'Leary's travels, and he has said her trips have created thousands of American jobs and billions of dollars in contracts, so I think it should all be in perspective. Well, early in the year, when I was debating Secretary O'Leary on the MacNeil-Leher report, she stated she had produced $19.7 billion in business contracts. Last month she revised that down to $10 billion. Now we find out it is closer to $1.4 billion, and those are only signed letters of intent, not signed contracts. And a large part of that $1.4 billion is claimed by Secretary Brown. In fact, he is taking full credit.

Well, the gentleman from Ohio [Mr. HOKE] and myself have requested a General Accounting Office audit to find out how this horrible waste can be accounted for. The material girl has spent millions of dollars in travel, but it does not stop there. Secretary O'Leary hired one of her personal friends, after laying off thousands of people, she hired her for a job title she created called the Department of Conflict Resolution Ombudsman at $93,166 per year plus $12,000 a year living expenses.

We did not know about that part of the material girl when 80 of us called for her resignation. We thought that was bad enough, because at that point she had just hired a private investigative firm to develop an unfavorables list, for $56,500. A list of Congressmen and reporters that she could work on a little. That should have been enough, but even after the travel there is more.

We have found out that the material girl has redirected $500,000 from the Department of Interior to the Government of India so that they can clean up the Taj Mahal before she arrived. A half a million dollars to clean up the Taj Mahal.

Well, this is just the tip of the iceberg. This reflects the mismanagement that is going on within the Department of Energy. It is time to turn the lights out at the Department of Energy. It is time for Secretary O'Leary to resign.

□ 2100

RACISM IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois [Mrs. COLLINS] is recognized for 5 minutes.

Mrs. COLLINS of Illinois. Mr. Speaker, it is seldom that I take the floor to do special orders, but today I feel compelled to do so because of the rapidly escalating mean-spirited activities that I have read and heard about that are occurring in our country.

On Saturday morning when I went to my front door to pick up my newspaper I was appalled to see in bold letters the following headline "3 White Soldiers Held in Slaying of Black Couple." According to the news report, Michael James and Jackie Burden were just walking down the street at 12:30 Thursday morning in a black neighborhood in Fayettevelle, NC, when three white paratroopers who were "cruising the streets of Fayetteville searching for blacks to harass" shot them in the head.

The article went on to say that one of the soldiers "made no secret of his white supremacist views . . . and during his off-duty hours . . . associated with four or five other soldiers who all wear black boots with white laces and red suspenders, a style that represented an unofficial skinhead uniform."

A few months ago I was greatly disturbed when it was reported that agents of the Bureau of Alcohol, Tobacco and Firearms displayed racist signs at their summer outing. Earlier, the fact came to light that some employees of the Dennys restaurant chain had refused to serve a busload of black church people and had given clearly discriminatory service to members of the U.S. Secret Service who just happened to be black.

Last week I picked up the Roll Call newspaper and was alarmed to find on the front page an article entitled "Police Probe Anti-Semitic Incident by House Pages" which stated that "The Capitol Police department is conducting a criminal investigation into an act of anti-Semitic vandalism at the House page dorm". It appears that some of the pages got into a dispute and one found a swastika on his door the next day. While it is not unusual for teenagers to sometimes find themselves in disputes with their peers, but it is alarming to see young teenagers resorting to such hateful means of expressing their disagreements.

I have recounted these stories which are a minute illustration of the myriad incidents that are occurring throughout the Nation because I am concerned about America. Nowadays I don't hear the real Americans speaking out against the racism which has been resurrected and is rearing its ugly head with a roar.

I am concerned because when many of those in this body speak of cutting destitute families off welfare, it is not really about the green buck, but about the black face.

I am concerned because when we discuss the issue of school prayer, it may not really be about prayer itself, but about to whom we pray.

I am equally troubled because some misguided black folk are engaging in reactionary hatred. Racism is un-American from whatever source.

As a Nation, we hold ourselves out to be tolerant of others and their beliefs. We pride ourselves on being the melting pot of the world, we declare that all men are created equal and that we each have the unalienable right of life, liberty and the pursuit of happiness; and yet America is allowing these atrocities to continue—and I don't hear the leadership in this Congress or in this country speaking out against them.

We are currently deploying young men and young women in the prime of their lives to Bosnia in an effort to bring peace to that part of the world, while at the same time, some racially-crazed military personnel right here in America are modern-day lynching black folk.

We sing that we are the land of the free and the home of the brave, but black America is not free and those who set out to purposefully do us harm are not brave.

THE 125TH ANNIVERSARY OF SWEARING IN OF FIRST BLACK MEMBER OF CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma [Mr. WATTS] is recognized for 5 minutes.

Mr. WATTS of Oklahoma. Mr. Speaker, I see my colleague, the gentleman from Maryland [Mr. MFUME], who is still here in the Chamber, and I extend to my colleague from Maryland, who is my colleague and my friend, I extend to him my sincerest best wishes as he takes on a new challenge in his life in leading the NAACP into the 21st century. Over the last 11 months, I have seen my friend be the consummate professional, and I extend to him my very best wishes in his new endeavor and challenge.

Mr. Speaker, I want to pay tribute tonight to an important anniversary. 125 years ago this very night, the first African-American Congressman was sworn into the U.S. House of Representatives. He was a Republican—a member of the party of Lincoln. He was the Honorable Joseph Hayne Rainey and it was the start of a legacy that continued. Senator Hiram Rhodes Revels of Mississippi was the first black Senator and then Congressman Jefferson Long of Georgia, Robert DeLarge of South Carolina, and Robert Elliot of South Carolina and the list goes on with 20 more Members of Congress serving with Mr. George White of North Carolina serving in the 55th and 56th Congress.

Following the seating of Congressman White in 1897, 15 sessions of Congress passed until another African-American was elected to Congress. In 1928, Oscar De Priest of Illinois became

the first African-American elected to Congress from outside the South.

What an odd turn around has occurred and what an important time for us to stop and take stock. Folks, I look forward to the day when all of us will be judged by the content of our character rather than the color of our skin. These people we honor tonight has gone before us as trailblazers—as members of the only party that was founded on an idea—the idea of freedom.

The party of Lincoln believed in equality of opportunity, empowering people, not government, cultural renewal because these are principles which transcend race, creed, color. Lincoln so fervently believed in a government of the people, by the people and for the people that his emancipation proclamation enabled all of us—those who have gone before me and the current African-American Members of this Congress to serve. Freedom also make it possible for every person in this U.S. to have the opportunity to serve regardless of race, creed, or color. Black Americans and white Americans must be full partners in developing policy of this great Nation.

Those were brave souls who first ran after being enslaved. Those were brave souls who against all odds decided they would put their name in the hat for public service. Those were brave souls who went before us in Congress and we must honor them by doing the right thing, now.

Mr. Speaker, we must honor these hallowed Halls and the sacred trust of those who sent us here by telling the truth, by honoring the constitution and by making sure that the ultimate source of power is always with the people of this great Nation.

We must honor those who sent us here by honoring God and seeking his guidance on important issues as those who went before us. We must honor the trust of these Halls by being kind and extending a hand to all people to serve with us.

Mr. Speaker, on this 125th anniversary of the first African-American, Mr. Joseph Rainey from South Carolina to serve in Congress, I thank God for this Nation that allows J.C. Watts, Jr.—the fifth child of J.C., Sr. and Helen Watts to also stand and serve in this Congress. I owe a great debt to those who have gone before me and I hope that we can leave an even better legacy for our children—red, yellow, black, and white.

SEND THE RIGHT MESSAGE: SHOW SUPPORT FOR AMERICAN TROOPS SENT TO BOSNIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WELDON] is recognized for 5 minutes.

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise this evening in anticipation of this body voting on a resolution in regard to the situation in Bosnia sometime before the end of this week.

Mr. Speaker, like many of my colleagues in this body, I have expressed grave reservations over the last several months about the possibility of placing our ground troops in the Bosnian theater. I have recorded my vote on at least two occasions in opposition to sending ground troops in, despite having supported the President's use of U.S. forces for air strikes, for the sealift and airlift, and for the command and control and other support necessary for NATO's involvement in that part of the world.

While I have opposed the use of ground forces in Bosnia, and while this body has gone on record on at least two occasions in stating its opposition to the use of ground forces, at one time by a vote that gathered in excess of 300 Members of this body in a bipartisan manner, all of us know that in fact the President has made his own decision to deploy troops and, in fact, that deployment is taking place as we speak here this evening.

Therefore, it would be my hope that the resolution that we consider this week does not, in fact, send in any way a signal to our troops that we do not support them.

Mr. Speaker, I come tonight before our colleagues and I ask them to consider cosponsoring this evening, or tomorrow morning, sometime tomorrow, House Concurrent Resolution 118. This bipartisan legislation was introduced by myself and my good friend, the gentleman from Pennsylvania, PAUL MCHALE, who is also a member of the Committee on National Security.

Mr. Speaker, House Concurrent Resolution 118 is a sense of the Congress resolution that has had its language mirrored in two other pieces of legislation; one that has since been introduced in the House, and a second that has been introduced in the Senate by Senator DOLE, that basically puts this body on record saying that while we have voted against sending ground troops into Bosnia, that in fact the President as Commander in Chief of the military has the authority to do that and has done such.

Therefore, while he has taken actions that we have, in fact, expressed our concern with and oppose, it is time now to support the troops as they follow out the requirements laid out by their Commander in Chief, the President of this country.

So, Mr. Speaker, our resolution states we in fact support the troops, even though we have opposed the policy. But it goes on to state something even more important, Mr. Speaker, something that I think every Member of this body wants to express their support for. That is, now that we have committed troops to Bosnia, and now that this President as Commander in Chief has spoken, we want to make sure that there is no second guessing of the military requirement to support those troops; that in fact when General Joulwan, who is the theater commander for the entire operation in the Bosnian theater, asks for support, troops, or equipment, that there is not a second guessing of that request; that that request is dealt with immediately and is dealt with in a forthright manner.

The reason why it is important for this body to emphasize that support being immediate, Mr. Speaker, is because of what occurred in Somalia, where a similar request came in by the commander in charge of the Somalian theater in August, 1 month before an air fight occurred between American forces and one of the Somali warlords, which caused 18 young Americans to be killed.

There are some who have said that if we had given that commanding officer the support he asked for, perhaps we could have saved those 18 lives. So, while we may disagree with the President's policy, but he has the right to do what he has done, and while we want to support our troops, let us also go on record, Mr. Speaker, in a very emphatic way, and say that we want to make sure that the administration knows, that the Pentagon knows, that when the commanding officer in Bosnia asks for additional backup, that he gets immediate consideration. That is perhaps the most important statement that we can make this week.

Mr. Speaker, I hope our colleagues will cosponsor House Concurrent Resolution 118 and will also vote for it if given the opportunity to consider its passage when it comes to the House floor. House Concurrent Resolution 118 enjoys broad bipartisan support. The gentleman from Pennsylvania, JACK MURTHA, one of our leading members of the minority party on defense, is supportive, as is the gentleman from California, DUKE CUNNINGHAM, as are members of our Committee on National Security, the gentleman from Rhode Island, PATRICK KENNEDY, and the gentleman from Hawaii, NEIL ABERCROMBIE, as well as some of our younger Members, the gentleman from Montgomery County, PA, JON FOX, and others who are joining with us in making this statement.

Mr. Speaker, I would encourage our colleagues to join with us tonight and tomorrow in supporting House Concurrent Resolution 118, to send the right message from this body as to where we stand in terms of full support for a decision that many of us oppose, but now must show that the troops will not be shortchanged when it comes to protecting their lives and their well-being.

□ 2115

FORT BRAGG ATTACKS

The SPEAKER pro tempore (Mr. JONES). Under a previous order of the House, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, today I wrote a letter to Attorney General Janet Reno, and I would like to share its contents with my colleagues. I wrote:

I am certain you have heard about the slaying of an African-American couple by three Caucasian soldiers from Fort Bragg in Fayetteville, North Carolina.

These senseless slayings were apparently random, inasmuch as the slain couple was merely walking along a Fayetteville street and the three accused soldiers did not know them. The incident, however, raises new questions about the presence of radical and extreme groups within the United States military.

I must, therefore, urge that a thorough Justice and Defense Department investigation be undertaken.

At least one of the three soldiers held white supremacist views and was known to display a Nazi flag over his barracks bed and to keep a 9mm handgun in his locker. I understand that a bomb-making manual was also found in his room. More disturbingly, all of the suspects appear to be members of a right-wing group called the "Special Forces Underground," which publishes a magazine called the "Resister."

Members of this group have been seen wearing black boots with white laces, red suspenders flight jackets and chains, an unofficial uniform.

I also understand from news sources that the accused soldiers engaged the unsuspecting couple, harassed them and when the couple responded, they were both shot in the head, assassination style.

The brutal and random nature of the slayings has sent a chill throughout Fayetteville and has left many residents puzzled, bewildered and greatly concerned.

Beyond concern, however, are the many questions that are left in the wake of this terrible incident, questions that can only be answered through an official inquiry. We must learn how widespread is the membership of this group.

Is the group confined to Fort Bragg or is it organized in other locations in the Army or other branches of the military? Were superiors at Fort Bragg aware of the activity of this group?

Did these superiors have any advance warning of this group's violent tendencies and could their response have been more swift and effective enough to avoid these killings? If they did not have advance warning or knowledge, why didn't they?

And, are there legitimate policies and practices missing that could discourage these groups? Has the Army worked with local law enforcement and local government to gather intelligence on such groups?

Again, I urge you to take whatever steps are necessary to insure that a Justice and Defense Department investigation is undertaken and that members of Congress are informed of the results of that investigation.

I look forward to hearing from you soon.

Mr. Speaker, I would like to insert the letter into the RECORD.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 12, 1995.

Hon. JANET RENO,
Attorney General of the United States,
U.S. Department of Justice, Washington, DC.

DEAR ATTORNEY GENERAL RENO: I am certain you have heard about the slaying of an African-American couple by three Caucasian soldiers from Fort Bragg in Fayetteville, North Carolina. These senseless slayings were apparently random, inasmuch as the slain coupe was merely walking along a Fayetteville street and the three accused soldiers did not know them. The incident, however, raises new questions about the presence of radical and extreme groups within the United States military. I must, therefore, urge that a thorough Justice and Defense Department investigation be undertaken.

At least one of the three soldiers held white supremacist views and was known to display a Nazi flag over his barracks bed and to keep a 9mm handgun in his locker. I understand that a bomb-making manual was also found in his room. More disturbingly, all of the suspects appear to be members of a right-wing group called the "Special Forces Underground," which publishes a magazine called the "Resister." Members of this group have been seen wearing black boots with white laces, red suspenders, flight jackets and chains, an unofficial uniform.

I also understand from news sources that the accused soldiers engaged the unsuspecting couple, harassed them and when the couple responded, they were both shot, in the head, assassination style. The brutal and random nature of the slayings has sent a chill throughout Fayetteville and has left many residents puzzled, bewildered and greatly concerned.

Beyond concern, however, are the many questions that are left in the wake of this terrible incident, questions that can only be answered through an official inquiry. We must learn how widespread is the membership of this group. Is the group confined to Fort Bragg or is it organized in other locations in the Army or other branches of the military? Were superiors at Fort Bragg aware of the activity of this group? Did these superiors have any advance warning of this group's violent tendencies and could their response have been more swift and effective enough to avoid these killings? If they did not have advance warning or knowledge, why didn't they? And, are there legitimate policies and practices missing that could discourage these groups? Has the Army worked with local law enforcement and local government to gather intelligence on such groups?

Again, I urge you to take whatever steps are necessary to insure that a Justice and Defense Department investigation is undertaken and that members of Congress are informed of the results of that investigation. I look forward to hearing from you soon.

Thank you for your consideration and cooperation.

Sincerely,

EVA M. CLAYTON,
Member of Congress.

SALUTES TO KWEISI MFUME AND SHIMON PERES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, I want to join my colleagues in making a salute to Congressman KWEISI MFUME, a man of great compassion, a great colleague, a champion for civil rights, a man of passion, integrity and resolve who is accepting the new position of head of the NAACP here in the United States. As its new leader, he will take the NAACP to new heights of accomplishment because of his strength of character, his compassion for others, and his dedication to principle. We all wish him well in his new position.

I would also like to make a salute to Shimon Peres who gave a very stirring speech today before a joint session of Congress. I had the opportunity to meet with now the prime minister, then the foreign minister of Israel this summer in a special congressional delegation visit, only to see his leadership, his vision, his perseverance, his love of Israel and his love of America.

As Prime Minister Shimon Peres said today, he was speaking of his fallen comrade Yitzhak Rabin, he said they "were always firm believers in the greatness of America, in the ethnic generosity inherent in our history and our people. For us, the United States of America is a commitment to values before an expression of might."

He continued by stating that Israel is a small land, 47 years old, but 4000 years deep in history. Before coming here to the United States, Prime Minister Peres visited King Hussein. They discussed the possibilities of transforming the Jordan River Valley which is, in fact, an elongated, extended desert into a Tennessee Valley. He then met with President Mubarak of Egypt in a highly congenial atmosphere. They agreed to put aside bitter memories and to postpone certain disputed issues for a future date.

He finally met with Chairman Arafat of the PLO and his expression of condolence had the ring of a sincere desire for peace.

What is next for Israel? Peace with Syria and Lebanon, the two remaining adversaries on Israel's borders. Peace with these two countries may well prove to be the greatest contribution to the construction of a new Middle East peace.

In Shimon Peres' own words, he said the following:

Nothing would capture the imagination of young people everywhere than a gathering of, say, 20 Middle East leaders, all of us standing together with you, our American friends and others and declaring the end of the war, the end of the conflict, thereby carrying the message to our forefathers and to our grandchildren that we are again, all of us, the sons and daughters of Abraham, living in a tent of peace. We shall tell them together, as partners, we are going to build a new Middle East, a modern economy, that we are going to raise the standard of living, not the standard of violence, that we are going to introduce light and hope to our peoples and their destinies.

Remember the peace rally at Tel Aviv just weeks ago, where we had

Yitzhak Rabin die. The singer, not the song was killed. Though Prime Minister Yitzhak Rabin has died, the dream lives on. For those who believe in a lasting peace for the Middle East and peace across this world, the people of Israel, the people of the United States and the people who believe in Shimon Peres, that he, in fact, is the one who can carry forward in Israel and to work with world leaders like our President and this Congress, we say God bless him on this mission.

THE BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. ANDREWS] is recognized for 5 minutes.

Mr. ANDREWS. Mr. Speaker, I would like to begin tonight by adding my voice to those who praised the colleague who spoke here a few minutes ago, Mr. MFUME. This institution will be impoverished by his departure, but I am certain that his country will be enriched by his continuing service at the NAACP, a different kind of service, the same ideals he has served us. Please let my voice be added to the record to those who say we will miss him.

Mr. Speaker, as the country watches our continuing debate about the balanced budget, I wanted to say a few words tonight about why a balanced budget is so important beyond Washington bookkeeping or Federal financial statistics. We spent most of our time the last couple of weeks talking about how best to balance the budget. I would firmly stand with those who believe that we can do so without forcing a part B premium on our senior citizens Medicare or by taking reading teachers out of our public school and private school classrooms or without undercutting our ability to protect and enforce our environmental laws. Tonight I would like to talk about why it is so important to balance the budget in terms of the workaday life and family budgets of people all across our country.

I represent an awful lot of people who are struggling an awful lot in 1995, people who are unemployed, people who are barely employed, who are struggling at or just above the minimum wage to try to pay their bills with very little help from the government that assembles here. People who are woefully underemployed, who are making 70 or 80 percent of what their family budgets require. People who are employed but who feel that their employment is hanging by a very thin thread, that they may be the next victim of a corporate downsizing or a massive layoff. People who are retired, who thought that they were going to be able to get by on whatever they had in the bank when they retired, plus their Social Security and, if they had a pension, plus their pension, who have found that those assumptions really do not work for them anymore and they are still in real trouble.

There are people who have never been employed who went to college, went to school, got their job training, got their education and cannot find that first job that puts them on the path to a successful career. How does a balanced budget affect each one of these people?

I would suggest that it affects us, Mr. Speaker, in four ways: First, every dollar that the Federal Government borrows to run its operation from the savings pool of this country is $1 less that an employer, an entrepreneur, a business person has to start a new product, expand his or her business, and hire more people. Every dollar Uncle Sam borrows to meet the payroll is a dollar that cannot go to generating new payroll in companies and employers across this country. It is that simple.

Second, every time we pile up another dollar of debt, we have to spend more money to service that debt, just like if, Mr. Speaker, we raised the amount we owe on our credit cards in our family budget, the amount we have to pay toward that credit card each month continues to rise and rise and rise. This year it is in excess of $200 billion, almost $300 billion by some accountings, just interest on the national debt. What else could we buy with that money if we did not have this huge debt?

We could fully fund Head Start so that every child in this country who is eligible would be in a proper child care program. We would not have to worry about cutting back on Pell grants or student loans because there would be ample money for that. We could give a significant income tax reduction to everyone across the country with that money or perhaps, most importantly, we could start paying down the national debt that has been accumulated over here for such a long time.

Every time we send a dollar to pay, or a bond for this borrowed money, it is a dollar we are not spending on education or the environment or our military or health care or veterans programs or something for children. It is a mistake.

Third, the Federal deficit as it grows, continues to rise and put pressure up on interest rates. That means that every time someone buys a car or takes out a mortgage or makes a purchase on their credit card, it costs them more than it otherwise would. As the supply of money stays the same but the demand for money goes up because of Government borrowing, the price goes up. It is the law of supply and demand. Not even the House of Representatives can repeal that law. It forces interest rates up and forces the costs for family budgets up. We would all be better off if it did not happen.

Finally and perhaps most importantly, we have developed a psychology of borrowing. In my opinion, it is an irresponsible and immoral psychology of borrowing that says that we can give out benefits today. We can spend money today and pass the cost along to future generations in the form of a lower standard of living, higher taxes, jeopardized Social Security benefits and a lower level of Government services.

That is not fair. It is disingenuous and it is wrong.

In the days and weeks ahead, let us work together. Let us find the common ground, and let us finally balance the Federal budget.

ON EDUCATION

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from California [Mr. CUNNINGHAM] is recognized for 60 minutes as the designee of the majority leader.

Mr. CUNNINGHAM. Mr. Speaker, I would like to go through this special order tonight on education. I would like to cover some of the myths, some of the truths, some of the other, basically the good, bad, and the ugly of the program.

First of all, I covered a little bit of it the other night when we split up, with the gentleman from California [Mr. DORNAN], talking about Bosnia, but I would like to reexamine some of the figures. First of all, the Federal Government provides only 7 percent of the funding for education. Let me repeat that. The Federal Government provides only 7 percent of the education. The other 93 percent is paid for by State revenues.

Now, of that 7 percent that goes down, less than 25 cents on every dollar that we send back here to Washington, less than 25 cents on a dollar goes back and down to the classroom. Why? Because of the bureaucracy that eats up the dollars in between. So it is a very inefficient system.

When people talk about Head Start and Goals 2000 and some of the better programs, it would be much better to get a better return on the dollar at the State level and provide those systems without the Federal intrusion.

□ 2130

Now, also that 7 percent that the Federal Government sends down to the States, that 7 percent takes over 50 percent of the rules and regulations to the States and the schools. Only 7 percent requires over 50 percent of all the State rules and regulations. It requires 75 percent of all the paperwork that a State has to do.

While that is being accomplished, that also affects the 93 cents on a dollar, or 93 percent, that the States fund education itself. If we look at just the State of California, which I am from, and let me go through and you can go

through State by State and find out that there are many similarities, but let us look at the State of California. Why is education being shut down right now and programs are being cut? Why can we not get school bonds passed? Why can we not put a tax increase on the State recipients to support our education systems? Why do we have teacher and school programs that are being canceled under the current system as it exists today?

If we ask ourselves those questions and we look at the problems we are having in every State on our education programs, then I would think Members on both sides of the aisle would say there is a lot of room for improvement.

Let me take a look at some of these factors that affect the State of California. Remember, again, 93 cents on a dollar, 93 percent of all education is paid for with a State tax dollar. So that means you have to have people working in the States that are paying taxes.

Let us take a look at the 1993 tax bill under President Clinton. President Clinton cut defense $177 billion. The State of California is one of the largest defense States in the Union. A $177 billion cut as between our military and secondary and defense-related jobs has lost over a million jobs.

Now, let us say that a portion of that million jobs that were lost in the defense industry and our military, they get another job. Well, studies have shown that they do not get the same high scientific-level job but it is something less, so there is even less revenue. But let us take half of that, or even a quarter of that, that those people do not have jobs in the State of California. Now, that means less revenue, 93 percent less revenue that goes into the coffers in Sacramento, CA, for education and for law enforcement and the other infrastructures.

Let us take a look at another factor in the State of California, and primarily on the border States. Mr. Speaker, there are over 800,000 illegal aliens in kindergarten through the 12th grade. I only use the term 400,000. That way it cannot be disputed. But there are nearly a million illegals in kindergarten through 12th grade in the State of California.

Let us take a look at just the school lunch program. Of that 400,000, the majority of them are under 185 percent below the poverty level. At $1.90 a meal, that means if you take that times 400,000, that is over $1.2 million per day just going to illegals in the school lunch program. And then? we talk about that we do not have enough dollars for education. It takes about $5,000, I think the average is around $7,000 nationwide, but it takes about $5,000 a year to educate a child in the State of California. If we take that and multiply it times 400,000, that is over $200 billion out of the coffers that we could be using for education, Mr. Speaker, in the State of California.

We have documented 18,000 illegal felons; these are just the ones that are caught, in California prisons alone. There are actually about 24,000 aliens, but only about 18,000, between 16,000 and 18,000 of those are illegal aliens in the State of California prison system at an average of $25,000 a year to House them. We are spending billions of dollars in a program that could go for education. When they talk about there are more prisons then there are dollars for education. That is the one area that we could really work on is to stop the illegal immigration into the United States and protect our borders.

Over half of the children born in San Diego and Los Angeles hospitals are to illegal aliens. Then that child then becomes an American citizen and qualifies for all of the Federal programs. That, again, is draining the resources out of Sacramento, the dollars that we need for education.

Let me just, Mr. Speaker, let me go through one single, just one single Federal program that was written with good intent, and in many cases has done a lot of good but has gone to the extremes. I would talk about the Endangered Species Act.

You say, "DUKE, how does the Endangered Species Act affect education?" Let me tell you, Mr. Speaker. How many jobs have we lost in the timber industry and the billions of dollars of revenue in the State of California that would go into the Sacramento coffers for education? Billions of dollars.

Look at the gnat catcher and the construction industry in the State of California. It has cost us billions of dollars of revenue that is not going into our coffers for education. I look at the water and the salmon and Central Valley water project that was passed when we were not in the majority. Look how that has affected the farmers in the State of California. California's No. 1 commodity is agriculture. A lot of people do not understand that.

Take a look how it has affected the farmers, avocados and exports and different areas, again revenue. How many jobs, Mr. Speaker, have we lost to the tuna industry because of the porpoise? When we have valuable resources and we have systems in which even in the Panama agreement that have been represented by five of the environmental groups, except for Earth Island, that receives a lot of its money, over a million dollars, just for the Tuna Save, but yet they are one of the organizations that does not support logical reform in the tuna industry.

I look at the kangaroo rat, the least tern vireo, the California desert plan that took millions of acres off of the tax roles that do not go into education, hundreds of thousands of jobs and billions of dollars of revenue that is not going into the coeffers in Sacramento, Mr. Speaker, and then we are having to close down education programs because we do not have the funding.

You will find that library services and media and central and study halls and those areas are being closed down, not just in the State of California but across this land, because of the lack of jobs and because of the lack of money that is going into those coffers from the State level because of Federal systems.

Alan Greenspan, and my colleague just a minute ago spoke eloquently about the need to balance the budget, another reason we do not have dollars for education, Mr. Speaker, Alan Greenspan testified last week before the committee that interest rates have gone down 2 percent primarily because the markets and the lending industries believe that the Republicans can balance the budget in 7 years. He also warned that if that belief goes away, that interest rates will not only rise beyond the 2 percent but will keep spiraling upward.

What does that mean, Mr. Speaker? For example, a college loan, let us talk about an individual family in California or your State or anybody's State, a college loan with 2 percent interest rates over 4 years at $11,000 means $4,500 back in either the student's pocket or the parent that loaned the money in the first place, $4,500.

People are wondering why, why are two people having to work and they cannot make ends meet. I mean, it is crazy. In the State of California, and I am sure across the States, where people are having to work, they are slaving, they are working 10 to 12 hours a day and they are just barely making it on a margin in small business. But if you look at the interest rates, for example, in a home mortgage, why are they paying these excess costs? Why can they not make it? A home mortgage, 2-percent reduction, $90,000 mortgage, which is not real high in the city of San Diego, it is in the inner cities, but a $90,000 mortgage, 8.5 percent fixed over 30 years means $37,500 back in the pocket of that individual, and you can attribute that to the balanced budget, or lack of a balanced budget, because of those interest rates.

Alan Greenspan also said that those interest rates will continue to go down if we balanced the budget by 2 to 4 percent, and think of the dollars that that will put back into the pockets of the American people. They will buy products. The cost of goods will go down. And that will mean there will be more dollars in the coeffers of Sacramento for education.

An auto loan, $15,000, will be a thousand dollars back in the pocket of an individual. I am sure, Mr. Speaker, you would like to have another thousand dollars in your pocket to spend at Christmastime, or whatever, and, by the way, then you are going to buy a

hamburger, you are going to go to a movie, and that is going to support the other businesses. That revenue is going to be generated, and it is going to go into, again, 93 percent of the revenue for education, which comes out of the State, and we need to provide that.

But that is another reason why the balanced budget is important to education.

I would like to provide for the RECORD, Mr. Speaker, an article where it says the Endangered Species Act, in the State of California, has added $44,000 per home in the State of California. Let me repeat that: The endangered species has added 7.5 percent to every home, and we are talking about low-income homes for the poor and the impoverished, and we increase it. We just talked about how important 2 percent is. If it is increased 7.5 percent, $44,000 per home. Why? It is because in endangered species, you have got set aside land, and you build on others' lands. Who is going to pay for that? The consumer is going to pay for that, Mr. Speaker, and in doing that, that means less revenue again for education that goes into the coffers, and so on.

I would like to provide that for the RECORD. It is called "Habitat Protection Raises Building Costs." It is "In the Opinion," North County, San Diego. I will give you that in just a little bit. It is very important why we do not have the dollars in education.

Let me tell you about this institution, Mr. Speaker. For the past 40 years, it has been about power. It has been about the power to be reelected so that you can maintain a majority. That power has emanated from the ability of the Federal Government to disburse money down to many groups. I am sure, like myself, every day we have people coming into the offices for dollars. Everything is important. They can find a reason to support their particular Federal program.

But that is why we have ended up, and in all the debate about why the deficit and the debt are important, it comes down to what is important for us in education. But if you take a look at what we are trying to do is take the power out of Washington, DC, because the power to be reelected equates to the power to disburse money out of the Federal Government, which acquires power at a Federal level, and a bigger bureaucracy to disburse those dollars. Those dollars that go down to disburse are as little as 23 cents on every dollar. There is only 30 cents on a dollar in your welfare programs because of the bureaucracies.

Some of my colleagues will tell you, well, look, you are cutting education, you are cutting education, you are cutting the money for the environment, you are cutting the money for Medicare. We zeroed out, Mr. Speaker, the dollars for Goals 2000 on a Federal level. Absolutely, you could say on a Federal level it is accurate to say we cut Goals 2000, zeroed it out. But as Paul Harvey says, the rest of the story is we take the dollars and we send it directly to the State, take those dollars directly to the State, and the State can run a Goals 2000.

The proponents of Goals 2000 will tell you, well, it is a voluntary system. It is the old bait-and-switch, Mr. Speaker. It is voluntary if you do not want the money in the Goals 2000, and I would challenge you to read it. There are 45 instances that says "States will," "States will," mandates from the Federal Government. It set up five, actually six bureaucracies and institutions, new bureaucracies and institutions that the States have to adhere to. You have to file boards. You have to send the reports to the Federal Government, and guess what, Mr. Speaker, while you have got this manpower at the State that is having to do all of these things which takes dollars away from the classroom, you have got a catcher's mitt of bureaucracies on the other end receiving all of those reports and analyzing. Do the States meet those requirements? Do we allow them to run with the dollars just like it is?

The answer is, again, it is a waste of taxpayer dollars. Let us do away with that:

□ 2145

Remember, 7 percent requires over 50 percent of the rules and regulations. Let us send it to the States. Let us let the States run their own Goals 2000, and prosper better. But yet my colleagues on the other side of the aisle will say "You are cutting Goals 2000, a good program." If it is so good, let them run it, but let them run it at the State level, without the Federal bureaucracy and the Federal intrusion.

As I mentioned, there are 45 must-do clauses, while it only has three that said you should do in Goals 2000. Six new bureaucracies and research institutions under Federal control. It is also established and run by the union bosses and the Federal administration.

In 1979, the Department of Education doubled. It went from $14.2 billion to $32.9 billion. If the President's direct loan program were allowed to be affected, it would be the largest lending institution in the United States. That is Federal intrusion, that is Federal control, and it is Federal waste, Mr. Speaker.

Per pupil spending grew 35 percent between 1979 and 1992. Federal programs and taxes have increased threefold. SAT scores have declined 12 percent, and yet we have less than 12 percent of our classrooms that have a single phone jack. We look at the bureaucracy that eats up the dollars, and we look at why we do not have dollars for education.

Let me give you another idea about Goals 2000. The humanities standard at the Federal level, after spending $900,000, $900,000, was suspended, Mr. Speaker. One of the required standards was that English be replaced, English be replaced, Mr. Speaker, with the words "privileged dialect." That type of social engineering and politically correct Federal intrusion is one of the reasons I believe that our school systems are doing poorly.

Look at the Federal history standards. They emphasize everything but the foundations of Western culture. I sat with the creators of those standards, with the gentleman from Michigan, DALE KILDEE, the ranking minority member on the education subcommittee that I serve on, and DALE KILDEE, an ex-history teacher before he came to this body, stood up and said, "It is wrong. You are not teaching history, you are emphasizing non-history issues." For example, there is more in the Federal standards for history on Madonna than there is the Magna Carta. There is more on McCarthyism than there is on the Constitution of the United States.

These are some of the reasons why many of the people do not support Goals 2000 on a Federal level, but where at a State level, where the State establishes the standards, they can establish the same aid standards under Goals 2000, but it does not have the rules and regulations, it does not have the Federal intrusion, and it sure costs a lot less to run.

Mr. Speaker, I have heard some of my colleagues say, "Well, we are cutting student loans." Well, Alice Rivlin of the Clinton administration proposed to eliminate college loan subsidies for a savings of $12.4 billion. Well, that is not done in this body. There is no subsidy taken out.

I heard my colleague just before say, "Well, maybe we will not have to cut Pell grants." Pell grant awards are the highest this year than they have ever been in history.

Mr. Speaker, let me repeat: Pell grants, Pell grants that I believe in, for low income students, is at the highest level it has ever been in its history.

Now, I would also let the Speaker know that it is not enough; that with the rising costs of tuition and with the rising costs of books and college courses, that it does not pay what it was originally intended for with Mr. Pell. But we put $6.5 billion into that program.

Perkins student loans increase by 50 percent, Mr. Speaker, over 7 years. Let me repeat that. They say we are cutting education in this balanced budget. But, again, I give you the Goals 2000. Zero it out at the Federal level, yes. I want to cut most of these things out of the Federal level and put it back to the States.

The same thing with the environment. There is a lot of sand and dirt between San Diego, CA, and Maine, Mr.

Speaker, and to blanket across the Nation with a rule and regulation from the Federal Government that has been obtrusive should not happen. It should be at the State level.

But, again, we are sending the money to the state on the environment. My colleagues will say we are cutting funds for the environment, we are cutting education, we are cutting Federal instruction. Let me repeat, student loans increase by 50 percent, from $25 billion to $50 billion over the next 7 years.

The Republicans will spend $340 billion over 7 years on education, job training and student loans. The last 7 years, the Democrat leadership, when they were in the majority, spent only $315 billion on education, job training, and student loans.

Spending on K through 12 education has increased by 4.1 percent, but yet we bring better management, less rules and regulations, less Federal paper, less Federal reporting, and more local, school and down at the LEA control with the teachers, the parents, and the educators.

From 1983 through 1993, the States put in education $60 billion and have increased that to $115. But yet if you take a look the increase in spending for education across the board, Mr. Speaker, on reading skills, I heard on the television today that a great number, better than 50 percent, of the children do not read up to grade level 4 in the State of Maryland.

California was last in literacy. I think there are different reasons for that. A lot of it is probably the immigration rates and other things. I want to tell you, my wife is a teacher and a principal, and there are a lot of great schools that we have across this Nation. There are some great teachers. But across the board, Mr. Speaker, our education systems are failing our children, and it is not efficient. We can do better. From both sides of the aisle we can do better, by taking the power out of Washington and putting it back at the State level.

Let us look at, for example, title I. I was back in my district this weekend, and one of the teachers said "DUKE, don't take money out of Title I, because it is important."

Well, let me tell you what the Clinton administration said. Title I is not achieving its goals. Comparisons to similar cohorts by grade and poverty levels show that the program's participation does not reduce test scores gapped for disadvantaged students. Indeed, Chapter 1 student scores in all poverty cohorts decline between third and fourth grades. They also go on to say that once a student goes on in education, that any gains made are lost.

Let us look at Head Start. This is again what the Clinton administration says, effective in some areas. I would say in all fairness, Mr. Speaker, I have visited some very good Head Start programs. In the State of California, my district, there is a great Head Start program. Even the administration agrees that there is mismanagement across this country in the field of Head Start. But yet we continue to pump money into it and do not demand that the standards and the values and the management is there for the Head Start program. We have got to change that.

Several studies indicate a short-term cognitive and effective social benefit for poor children. However, the same studies indicate as the child moves into the elementary school the effects decline. They decline to zero. If we are going to put the dollars into education, Mr. Speaker, that are effective, that are long lasting for our children, that teach reading, writing, arithmetic and so on, then I think we need to focus on getting what will get the best bang for the dollars.

Let us look at the student loan program, where we say we have increased student loans by 50 percent. But where did we get our savings from? The Clinton administration, President Clinton's direct student loan program cost $1 billion more than the private industry, like the banks and lending institutions. My colleagues on the other side will say "Well DUKE, that is just for the rich. You are just supporting the special interest groups and taking it away from the Federal Government."

Well, with the Federal Government and its mismanagement, and I think you can look across the board, that is in defense, that is in education, that is in welfare, NIH, anywhere, the mismanagement of dollars the taxpayers give us, and you can save it by privatizing that, then we will do that. So we limit the President's direct loan program to 10 percent and save billions of dollars. That is not including the savings CBO scored. They do not even know what it would take to receive those dollars back. That is just the administration fees on the direct loan program.

So, yes, there are programs that we have eliminated and cut. But, again, Mr. Speaker, those are on a Federal level in driving the dollars back down to the States.

Let me tell you about other savings that we made on the loan program. This country has a law on the books that has been overlooked. I want to separate illegal aliens from legal aliens. We have legal aliens in this country that are going to our colleges and universities. It is to our benefit to educate those aliens at a time, because they plan on becoming American citizens. Over a lifetime, for just completing a bachelor's degree, there is an increase of earnings in that household by over $300,000. Again, that means $300,000 in revenue that that person is going to earn and pay taxes on. Remember, State taxes pay for 93 percent of education, so it is to our benefit.

But, at the same time, almost anyone has been qualifying for those education loans. So what we did, let us say, which I am not, but let us say I was a low-income parent applying for a student loan at a low-income rate, low-interest rate. I would have to show what my earnings are to qualify.

Well, all we have done, Mr. Speaker, is ask the sponsor of that legal alien, because under the current law that sponsor has to sign a document that they will be responsible for the alien, that legal alien, while they reside in the United States and are working for citizenship for this country, their earnings are calculated to see if that student qualifies for a low-income loan, the same as an American citizen would have to do. We think that is fair, either as a citizen or as a legal alien, to qualify to see if you should qualify for a low-income loan.

Say, for example, Imelda Marcos' relatives came to the great State of California. We may to want to give those individuals a low-income loan, because they can pay for it themselves.

But there is an increased cost on lenders, guarantors, and agencies in the secondary markets in the Federal education loan program. We save over $1 billion, Mr. Speaker, I think that is important also.

□ 2100

Let me speak to something else, and I think we could probably get support from both sides of the aisle on this issue. As I mentioned before, we have less than 12 percent of our classrooms across this Nation that have a single phone jack in it. I think every Member in this body understands the importance of the information age in the 21st century. In the olden days, as my daughters like to report, it used to take 30 years for us to double our knowledge. It now takes 1 year, Mr. Speaker.

Look at the amount of children that are using computers now in many of the homes. Of course, many children are not. Take a look at the information they have available to them. Look at our libraries. Try to get an airline ticket without going down and using a computer. Or even in our classrooms or in our offices. Yet, less than 12 percent of these classrooms have even a single phone jack. If we want to take that 7 percent as a vision and really do something with education on a Federal level, Mr. Speaker, I think there can be a partnership between the Federal Government, between the States, and between private enterprise.

I want to give my colleagues an example. If we really want to help education, if we do not upgrade those classrooms with the technology for our children to learn, then the delta, the difference, between the rich and the

poor, as my colleagues on the other side of the aisle like to point to all the time, that delta will increase significantly because we do not provide the skills for our children to go on and apply to the job market.

I have industry and small businessmen across the board come to me and say, DUKE, as little as 25 percent of the people that come to us even qualify for basic entry level into the job market because they cannot read, they cannot write, they cannot do math, or they cannot speak English. We are failing our kids, Mr. Speaker.

Now, let us work at a Federal partnership, let us work with the telecommunications subcommittee with the gentleman from Texas, Mr. JACK FIELDS. Let us create, which they are doing, a market where there is profit sharing, to where the AT&Ts and the Baby Bells, and the IBMs and the Apples work and build up our classrooms. Let us let them make a dollar. Profit is not a dirty word, unless one is a socialist. Let us let them build up our classrooms, provide for our kids, because we cannot do it. We do not have the dollars on the Federal level to invest in our classroom.

Mr. Speaker, walk down here in Washington, DC and look at these schools. These kids are lucky to have books sometimes. Or look at a Federal housing project, where kids are carrying guns. They are not carrying books. If we do not build these classrooms and work with that private partnership, then I think we will be lost.

I talk to Alcoa and I talk to AT&T and the Baby Bells, and the people I am talking about. We have about a 3 percent disintegration of copper wire in our electronic system. We have about another 3 percent where we build new schools and new facilities. That would be a 6 percent investment in this Nation that we could work with the Federal, the State and private enterprise. Six percent a year. And it would not take us that many years to build up our classrooms.

Now, let the AT&Ts and the Baby Bells and the IBMs put the fiber optics in there, and the Alcoas. Let them make a profit from that, but, at the same time, they are investing in our school system. Let us give incentives to do that because again, if we do not do that, Mr. Speaker, our kids are going to be in the big delta between the rich and the poor because they will not hare the skills to go forward.

I want to give my colleagues a classic example. I have a school I have spoken about in the committee. It is Scripts Ranch. The city and private enterprise went in and put fiber optics into the school. Every classroom has a computer. We have boys and girls at the high school level, on the vocational side, that are swinging hammers. They are building modular units, and they sell those units, those classrooms. And if we were to inspect them, they are as good as any tradesman would do, because they are supervised by tradesmen, both union and private, by the way. And they are making sure the kids are safe when they swing their hammers. But they sell those units and they buy other high-technology equipment for that school.

On the other side, the kids that are college bound, not vocational bound, are the engineers, the computer designers and the architects. They are using the computers and they have redesigned the whole school. In the meantime, Mr. Speaker, in the summer, and were chastised for the summer jobs program. Probably not very many jobs were created by the summer jobs program, other than keeping kids busy, but let me tell my colleagues about the summer jobs program at Scripts where they have the computers and they have the kids working in vocational and college bound.

The city of San Diego hires these kids. The unions and private enterprise, under apprenticeship programs, they teach them a skill on the vocational side and they give them a better on-the-job training for their college preparation. And it works, Mr. Speaker. It is a good program. And it is an investment between the Federal, the State, and private enterprise.

This is similar to the model that I can see for this whole country, Mr. Speaker, in investing in our school systems. We can do that, if we can get away from the Federal socialized meddling with States' rights and let the States set their own educational standards, and let the States, if they want, have their own Goals 2000, and let the States do their own Head Start Program and keep the Federal rules and regulations, the inadequacies and the bureaucracy.

But, again, this place is about power. This whole balanced budget, and we will hear over and over and over again, from those that would put a socialist model on education, that this is the only place that can make those decisions. This government, at a Federal level, is the only one, because the States will not do it. We do not trust the States to do it because they want the power here in River City.

And that is what this whole debate is on the balanced budget. Because if the budget is balanced, Mr. Speaker, that power to disburse money and control dollars with rules and regulations down to the State level limits the minority party for reelection. And if we limit reelections, we limit the power. We limit the power to get reelected. It is a self-contained sewer system. That is what the budget debate is. They do not want to balance the budget because it limits their ability to flow dollars down to constituents.

I have told my colleagues about the plaque the President has on his wall during the election that said "It is the economy, stupid." It is not. It should be their pocketbook, stupid. Because when we touch somebody's pocketbook, liberal or conservative, they are up here fighting for those dollars, because the Federal Government is not going to provide it for them. And we should learn that lesson, Mr. Speaker.

Mr. Speaker, I think that my colleagues on the other side of the aisle would agree with this next statement; that part of the problem that we have with education is the current welfare system. I look, and I used to teach at Hinsdale High School in Hinsdale, IL. We have some of the finest schools in the, Chicago, IL, area, and, I think, in the world. We have Hinsdale and Evanston and Nutrier. But any time we look at the good schools, the good teachers, where they have good facilities, we need to look beyond that at the inner cities and some of the areas where the education programs, like Washington, DC, or any great city that we could come across.

There is an area of about 5 miles in Chicago of Federal housing. Those kids do not carry books, Mr. Speaker, they carry guns. It is loaded with pimps and prostitutes. Their pregnancy rates are terrible for unwed mothers. And what hope do those kids have? Do we think if we put computers in those schools that they would learn? Do we think across the country there is a low percentage of our teachers that even know how to turn on or even use those computers to teach those skills?

That is why I think the intereducation program, the Eisenhower grants, even through we get very little of the money back down, I would rather have the State provide it. But if we do not teach and give our teachers the funds, the wherewithal to upgrade their schools, like title 1 and Eisenhower grants, then how can we ask the teachers to perform and teach the kids, especially when they do not have computers in there in the first place. They have to learn those skills to be able to teach our kids.

If we look at the welfare system that we have, and I think it is one of the biggest reasons why education has failed, Mr. Speaker, where we have a system that discourages a parent coming together with a mother, a single mother, and a child or vice versa. If they do, we take that welfare check away from them. We discourage that couple getting together.

And I think my colleagues on the other side of the aisle would agree that every time I have been to a college event for graduation, or someone going to an academy or an education event, where there is success, the overwhelming majority of those successes involve where parents were involved with their kids. And if we do not have the parent involvement, the percentage, of those kids are going down. Yet the welfare

system deters people from coming together or even a mother working.

Take a single mother. She wants to go to work. She will have to pay for child care. She is probably going to have to buy a new set of clothes. She will have to probably get some kind of training, because she has not worked in a second or third generation in many cases. But in many cases it is not, it is someone that has lost their job, that is having a hard time and they need to go back and they need the support. But there is a discouragement to get off of the system, because, again, we say go to work. You will have to have all these other costs, but we will take your welfare check away from you.

Well, I think we need to provide that. I also do not think we have provided enough funds for the job training, which my colleagues harp on. Why? Because if we are going to solve the problems of the welfare problem and reform, and if we are asking these people to get off of welfare, then they are saying for what? If I do not have the skills, if I have never worked in my life, or I have limited skills and I cannot read and cannot write, which the statistics show across the country, and I cannot even qualify for an entry-level job, how am I going to go to work and support my family? That is the area where I think, if anything, we need to increase the amount of job training for people, to help them get off of welfare.

I think, also, that when we look at the folks on welfare and look across the board, the low-income child is more likely not to succeed than those that come from higher socioeconomic levels. My colleagues on the other side are exactly correct on that. But the question is, Mr. Speaker, the model. Do we have a socialistic model, where the Federal Government does all and costs us extra dollars to get the dollars down because of the bureaucracy and the power and the rules and the regulations; or do we let the States, where we take away all those other costs?

My colleagues will say we at the Federal Government are the only ones that can do that. Mr. Speaker, I think that is intolerable. I think if we want to clean up our education system, we need to give States more responsibility and more power to do what they need to do. Because like I said, there is a lot of sand between San Diego, California, and Maine.

There are a lot of great programs out there, Mr. Speaker, and the States can still run those programs. But when we are getting as little dollars down that we can, down to the State level, I think that there is a lot of room for error and a lot of room that we can improve.

I want to give my conservative colleagues a caution, however, that I am a conservative. But serving on the Committee on Economic and Educational Opportunities, I have been enlightened in some cases by my collegues on the other side of the aisle, and I see one of them grinning right now. If we try to do this too fast, and we can look at the State of California and the economic situation that I have just talked about. Try and pass a school bond in San Diego County. It is very difficult. Even on a State-wide election or an initiative. Most people check no if we want to increase their taxes or increase their burden. It is very difficult to support that. Try an increase in tax, a gas tax or anything, to pick up that load to the State. People are resistant, Mr. Speaker.

A lot of my conservative friends, and which I consider myself one of, want to chop it off now; want to do totally away with it. If we do that, in my opinion, in my humble opinion, Mr. Speaker, we will damage some of the very programs that we are helping. I say that in the face of only getting 23 cents out of a buck.

But until we have that transition, until we can balance the budget, and it all ties in together, welfare, balanced budget, and education and jobs and revenue. It all ties in. It is called microeconomics. But until we can reduce those interest rates, until we can improve the economy, until we can get more dollars into people's pockets by having a $500 tax rate per child, that goes back into the pockets of people, until they can see where they are not both having to kill themselves just to get by to pay their mortgage, which they are paying $40,000 more for, or they are paying $4,500 more interest on a loan because of the deficit, then I think we will have trouble shifting that power.

□ 2215

And I think over the next 7 years, we ought to look and do so very, very carefully. Are we going to make some mistakes, Mr. Speaker? Yes, we are. But I think the blessings of it are that we are going to return that power to the States. We are going to reduce the size of the Federal bureaucracy back here, which is so key to the Democrat Party and their maintenance of power. And that is why they will blast us night after night saying that we are hurting the environment, we are hurting kids, we are hurting seniors and so on. What we are hurting is their power to get reelected so that they can have the power in River City.

ANNIVERSARY OF FIRST AFRICAN-AMERICAN TO SERVE IN HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from New Jersey [Mr. PAYNE] is recognized for 60 minutes as the designee of the minority leader.

Mr. PAYNE of New Jersey. Mr. Speaker, it gives me a great deal of pleasure this evening to engage with my colleague from South Carolina and others who may come, a special order dealing with an anniversary tonight of the seating of the United States House of Representatives on December 12 in 1870, 125 years ago, Congressman Rainey, Joseph H. Rainey, was sworn in to the United States House of Representatives. Today being December 12, we celebrate 125 years of that important event.

Let me say that on that day, Representative Rainey broke the color line in the House of Representatives, being the first African-American to be seated. He became a duly elected Member of the 41st Congress. A former State senator from South Carolina, he was born of slave parents. His parents were very successful as a barber and his dad purchased his freedom for him at an early age.

As a young man Joseph Rainey spent all of his free time educating himself. He followed his father as a barber and he continued to increase his education. At an early age he moved to Philadelphia where me met a young lady named Susan, and they were married and he moved back to South Carolina in 1859. Then with the outbreak of the Civil War, Mr. Rainey, Joseph Rainey, was drafted. He had to at that time work in the military.

He worked in an area providing food and serving passengers on a Confederate blockade runner and he worked in the fortification of Charleston, but he did not feel comfortable being a part of the Confederacy as a freeman and what he was able to do with his wife was to escape on a blockade runner and went to Bermuda. In Bermuda he settled in St. Georges, which is a parish in Bermuda and he set up a barber business there and his wife went into dressmaking. Both of them were very, very successful in their business in Bermuda, but as a South Carolinian, Bermuda was fine, business was great, but he yearned to go back to his home State and his hometown.

He started to hear about the fact that after the Civil War there had become opportunities for African-Americans in politics and he became very attracted to the area of politics. He decided to look into some of the opportunities and he became an active member of the South Carolina State Republican Party. He became a member of the State senate there, and in July 1870, they nominated him to fill a vacancy in the House of Representatives created by the resignation of Representative Benjamin Whittemore.

Once in Congress, and there was some time that passed before he was seated, but once in Congress, Representative Rainey was a staunch fighter for the rights of African-Americans. His first speech on the floor of the House was to gain national attention and to support a bill that imposed stiffer penalties

against individuals and groups terrorizing African-Americans and white Republicans in former slave States. The speech was delivered on April 1, 1871, in the 42d Congress. The bill that he introduced was designed to enforce the citizenship rights set forth in the 14th Amendment of the Constitution and in the 1866 Civil Rights Act.

The bill, called the KKK Act, made it a Federal crime for two or more persons to conspire through force, intimidation, or threat to keep any person from accepting or discharging a public office, from functioning in court without hindrance, or from voting or otherwise participating in political campaigns under the penalty of a $500 to $5,000 fine and 6 months to 6 years in jail.

The KKK Act was enacted into law on April 20 in 1871, but the law did not immediately stop the bloodbath in the Southern States. Representative Rainey continued his work on the KKK Act by speaking in favor of the appropriations of Federal funds for the Federal courts that were set up under this act to enforce the law.

Representative Rainey was in favor of appropriating funds as necessary to carry on the court's persecution, until every man in the Southern States shall know that the government has a strong arm and that everyone shall be made to obey the law.

In the 43d Congress Representative Rainey concentrated on the civil rights measure to afford equal treatment to all in public accommodations, public transportation, hotels, amusement places, and schools. Representative Rainey's theory was that Federal aid for education was not a regional or racial issue but an issue of national importance.

The debate 125 years ago is similar to the debate that is going on in the House of Representatives today. This proposal that he discussed way back then was heavily discussed near the end of 1873. The saddest fact about this discussion that he talked about of public accommodations is that it was not until 1963, almost 100 years later, that this public accommodations act was finally passed.

Mr. Speaker, in May 1874, when Representative Rainey was a member of the Indian Affairs Committee, he presided over the debate in the House on a proposal to improve conditions on the Indian reservations. Another first in the life of Representative Rainey was that he was the first African-American to ever preside over the House of Representatives. Representative Rainey was defeated in his reelection bid to the 46th Congress after a bitter fight in the House of Representatives with his Democratic opponent from the previous election.

Representative Rainey and his family remained in Washington for a few years before moving back to South Carolina, where he died at the early age of 55. In the obituary the Charleston News and Courier, not a friend to Representative Rainey when he served in active public life, termed him, next to Robert Elliot, the most intelligent of South Carolina Reconstruction delegation politicians, and they thought that if he had been less honest, they say he probably would have attained even greater distinction. so I think that says a lot about a man who stuck to his convictions and in his death was finally given the credit that he should have gotten in life.

Mr. Speaker, it is my great pleasure to bring to the attention of my colleagues and the American people some of the great work of the first African-American to serve in the House of Representatives, the Honorable Joseph Hayne Rainey of South Carolina, leader in the fight for rights of all Americans and minorities in this country.

At this time, I would like to yield time as he may consume to the gentleman from South Carolina, from the Sixth District of South Carolina, Representative JIM CLYBURN.

Mr. CLYBURN. Mr. Speaker, I thank the gentleman from New Jersey for yielding to me to participate in this special order, and I thank him for organizing this special order this evening.

As the gentleman has mentioned, it is my great honor and privilege to serve in this body from the State of South Carolina, and to be here tonight to celebrate the 125th anniversary of Joseph Hayne Rainey's swearing in as a Member of this body is a great honor for me.

As was mentioned, Mr. Rainey was born in Georgetown, SC, though he made the bulk of his political life, at least it started in Charleston, where he moved to work as a barber and there entered political life.

Now, much has been said about Mr. Rainey's early life, but let me say just a little bit about him that has not been said thus far.

When Mr. Rainey took the position, of course he was elected to the State senate in 1870. And, of course, later that same year, he opted to fill an unexpired term in the Congress; and of course, when he came here, he came to represent what was then the First Congressional District, including Charleston and Georgetown, all the way up to Florence. The First District at that time was much like what is now the Sixth Congressional District that I am proud to represent.

Now, Mr. Rainey served for a little over 8 years. During this period, he served longer than any of the other, up until that time, people of color in the House of Representatives. Having been elected in 1870, he staying until around 1879.

Now it is kind of interesting when we look at Mr. Rainey's service. He was, of course, the first of eight African-Americans to serve during this period from 1870 to 1897. The last in that period was George Washington Murray. And when George Washington Murray left in 1897, no other person of color represented the State of South Carolina in this body until January, 1993, when it was my privilege to take the oath some 95 years later.

In 1993, the people of Georgetown honored Mr. Rainey by naming a park in the city for him and erecting in that park a bust of Mr. Rainey. And it was my pleasure to go to Georgetown and to be the keynoter for that occasion, and I am proud of the people of Georgetown for paying that honor, some 123 years after Mr. Rainey took the oath of office.

□ 2230

And, of course, we are here tonight on the 125th anniversary to add to the honor.

If we were to look at Mr. Rainey's service, we have to look to the future, I would hope, We know a bit from 1870 to now, 1995, 125 years, there was not continuous service. As I stated earlier, Mr. George Washington Murray left in 1897 and, of course, he was the last from South Carolina until I came along. Of course, in 1901, George White of North Carolina left and then no one of color served in this body until the 1920's, when there was a representative, Mr. De Priest, if my memory serves me well, elected from the State of Illinois.

Now, Mr. Speaker, I mention the State of Illinois here tonight because I think it helps to make my point. As we talk a little bit about the future, I used to teach history in the public schools of Charleston. I still love to read history. I would like to play interesting games with myself, as I go through history. I want to share with my brethren here this evening and other brothers and sisters who may be watching a little bit of what I feel about what went on during the time Mr. Rainey was elected and served and what has gone on today. There is some interesting similarities.

If we are to take note of recent developments, we know that just last week, the U.S. Supreme Court listened to argument over questions involving congressional districts and whether or not the drawing of congressional districts for the 1992 elections was unconstitutional or, I guess to put it in the positive, whether or not these congressional districts were constitutional. Of course, that hearing last week was precipitated by a decision a year ago by the Supreme Court concerning a case coming out of North Carolina, commonly referred to as Shaw versus Reno, at which time the Court said that the districts drawn in North Carolina were dissolved. It was kind of interesting that for the first time in the

history of the country the Court decided that the esthetics of a congressional district would bring into question the constitutionality of those districts.

Until that time, no one had ever worried about what shape a district had. We had always left it up to the States to determine how all this was done. Of course, by constitutional edict, by the court's edict, we have said that political considerations could be taken into account, incumbency could be taken into account, communities of interest, all these things could be taken into account. But all of a sudden, of course, I do not think the court has ever spoken to this, but we all know that in many communities around the country, even religion has been sued in order to determine how lines have been drawn.

The interesting thing about all of this is that, and I would hope that a bit of guidance could be gotten from the Court on this, because if you look at what was going on in 1870, I want to, I do not like to deal with numbers too much. Most people who are lovers of history do not like to deal with numbers. We tend to try to deal with facts and ideas.

But in 1870, at the time Mr. Rainey was elected from South Carolina, there were 415,814 blacks living in South Carolina. Only 289,667 whites lived in South Carolina in 1870 at the time Mr. Rainey was elected.

There is something very interesting about all of this. When the elections for the general assembly were over that year, as I just said, it was in this year that Mr. Rainey was also elected to the State senate. Serving the State senate at that time you only had 31 State senators. Twenty-one of them were white and only 10 were black. Now, not only was the population almost better than 3 to 2 black to white, the registered voters were 3 to 2 black to white. Yet those majority black people elected two-thirds of the senate to be white.

Now, of course, in the lower body, the House of Representatives, it was reversed. There were 72 blacks serving in the House elected in 1870 and 48 whites.

Now, the reason I point this out is because those people, the majority of the general assembly being people of color, decided that they did not want, for whatever reason, to run roughshod over the rights of their white counterparts and so they put in place a system of voting designed to protect the rights of their fellow South Carolinians who happened to have been white. They used a system called cumulative voting.

That system was put in place and it stayed in place from 1870 until 1879. They got rid of cumulative voting in 1879, after the State officials prevailed upon then the President of the United States, Rutherford B. Hayes, to take the Federal troops out of the South and then, according to one writer, who I cannot recall the name of at the moment, but I remember this phrase very well in my study of history, one writer said, Ratherford B. Hayes took the Federal troops out of the South and then left the quote unquote Negro up to the creative devices of white South Carolinians, creative devices.

Sounds like dissolved to me. Well, what happened, through threats, intimidation, through things like poll taxes, literacy tests, they were successful in then rendering black South Carolinians almost voteless. So when Mr. Rainey left in, I believe, March of 1879, it started a domino effect and by 1897, some 18 years later, no other person of color was left to serve in the Congress and, of course, the same year, 1901, that George White left the Congress from North Carolina, a Mr. Bolt, I believe his name was, B-O-L-T, I think was his name, from Georgetown, became the last person of color to serve in the South Carolina general assembly. Having then not only put these new systems in place, they also then, in 1896, wrote a new constitution for South Carolina. Of course, with that they put in place systems of voting that made it impossible for people of color to elect their choices to serve in the body.

Now, cumulative voting is a very interesting concept. It was not just used in South Carolina. It was born in South Carolina. South Carolina was the first State to usher this system on the scene. I believe Horace Greeley of New York initiated cumulative voting for the State of New York. At that time it had nothing to do with race. It had to do with Tammany Hall. Republicans could not get elected because the Democrats around the city of New York controlled Tammany Hall and, of course, they had locked everybody else out.

So Mr. Greeley came up with the concept of cumulative voting around 1870. It failed. He came back, I think in 1872, and this time, using a system they called, we would now call it proportional representation, they, which is a form of cumulative voting, it does not accumulate, but it is a different form of single member districts, it was successful and New York used that system at least in its lower body. It did not use it in the Senate, but they used it in, they did not call it the house of delegates at that time, it was the lower body, the general assembly. That was not the only State. Illinois used cumulative voting.

The interesting thing about Illinois is that Illinois used it because what they found in Illinois was that if you were in the northern part of Illinois, the Democrats controlled. In the southern part of Illinois, the Republicans controlled or vice versa. Do not hold me to which was which. My memory is not that good this evening. But it was divided. In other words, there was never any kind of interaction between the rural part of Illinois and that part of Illinois that was urban and, therefore, you had this polarized voting in the general assembly that had nothing to do with race. So they decided that the best way to approach that was to use the system called cumulative voting. So Illinois put cumulative voting in place in 1870, and it stayed in place until 1979. They did not get rid of cumulative voting in Illinois until 15 years ago.

Now, I am pointing all this out tonight because when Mr. Rainey served in the State Senate of South Carolina, just a few months before coming to this body, he was part of a process that looked for methods beyond winner-take-all elections in order to ensure adequate representation and fairness toward the white South Carolinians. And I tonight believe that it is time for us in this body, in the courts, everywhere else, to begin to look for methods to ensure representation and fairness to the people of color who now represent the minority in these areas. Winner-take-all elections say by their very nature that 49 percent may not ever have their voices heard or their wishes addressed, if you continue on our present course.

So I want to say to you, the chairman of the Congressional Black Caucus, my good friend from New Jersey, that I am appreciative of the fact that you have allowed me to participate here this evening because I think it is important for us to look at the historical context, not just of Mr. Rainey's election to this body but also what was going on in the country at the time of his election and how magnanimous he and other people of color were.

Before I yield back my time, let me explain what this cumulative voting is all about, because some people seem to think it is something very strange. If I might use what they did in, I think it was Illinois, maybe it was New York, where they used three-member districts. They had legislative districts.

□ 2245

Three members from each legislative district. What you do is that every voter gets three votes. That voter can give all three of his or her votes to one of the members, or can give one-and-a-half to two, or could give one vote to each of the three members in the district. And what they have found, as they found in Peoria, IL, where they use that today, they found it in Texas today, they found it in New Mexico, where they use it there, that it works. It allows everybody to participate.

I will tell you something else it does: It brings people to the polls, because when people feel they are outnumbered in these single member districts, they do not participate, because they do not think they have any chance to win. But when you go to these other methods, it

allows for significant participation on the part of voters.

So, I think, as was said here earlier tonight as a part of some other discussions, that there are some things happening in our country today indicating that voters are polarized, that citizens are polarized, political parties are polarized, and we, the people of good will, ought to begin to look at our history a little bit, and hopefully learn from that history, and maybe we can find from the history some ways to bring our people together, as Mr. Rainey and his cohorts did, on behalf of the protection of white South Carolinians and white Americans throughout New York, Illinois and other States, back in the 1870's and just after Reconstruction.

So I want to thank the gentleman for allowing me to participate.

Mr. PAYNE of New Jersey. Mr. Speaker, I thank the gentleman very much. I certainly appreciate those remarks from the gentleman from South Carolina, bringing out history. We really appreciate the work the gentleman has done on affirmative action and some of the light that the gentleman has brought into that discussion. I certainly know the gentleman will continue the great work that he has been doing.

I just might also mention, since the gentleman used Illinois so much, that there is an interesting thing happening in Illinois as we speak. The polls have not closed nor has the tally been counted, but there is a feeling that Mr. Jesse Lewis Jackson, Jr., may win the election in the special election in Illinois, the State the gentleman has been talking about.

Well, it is very interesting that Mr. Jesse Lewis Jackson, Jr., happened to be born in South Carolina, and he was born about 30 years ago. Thirty years ago was the march in Selma to talk about voting rights and attempting to get the rights of all people to vote. His father, Jesse Lewis Jackson, Sr., Dr. Martin Luther King, Wyatt T. Walker, many of us and myself, marched in that march to try to get voting rights. So I just mention that, that it would be very interesting if the first person to be seated was a person born in South Carolina, 125 years ago to this date; that if Mr. Jesse Jackson, Jr., is elected, native of South Carolina, to be the last person to be seated tomorrow, it would be very interesting to tie in in just an interesting way, and maybe God meant it to be this way; if he is fortunate to win, for the 125 years to be encompassed with the beginning and the end, sort of the alpha and omega here tonight on December 12.

I thank the gentleman very much.

At this time I would like to yield to the gentleman from the great State of New York [Mr. OWENS], from the 12th Congressional District of New York.

Mr. OWENS. Mr. Speaker, I thank the gentleman from New Jersey, the chairman of the Congressional Black Caucus, for convening this special order on Joseph Rainey on the occasion of Joseph Rainey's 125th anniversary upon being elected to the House of Representatives. On December 12, 125 years ago, Mr. Rainey took his seat in this House as the first black to be elected to the House of Representatives. Shortly before that, Mr. Hiram Revels had taken a seat in the Senate, on February 25.

I think it is very important, and I want to thank the gentleman from South Carolina for taking this occasion to give us a brief snapshot of some very important history. It was a lecture that I learned quite a bit from. It was only too short.

One of the advantages in celebrating an occasion like this, the anniversary of the seating of the first African-American to take a seat in the House of Representatives, is you can review some history and deal with some little known facts that are very seldom related, and you can also make an analysis and apply it to our present day problems. I think our friend from South Carolina [Mr. CLYBURN] has just done a marvelous job of not only adding some significant facts to the little known, but also applied it to the present. I think it is very important that we try to envisage the situation that existed when Joseph Rainey came to take his seat here in this House. I think it is important that young people understand what that must have been like. I think it is important for some of us who are caught in the present grip of a situation where there is a driven home to remake America, the Republican majority here is moving to remake America, and they are focusing on the budget right now and making it appear that the most important thing in the remaking of America is a reduction in the expenditures, a balanced budget, which creates a perfect excuse for cutting a lot of programs which benefit African-Americans, the descendants of slaves, because those descendants of slaves happen to be in a situation where economically they are still the poorest of Americans. There is a direct relationship between slavery, the institution of slavery, some people call it an institution, I call it a criminal industry, the criminal industry of slavery which existed for 232 years.

Let me just repeat that. The criminal industry of slavery existed in America for 232 years. Suddenly there was emancipation. Thank God for Abraham Lincoln and the Emancipation Proclamation, which set the stage for the freeing of the slaves, but did not free the slaves. It was the 13th amendment after the surrender of the Southern rebels, the 13th amendment that was enacted by the Congress which freed the slaves across the country.

But the precedent had within set by the Emancipation Proclamation. There was no turning back after Abraham Lincoln made his historic unpopular move in freeing the slaves as a strong President, taking an action that was not approved of by the Congress, that was not approved of by his own cabinet, but it was the right thing to do. It was a shinning moment in American history.

The important thing is to put all those facts together. The 232 years of slavery. We are the descendants of people who were kidnapped and brought here, and for 232 years they were enslaved, 232 years. When Joseph Rainey took his seat, the Civil War had not been over for very long and the slaves had not been free for very long.

It is almost a miracle that you could find anyone among the slaves who could qualify, who could organize, who could go through the political process to the point of going through the State legislature in South Carolina and then coming to the U.S. Congress. It is almost a miracle, because during that 232 years there was a determination to keep the slaves enslaved. There was laws made it a crime to teach a slave to read. Most of the Southern States, had laws, and the Southern States are where most of the slaves were concentrated, had laws which would imprison you, you could be put in prison for teaching someone to read. So the miracle is that you had enough who had learned to read, who had learned something about how to organize, to be able to bring the contingent to Congress that came in during the Reconstruction period. It was a great example of the phenomena that existed from the very first when the slaves were packed into slave ships and brought to the shores of the United States.

They did not come here like other immigrants. Our forefathers did not come here like other immigrants. They were packed into slave ships like sardines. There are disputes about how many came. Very interesting, our friend, the gentleman from South Carolina [Mr. CLYBURN], was talking, and he indicated one time in South Carolina, if I heard him correctly, there were more slaves than there were slave owners and whites, more descendants people of African descent, than there were whites in South Carolina.

I remember reading some figures in several books where Williamsburg in Virginia at one point had a slave population greater than the white population. Many other States had slave populations that were almost equal or perhaps even greater.

I imagine the people that took the census at those times would not let such a situation exist. There was a conflict, of course. Any Southern State wanted to have representation in Congress, so they had three-fifths of a man and each slave was allowed to stand for, which led to probably more an accurate account or, maybe some inflation of the figures sometimes, but it

was to their advantage to count the slaves, because those three-fifths added up to more representation in Congress. But in truth in many cases the blacks outnumbered the whites in some Southern localities and in some Southern States, a fact which is seldom revealed.

The laws that made it a crime to teach a black to read were not the only laws. There were other laws that related to any other kind of process which allowed for the socialization of blacks. There were laws which forbade marriage among slaves. For 232 years most of the enslaved population could not even legally get married. It was not surprising then that there were breakdowns in family structures, that slaves struggled so hard to hold together after emancipation. It is not surprising there is a legacy of problems related to families.

It is not surprising there is a legacy of problems related to economics, just plain money. If you came here as a slave, you did not come with any relatives in the old country who could send you money, any relatives who could make arrangements with relatives already living here to take care of you for a little while. If you did not have relatives, some group, other immigrants who came, they found someone here. We were not immigrants, but the immigrants who came, they found someone here they could relate to. Whether they were relatives or not, if they came from the old country, they helped.

So those people were relatively rich compared to slaves, who were deliverately torn from their tribes and torn from their ethnic backgrounds. Deliberate attempts were made to wipe out their identity, to put them together from different tribes so they did not speak the same language, and deliberately chaos was fomented.

This was the heritage they came with, economically, zero, nothing. For 232 years, since slaves were owned by somebody else, they could not accumulate any wealth.

There are recent studies that have shown that blacks in this country right now, even the middle-class blacks who have jobs and incomes which are comparable to whites with comparable education, the income gap has closed a great deal. We can say that we have made great strides and that equality is just over the horizon in terms of the income earned by middle-class, educated blacks, versus middle-class, educated whites. But there is a great gap in wealth.

A recent book shows that the gap in wealth is due to one important phenomena that exists among all other people, and that is inheritance; that even a small inheritance passed down from one generation to another, it builds up wealth. Most of the homes, which account for a large part of the wealth of new couples, most of the homes bought by new couples who are white are paid for by the down payment, or some large part of the home is paid for by the parents of the couple on one side or the other. They help. They pass on that kind of capital. There are many other examples of capital belongings that are passed on which account for wealth.

But here you have slaves, and we are the descendants of slaves who passed on nothing for 232 years. And then 100 years after that 232 years, the oppression was so great that the ability, the capacity to earn anything to pass down, was almost zero still. So is it surprising that the economic conditions of blacks in America at this very point, with all of the efforts that have been made to try to improve them and to close the gaps, they remain very serious in terms of capital and assets. Even the best off blacks, the middle-class blacks, do not have capital assets.

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What does that boil down to? It means that if we streamline and we downsize and we take a job from a middle-class black, in a few months that middle-class black will be in poverty. There are no assets to back them up and to sustain them over a long period of time. So 3 to 6 months can spell disaster for a middle-class black earning a decent salary with a decent education.

The implications of this, I think, are not irrelevant to the discussion of Joseph Rainey. Joseph Rainey happened to be a situation where his father purchased his freedom. And I think it is to the credit of American slavery—there were some features in North American slavery that did not exist in South American slavery.

One of the things about North American slavery versus South American slavery was that in South America, the pattern of slavery for a long time was that slaves were brought over in large numbers and they were worked until they were worked to death. There was no attempt made to try to group slaves together and breed slaves and have offspring from the slaves, et cetera.

The pressure in North America, always there was a pressure, very early, this improvement of slavery so that the numbers that would come in were slowed down. And, finally, there were laws against more slaves coming in. And, finally, a law was passed which made slavery illegal and freed the slaves. There was a law to limit the number coming in. So the slave masters, the slave owners, the slave business in America did breed slaves. It found value in keeping the slaves alive. And in a sort of perverse way, that was a benefit.

Another benefit was, because of the pressure, the moral pressure, there were large numbers of slave owners who began to allow their slaves to purchase their freedom. It was a way to earn some extra income, I guess, in many cases. But for whatever reason, the purchase of the freedom by slaves even in South Carolina was a possibility. And the father of Joseph Rainey purchased his freedom, became a barber. Rainey became a barber. He had some sense of free enterprise.

Rainey was forced into the Confederate war machine later and he escaped. And, of course, I think we have related the story already of how he went to the West Indies and then came back after the war was over.

But the implications are what concern me most. I just want to close by trying to picture, again, and hoping that young people, both black and white, will try to picture a situation where slaves suddenly are able to move into politics. Slaves are begrudgingly admitted to the House of Representatives.

And this House of Representatives, which has always prided itself on being quite civil, was pretty mean and pretty nasty to the first black Congressman who came here. I just want to read from a book, which I will commend to those who are interested. Being a librarian, I cannot help but pass on some knowledge of where one can get some more knowledge. This is book called "Black Americans in Congress, 1870 to 1989." And the book is printed by the Government Printing Office, because it is a product of the Office of the Historian of the U.S. House of Representatives, and it was put together when Lindy Boggs was the chairman of the Bicentennial for Congress.

So this is a very good sketch of all the black Congressman from 1870 to 1989. And the introduction of this is by RON DELLUMS, who was at that time, when the book came out, the chairman of the Congressional Black Caucus. I want to read one or two paragraphs of this.

"The 19th Century black Congressmen, who unanimously adhered to the Republican party"—that is one of the ironies of history, is that all of the Congressmen who came here, Senators and Congressmen, were Republicans, because Abraham Lincoln was a Republican. It was the Republicans who freed the slaves. How history has changed.

> The 19th Century black Congressmen, who unanimously adhered to the Republican party, which had championed the rights of freed men, often found the struggle for political equality continued after their election. Many of them faced contested elections and spent a good deal of their time defending the legitimacy of their claim to a House seat. Others found it difficult to speak on the floor or were subject to the hostility of various colleagues on the floor.

I think our colleague, Mr. CLYBURN, noted before that there were all kinds of tricks employed to get rid of the black Congressmen, and they finally succeeded in getting rid of all of them for a long period of time. But every

step of the way there were tricks employed, even in States where there was an overwhelming number of blacks, there were still more whites in many of the State legislatures and political offices than there were blacks, and there was still a situation where Mr. Rainey found himself challenged in election after election when he came here, due to the trickery and the various ways of denying representation.

I will not accuse the Supreme Court of trickery, but sometimes attitudes and postures, leanings, ideological bents, whatever we want to call them, can be just as poisonous as the kind of trickery that kept the number of black Congressmen very low and created misery for those who were here.

The Supreme Court, all of a sudden, as was pointed out by my colleague, Mr. CLYBURN, all of a sudden the Supreme Court has become interested in the aesthetics and the shape of congressional districts. Now, for years, since the beginning of the Republic, the aesthetics have been bad, because always incumbents and people in power, parties in power, drew the lines to get the best benefits for themselves.

So if we look over history, and we have some booklets that have the shapes of congressional districts over history, the worst shaped districts do not exist right now. There have been some far worse ones that have existed. The voting rights area districts that are being challenged now, those that happen to have black congresspersons or persons of African descent elected from them, they are not the worst that exist now. There are much worse, much more oddly shaped districts.

Suddenly the aesthetics have become a problem and we have a Supreme Court ruling that when we have these odd-shaped, strange-shaped districts, then something probably is wrong and we have a right to challenge them. And certainly if race is involved, that becomes a major factor.

We have a problem in this second period of reconstruction, when blacks finally began to get numbers in Congress which are consummate and comparable to the numbers of the population. We have officially, I think, about 13 percent of the population. Probably more, but about 13 percent. But we do not have 13 percent representation in Congress, but we are moving in that direction. We have 10. We are moving toward 10 percent. And as we move in that direction, we have these new challenges and this concern for aesthetics. It is a new kind of trickery.

I will close with the fact that the participation level in history by blacks must be raised. We must look back more carefully and more intensely at our history. Not just blacks but all Americans.

I think a great statement was made today by the Prime Minister of Israel about the greatness of America. We are a great country. There are many great attributes, and the greatness of America flowered in the 20th century. It was not the 19th century, as we came out of slavery, I assure you, but the 20th century.

We have a lot to be proud of, but we should look back on some of the history which is not so glorious and use the lessons of that history to take care of some of the problems that keep manifesting themselves in the mean-spiritedness that is exhibited in the budget debate and in the coming set of diversions that will take place as we move toward the election of 1996.

I thank the gentleman for yielding me this time.

Mr. PAYNE of New Jersey. I want to thank the gentleman very much for those remarks. Very instructive. And let me just say, as we conclude, that as the first African-American to serve in the Congress from the great State of New Jersey, we have to take a look at history, too, in the North.

As the gentleman knows, the North was the great divide and fought against the Confederacy. But in my State of New Jersey slavery was outlawed in 1804, but the law stated that a female at the age of 21 may become free and a male at the age of 25. Well, at the time of the Emancipation Proclamation in New Jersey, there were still slaves and there were still slaves in New Jersey until after the Civil War because there were children.

It went on to say that a child born of a slave, of course, was a slave. So, therefore, before a person would get to be 21 or 25, their child was a slave; and, therefore, they continued to have slavery in New Jersey, although the underground railroad came through New Jersey. As a matter of fact, Harriet Tubman retired in New Jersey and took the little pension that she got to help other people who were more impoverished, even though she was practically penniless.

In our State of New Jersey the 13th, 14th, and 15th amendments were defeated. The 13th amendment was defeated. The 14th amendment was passed, but then it was overturned by the legislature that just ruled out the entire legislature. The party that passed it was the Republican Party. The Democrats came in and won the election by virtue of the fact that New Jersey did not want to have that ratified. And the 15th amendment also failed to be passed.

So we have a history. In 1860, New Jersey, Lincoln lost New Jersey. And again in 1864, because New Jersey opposed his policies of the freeing of slaves. And so in 1868 there was a great meeting in Trenton, NJ, where African-Americans came together to talk about the fact that they were still disenfranchised. It was difficult to vote. There was still slavery.

As a matter of fact, New Jersey supplied the South with a great deal of their products, of leather and copper and brass, because New Jersey was a State that invented some ways of tanning leather and shining brass, and so New Jersey was a key State for enterprise in the South.

So I think it is interesting, as the gentleman indicated, that we remember what happened in history. Of course, it was great that in 1868 it was the black vote that created the victory for the President in that election. As a matter of fact, in 1868 the Presidential nominee lost the majority of the white vote, and it was the 70-percent turnout of blacks in the South that could vote for the first time because of the Emancipation Proclamation in the 1868 election that caused a victory.

So I think that as we conclude here, it has been very instructive. I certainly appreciate the comments from both of the gentlemen; that 232 if a number that should continually be talked about, the years of slavery. We need to have another time.

And just talking about wealth, it was the Homestead Act, where people were able to get property, but African-Americans were restricted from participating in the Homestead Act. There were land grants where people were granted land. If they lived on land in the 1860's for over 5 years, the land was given to them.

I have talked to people who today still own property that their great, great, great grandparents got in the Homestead Act. All an individual did, they got on a horse, or they ran on foot and simply put a stake on the land, and whoever got there first owned the land. African-American blacks could not participate in that. It was not that we could not run, it was just that they would not let us run.

So I would like to, once again, thank my colleagues. I think that probably our time has been consumed, and I certainly appreciate the Speaker's indulgence. Let me say that, once again, we appreciate your comments and we should do this again because there is so much to talk about.

In the gentleman's State of New York, there were riots because people in New York did not want to fight in the Civil War. They did not want to possibly be injured or maimed fighting the South.

Mr. FALEOMAVAEGA. Mr. Speaker, today marks the 125th anniversary of the first African-American elected to the House of Representatives. Joseph Hayne Rainey, was elected to Congress in December 12, 1870, serving four consecutive terms from the First Congressional District of South Carolina. He also was the first black Member of Congress from South Carolina.

From the humbling vocation of his father, a barber, to being drafted by the Confederacy to fortify Charleston, Joseph Hayne Rainey climbed the ranks of the Republican Party, serving as county chairman and as a member of the State executive committee from 1868 to 1876.

While in Congress Joseph Rainey served on the following committees: Freedman's Affairs; Indian Affairs; Invalid Pensions; Selected Enrolled Bills; Select Centennial; and the Celebration of Proposed National Census of 1875.

He was recognized for his gracious and suave manner, never humiliating, always approachable and always in service to his constituents. He demonstrated considerable ability as the expounder of the political aspirations for African-Americans, actively seeking civil rights legislation, including the integration of public schools.

Mr. Speaker, today we pay tribute to Joseph Hayne Rainey, the first elected African-American Representative from South Carolina.

He portrayed the struggle of African-Americans, the struggle to be recognized as people and citizens of the United States. As well as the passage of the 1866 Civil Rights Act, the 13th, 14th, and 15th amendments to our Constitution, Joseph Rainey provided African-Americans a vision of what can be achieved. He fought hard for both African-Americans and caucasians, for the free and those still in chains, for the literate and illiterate, for man and for woman—believing in equal opportunity and equal access, and that race should not be an issue.

Mr. Speaker, I am in admiration of Joseph Rainey's achievement. He entered the political arena 10 to 20 years removed from the bondage of slavery, and his rise to the Halls of Congress helped lift the struggle of African-Americans to a new plain and acknowledgment.

Joseph Hayne Rainey, born June 21, 1832, died August 1, 1887. Elected to the U.S. House of Representatives 125 years ago, December 12, 1870.

Mr. Speaker, I yield back to my colleague from New Jersey, Congressman PAYNE, and thank him for the opportunity to bear testimony on this special occassion.

Mr. SCOTT. Mr. Speaker, this evening, I join my colleagues in commemorating the 125th anniversary of the swearing-in of an outstanding legislator, leader and African-American hero—Congressman Joseph Hayne Rainey of South Carolina. Participating in this commemoration is a special privilege for me because direct descendants of Congressman Joseph Rainey are constituents of mine in the Third District of Virginia.

Congressman Rainey was the first African-American ever elected to the House of Representatives, who actually served in this body. He was elected during the Reconstruction period, in a special election to fill the unexpired term created by the resignation of an incumbent.

Congressman Rainey was born to slave parents in Georgetown, SC, on June 21, 1832. His father purchased his family's freedom and taught Congressman Rainey the barber's trade. Rainey lived for a time in Philadelphia and it was there that he met and married his wife, Susan. During the Civil War, Rainey was drafted and served passengers on a Confederate blockade runner. In 1862, he and his wife escaped on a blockade runner to Bermuda, where slavery had been abolished in 1834.

In 1866, Congressman Rainey returned with his wife to Georgetown, SC, where he became active in the political life of his community. He joined the South Carolina Republican Party and became a representative to the 1868 South Carolina Constitutional Convention. He was elected to a 4-year term in the State senate. Two months later, he was nominated by his party and elected to the 41st Congress. After serving the partial term in the 41st Congress, he won reelection without opposition in 1872.

Congressman Rainey was an active and vocal proponent for social and economic justice during his tenure in office. He spoke on behalf of the civil rights bill sponsored by Senator Charles Sumner that outlawed racial discrimination in schools, transportation and public accommodations. In addition, he fought to expand educational opportunities by insisting that Federal aid to education be provided to all citizens and not exclude individuals by either race or region. In the congressional debate on the issue of education, Congressman Rainey stated:

> I would not have it known that this ignorance is widespread; it is not confined to any one State. This mental midnight, we might justly say, is a national calamity, and not necessarily sectional. We should, therefore, avail power to avert its direful effects. The great remedy, in my judgment, is free schools, established and aided by the government throughout the land.

Another historical moment during Rainey's congressional service occurred in 1874, when he became the first African-American to preside over a House session.

Throughout his tenure in the House, opponents of Congressman Rainey challenged his elections. He faced virulent opposition by whites because he represented the interests of both his African-American and white constituents. Eventually, such opposition took its toll and Rainey was defeated in 1878.

Congressman Rainey's service in Congress was noteworthy not only for its historic significance, but for the excellent role model he set, as well, for those of us since privileged to serve in this body. We all owe him a debt of gratitude for his life and the legacy of service he left us.

Ms. JACKSON-LEE. Mr. Speaker, I am delighted to commemorate the life and distinguished congressional career of Joseph Hayne Rainey, the first African-American elected to the U.S. House of Representatives. Joseph Hayne Rainey was elected to Congress in 1870 and served until 1879. Among his achievements, the former Representative from South Carolina was eloquently outspoken in favor of legislation to enforce the 14th amendment. He laid the early ground work for the civil rights movement of the 1960's by demanding that African-Americans be admitted to all public places, and he worked to ensure that African-Americans were given all the civil rights that every other American citizen was entitled to.

Congressman Joseph Hayne Rainey was born and raised in South Carolina. His father had bought freedom for the family, and the young Joseph Rainey secured his limited education through private instruction. During the Civil War, when he was drafted by the Confederate authorities to work on forts in Charleston, Joseph Rainey was able to escape to the West Indies. He returned to South Carolina at the end of the war, and instead of exacting revenge against his oppressors, Joseph Rainey strongly supported amnesty and debt relief for ex-Confederates and white planters.

Joseph Rainey's forward-looking vision serves as a model for political office today. We can all learn from his example of courage in the face of adversity. Indeed, Congressman Joseph Hayne Rainey practiced the politics of inclusion, rather than the politics of divide and conquer.

Congressman Rainey served as a Member of Congress during the difficult era of Reconstruction. His policy was to focus on healing America, by moving the country forward into a new era. Today, the strife and division over race continues. Our work here in Congress and our everyday lives should be devoted to understanding our common goals as a Nation by working together for full citizen participation, progress, and peace. It is with a glad heart that I honor Congressman Rainey's life and career, which exemplified true public service.

Mr. CLAY. I rise in honor of the 125th anniversary of the swearing in of Joseph Hayne Rainey of South Carolina, the first black Member of Congress, into the 41st Congress.

In 1870, Rainey became the first black man actually to be seated in the House. He had been elected to a 4-year term in the State Senate, just 2 months prior to winning the congressional seat, which was being vacated because of the resignation of the incumbent, who had been accused of selling appointments to military academies. Rainey was slated as the Republican nominee and defeated his Democratic opponent in a special election. After serving the partial term in the 41st Congress, he won reelection without opposition in 1872.

Rainey was very active and vocal during his tenure of office. He spoke on behalf of the civil rights bill sponsored by Senator Charles Sumner that made racial discrimination in schools, transportation, and public accommodations illegal. He argued that unless certain protections for blacks were firmly established by Federal Law, there should be no amnesty for former Confederate officials.

Rainey also fought to expand educational opportunities. Insisting that Federal aid to education was not a sectional or racial issue, but one of great national import, he produced data showing that 126,946 school-age children in Illinois did not attend school; 308,213 in Indiana were not attending; 666,394 in Louisiana were not enrolled; and in Arkansas, of the 180,000 total school-age population only 40,000 were in daily attendance. In congressional debate, Rainey said,

> I would have it known that this ignorance is widespread; it is not confined to any one State. This mental midnight, we might justly say, is a national calamity, and not necessarily sectional. We should, therefore, avail power to avert its direful effects. The great remedy, in my judgment, is free schools, established and aided by the government throughout the land.

Congressman Rainey was indeed an early advocate for public education, as well as equal opportunity. Thanks to his efforts, and those of other public education advocates,

every child in America has access to education. It is now the task of the 104th Congress to make sure that every child has access to a quality education.

I invite our colleagues to join me in celebrating the life of Joseph Hayne Rainey by accepting and meeting this challenge.

Mrs. COLLINS of Illinois. Mr. Speaker, I rise today in recognition of the Honorable Joseph Hayne Rainey, the first African-American Member of the U.S. Congress. One hundred and twenty-five years ago today, Mr. Rainey took his place in this great Chamber, beginning what was to become a long and distinguished career in public service.

Through hard work and dedication, Joseph Hayne Rainey rose from a limited educational background in the pre-Civil War South to a position of prominence in South Carolina's State government. On December 12, 1870, he was sworn in as a Member of the U.S. House of Representatives, where he served the citizens of South Carolina until his retirement in 1879.

During his time in Congress, Rainey was a forceful advocate in the battle to achieve and uphold the civil rights of all citizens, particularly African-Americans. An eloquent statesman, his speeches in favor of the 14th amendment, the Ku Klux Klan Act, and the Civil Rights Bill helped energize and give credence to the fight to end racial discrimination within all realms of society, including public and private transportation, our Nation's public schools, and the judicial system.

Congressman Rainey's agenda crossed all boundaries of race and region. As a leader in the fight to expand educational opportunities for all citizens, Rainey confronted issues which still occupy the legislative agenda over a century later. His vision of a nation where a child's future was not based upon background or ethnicity, but upon talents and abilities, is his enduring legacy and it remains a dream that we must continually nurture and struggle to achieve.

On this, the anniversary of Joseph Hayne Rainey's swearing-in as the first African-American Member of Congress, I ask my colleagues to join me in paying tribute to this noted trailblazer whose leadership on important societal issues should serve as an inspiration for all Americans.

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to commemorate the Honorable Joseph Hayne Rainey, the first African-American Member of the U.S. Congress. His is a story of struggle and hope, perseverance, and success.

Congressman Joseph Rainey fulfilled the American Dream. No, his is not a story about instant success or one of rags to riches. Mr. Rainey's story is one of struggle, as he was born a slave in Georgetown, SC. Shortly after his birth, Joseph's father bought the Rainey family out of slavery. Soon, the elder Rainey established a prosperous business as a barber. Joseph followed his father's vocation, married and moved to Charleston, SC.

Drafted by the Confederacy in 1862, Joseph built military fortifications until he and his wife escaped to Bermuda. At the end of the war, Joseph returned to South Carolina, where he became active in the Republican Party. After establishing himself politically, Rainey was elected to Congress in 1870.

He went on to serve consecutive terms in Congress, representing his home district of Georgetown. And, as many of us know, that is no simple task even after 100 plus years of Reconstruction. In my State, I am the first African-American Congressman to represent Florida since 1871, when Josiah Walls was elected to serve in Washington. Mrs. MEEK and Ms. BROWN are the first African-American Congresswomen ever to serve our State.

My friends, this is not a fable of the Reconstruction. This is a story of struggle and liberation, this, is the American Dream.

Although my term in this House occurs 125 years after his, Joseph, and I have much in common. While in Congress, Representative Rainey was a very active proponent of civil rights legislation, including the integration of schools. He delivered effective speeches on the enforcement of the 14th amendment and the Ku Klux Klan Act.

The Congressman fought to broaden educational opportunities, believing that Federal aid for education was important to all Americans, regardless of race or region. It is this message that he would probably deliver to the majority in Congress today. Mr. Rainey was fiercely loyal to party and to cause.

And so, Mr. Speaker, it is with great pride that I honor Mr. Joseph Hayne Rainey, the first African-American Member of Congress.

Mr. STOKES. Mr. Speaker, I want to express my appreciation to the gentleman from New Jersey, Congressman DONALD PAYNE, for reserving this special order. DON is doing an outstanding job as chairman of the Congressional Black Caucus. As a founding member of the CBC, I am particularly pleased to join Congressman PAYNE and others as we pay tribute to an individual who was a political trailblazer, and who left his mark on the Halls of Congress and this Nation.

On December 12, 1870, Joseph Hayne Rainey was sworn as a Member of the 41st Congress. In this context, he became the first African-American to serve in the U.S. House of Representatives. He served in this legislative body until March 3, 1879. We gather today, on the 125th anniversary of his significant swearing-in, to recognize the contributions of Joseph Hayne Rainey.

Mr. Speaker, Joseph Rainey's swearing-in was particularly historic in light of the fact that just 2 years earlier, in 1868, a black American was elected to the House of Representatives, but was denied his seat. On November 3, 1868, John Willis Menard was elected to the House of Representatives from the Second Congressional District of Louisiana. Although his credentials were certified by the Governor of that State, Menard's seat was successfully contested and declared vacant on February 27, 1869. As a consequence, John Willis Menard was never permitted to sit in the Congress to which he had been elected. Prior to his departure from the House of Representatives, John Menard became the first black American to deliver a speech on the floor of the House.

History records that America's first black Senator suffered a similar experience. Hiram Revels was elected to the U.S. Senate on January 20, 1870, to fill the unexpired term of Jefferson Davis. Mr. Revels suffered a bitter debate over his right to be seated in the Senate. He faced baseless charges, including the charge that by virtue of his former condition of slavery, that he had not been a U.S. citizen the required 9 years. On February 25, 1870, almost a year to the day after the refusal of the House of Representatives to seat John Menard, Hiram Revels won his seat in the Senate.

It was in this type of setting that Joseph Hayne Rainey entered the Halls of Congress to represent his South Carolina district. Joseph Rainey was born in Georgetown, SC. His father was a barber who brought the freedom to his family. Rainey began his political career as a member of the executive committee of the Republican Party in that State. In 1870, Joseph Rainey was elected to fill the unexpired term of Congressman B.F. Whittenmore. Thus, he became the first black American to be elected and serve as a Member of the U.S. House of Representatives.

In the Congress, Joseph Rainey served with distinction as a member of the Freedmen's Affairs Committee, the Select Enrolled Bills Committee, and the Celebration of Proposed National Census of 1875 Committee, just to name a few. History records that Joseph Rainey was a skilled legislator and orator. He made impressive speeches on the House floor in favor of legislation to enforce the 14th amendment and the Civil Rights Act. Joseph Rainey also fought to expand educational opportunities. It was his belief that this was not an issue involving region or color, but an issue of great national importance.

Joseph Hayne Rainey served in the U.S. Congress until his retirement on March 3, 1879. Following his tenure in Congress, he was appointed as a special agent of the Treasury Department for South Carolina. He died in his hometown of Georgetown, SC, in 1886.

Mr. Speaker, as we gather in the House Chamber today, we pay tribute to Joseph Hayne Rainey. He and many others were trailblazers for the generations of black elected officials who have followed in their path. I applaud our good friend, Congressman DONALD PAYNE, for calling this special order to acknowledge the contributions of Joseph Hayne Rainey. It is certainly fitting and appropriate that we do so.

Ms. ROS-LEHTINEN. Mr. Speaker, I join my colleagues in this tribute to the public service of the Honorable Joseph Rainey of South Carolina, who was sworn in as a Member of the House of Representatives 125 years ago.

I congratulate Congressman DONALD PAYNE, chairman of the Congressional Black Caucus, for organizing this special order in honor of Congressman Rainey.

Born in slavery in 1832, Congressman Rainey joined the Republican Party at the end of the Civil War, and in 1870 was elected to the South Carolina State senate. That same year, a vacancy in the U.S. House of Representatives presented Joseph Rainey with the opportunity to accept the Republican nomination for the First Congressional District in South Carolina. He defeated Democrat C.W. Dudley, and was sworn in as a Member of this House on December 12, 1870.

Congressman Rainey was reelected in 1872, again in 1874, and in 1876. It was only after the tragic political compromise of 1877, in which the rights of black Americans were

sacrificed to political expediency, that Congressman Rainey's political career faded. After Federal troops withdrew from the South, the protection of all voter's rights to vote became impossible. The party of Abraham Lincoln was no longer able to protect Congressman Rainey in the increasingly polarized South that emerged after the reconstruction era ended. Mr. Rainey lost the election of 1878, and was never again to serve in public office.

I am proud to be a member of Mr. Rainey's party, and proud of our heritage of racial justice and political courage. Since Mr. Rainey's service in the Congress, we have made great strides toward our goal of making the House of Representatives into a house that truly represents the American people.

We were able to make those strides only because of the political and personal courage of our predecessors in public office. When one studies the social conditions of the late 19th century in a small southern city like Washington, DC, one knows that Mr. Rainey must have been a man of great personal courage and strength.

May we here today always strive to live up to his example.

Mr. SANFORD. Mr. Speaker, 125 years ago today one of my predecessors in the First District of South Carolina, the Honorable Joseph Hayne Rainey, was sworn in as the first African-American Member of the U.S. House of Representatives. I am proud to carry on his tradition of service to our area of South Carolina.

Representative Joseph Hayne Rainey was born in Georgetown, SC in 1832. Although having limited education he became a leader in post-Civil War South Carolina. And, in 1867, Representative Rainey became a member of the executive committee of the newly formed Republican Party of South Carolina. He served as a delegate to South Carolina's constitutional convention, and was later elected to the State senate. In 1870 he was elected to fill a vacant seat in the U.S. House of Representatives and served until 1879.

While in the House of Representatives, he impressed many people with his floor speeches on behalf of the enforcement of the 14th amendment and the civil rights bill. He was a fervent believer in equal rights for all citizens.

But this is what anyone could find out, as I did, through reading the brief biographical sketches that exist of Representative Rainey. What particularly struck me was that Representative Rainey was a man of conviction. He is described, in one of these sketches, as a man who stuck to his principles and was known as a courteous debater who defended his position not through arrogance, but through persuasion. In this respect, I seek to emulate him.

I was also impressed by the fact that Representative Rainey after leaving the House served again in South Carolina and then returned to Washington to work in the banking and brokerage business. In this sense, he also represented what I seek to be, a citizen legislator. And I am honored to be able to follow in his footsteps as a representative of the First District of South Carolina.

Miss COLLINS of Michigan. Mr. Speaker, I am pleased to commemorate the 125th anniversary of the election to Congress of the first African-American Member. Clearly, the highest honor we could bestow on the Honorable Joseph Hayne Rainey is to assure him that the struggle he began in this Congress 125 years ago, is being carried on today by some of us who still recognize that racial inequality and discrimination—two of the issues Congressman Rainey struggled valiantly against—continue to impact important policy decisions of this body. We saw it in our consideration of the sentencing guidelines relating to crack cocaine. We see it in the ongoing emphasis of the majority to put more of our citizens in prison, as opposed to investing in education and jobs. It is visible in the efforts by some to reduce the liability for white collar crime and securities fraud. We see it this week in the foreign operations appropriations measure which provides billions of foreign aid to some individual countries, while completely annihilating aid to the entire region of the sub-Saharan African countries. Another example is the announced effort in the coming session to eliminate affirmative action programs, without taking other effective steps to correct racial discrimination in that all important area of meaningful employment.

I believe that all of these important issues and others like them would be of great concern to Congressman Joseph Hayne Rainey, if he were here today. And I want him to know that partly due to the inspiration of his efforts and memory—many of us are still here working in support of his cause. Thank you Congressman Rainey. We will continue the fight.

GENERAL LEAVE

Mr. PAYNE of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order today.

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

There was no objection.

CONFERENCE REPORT ON H.R. 1977, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

Mr. REGULA submitted the following conference report and statement on the bill (H.R. 1977) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes:

CONFERENCE REPORT (H. REPT. 104–402)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1977) making appropriations for the Department of the Interior and related agencies, for the fiscal year ending September 30, 1996, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 21, 24, 40, 54, 57, 67, 77, 83, 85, 94, 99, 100, 105, 107, 111, 117, 118, 123, 136, 138, 147, 148, 155, 163, 166, and 169.

That the House recede from its disagreement to the amendments of the Senate numbered 10, 11, 13, 15, 16, 17, 18, 19, 20, 28, 32, 34, 36, 45, 46, 48, 50, 51, 52, 56, 59, 61, 62, 66, 71, 72, 73, 74, 75, 76, 78, 80, 81, 82, 87, 88, 93, 96, 97, 102, 103, 106, 109, 113, 121, 124, 126, 127, 128, 129, 130, 131, 133, 134, 137, 139, 140, 141, 142, 143, 144, 145, 149, 150, 157, 159, 160, 161, and 162, and agree to the same.

Amendment numbered 1:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following: , *and assessment of mineral potential of public lands pursuant to P.L. 96–487 (16 U.S.C. 3150 (a)), $568,062,000*; and the Senate agree to the same.

Amendment numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows: After the first comma in said amendment insert: *of which $2,000,000 shall be available for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of P.L. 96–487 (16 U.S.C. 3150), and*; and the Senate agree to the same.

Amendment numbered 3:

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$568,062,000*; and the Senate agree to the same.

Amendment numbered 5:

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$3,115,000*; and the Senate agree to the same.

Amendment numbered 6:

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$101,500,000*; and the Senate agree to the same.

Amendment numbered 7:

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$12,800,000*; and the Senate agree to the same.

Amendment numbered 8:

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$93,379,000*; and the Senate agree to the same.

Amendment numbered 9:

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following: *$497,943,000, to remain available for obligation until September 30, 1997*, and the Senate agree to the same.

Amendment numbered 12:

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$37,655,000*; and the Senate agree to the same.

Amendment numbered 14:

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$36,900,000*; and the Senate agree to the same.

Amendment numbered 22:

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert: *:Provided further, That the Director of the Fish and Wildlife Service may charge reasonable fees for expenses to the Federal Government for providing training by the National Education and Training Center: Provided further, That all training fees collected shall be available to the Director, until expended, without further appropriation, to be used for the costs of training and education provided by the National Education and Training Center*; and the Senate agree to the same.

Amendment numbered 23:

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment amended as follows: Following "Public Law 88–567," insert: *if for any reason the Secretary disapproves for use in 1996 or does not finally approve for use in 1996 and pesticide or chemical which was approved for use in 1995 or had been requested for use in 1996 by the submission of a pesticide use proposal as of September 19, 1995,* ; and the Senate agree to the same.

Amendment numbered 25:

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert: *:$1,083,151,000*; and the Senate agree to the same.

Amendment numbered 26:

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows: , *and of which not more than $500,000 shall be available for development of the National Park Service's management plan for the Mojave National Preserve: Provided, That these funds shall be strictly limited to the development activities for the Preserve's management plan* ; and the Senate agree to the same.

Amendment numbered 27:

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *:$37,649,000* ; and the Senate agree to the same.

Amendment Numbered 29:

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$36,212,000* ; and the Senate agree to the same.

Amendment Numbered 30:

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$143,225,000* ; and the Senate agree to the same.

Amendment Numbered 31:

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows:

In lieu of the sum stricken and inserted by said amendment insert the following: *$4,500,000 of the funds provided herein* ; and the Senate agree to the same.

Amendment Numbered 33:

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$49,100,000* ; and the Senate agree to the same.

Amendment Numbered 35:

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *: Provided, That any funds made available for the purpose of acquisition of the Elwha and Glines dams shall be used solely for acquisition, and shall not be expended until the full purchase amount has been appropriated by the Congress*; and the Senate agree to the same.

Amendment numbered 37:

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert: *None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.*

And the Senate agree to the same.

Amendment numbered 38:

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

The National Park Service may enter into cooperative agreements that involve the transfer of National Park Service appropriated funds to state, local and tribal governments, other public entities, educational institutions, and private nonprofit organizations for the public purpose of carrying out National Park Service programs.

And the Senate agree to the same.

Amendment numbered 39:

That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

The National Park Service shall, within existing funds, conduct a Feasibility Study for a northern access route into Denali National Park and preserve in Alaska, to be completed within one year of the enactment of this Act and submitted to the House and Senate Committees on Appropriations and to the Senate Committee on Energy and (Natural Resources and the House Committee on Resources. The Feasibility Study shall ensure that resource impacts from any plan to create such access route are evaluated with accurate information and according to a process that takes into consideration park values, visitor needs, a full range of alternatives, the viewpoints of all interested parties, including the tourism industry and the State of Alaska, and potential needs for compliance with the National Environmental Policy Act. The Study shall also address the time required for development of alternatives and identify all associated costs.

This Feasibility Study shall be conducted solely by the National Park Service planning personnel permanently assigned to National Park Service offices located in the State of Alaska in consultation with the State of Alaska Department of Transportation.

And the Senate agree to the same.

Amendment numbered 41:

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following: *and to conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g and related purposes as authorized by law and to publish and disseminate data; $73,503,000*; and the Senate agree to the same.

Amendment numbered 42:

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment amended to read as follows: , *and of which $137,000,000 for resource research and the operations of Cooperative Research Units shall remain available until September 30, 1997, and of which $16,000,000 shall remain available until expended for conducting inquiries into the economic conditions affecting mining and materials processing industries*; and the Senate agree to the same.

Amendment numbered 43:

That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment amended to read as follows: *: Provided further, That funds available herein for resource research may be used for the purchase of not to exceed 61 passenger motor vehicles, of which 55 are for replacement only: Provided further, That none of the funds available under this head for resource research shall be used to conduct new surveys on private property, including new aerial surveys for the designation of habitat under the Endangered Species Act, except when it is made known to the Federal official having authority to obligate or expend such funds that the survey or research has been requested and authorized in writing by the property owner or the owner's authorized representative: Provided further, that none of the funds provided herein for resource research may be used to administer a volunteer program when it is made known to the Federal official having authority to obligate or expend such funds that the volunteers are not properly trained or that information gathered by the volunteers is not carefully verified: Provided further, That no later than April 1, 1996, the Director of the United States Geological Survey shall issue agency guidelines for resource research that ensure that scientific and technical peer review is utilized as fully as possible in selection of projects for funding and ensure the validity and reliability of research and data collection on Federal lands: Provided further, That no funds available for resource research may be used for any activity that was not authorized prior to the establishment of the National Biological Survey: Provided further, That once every five years the National Academy of Sciences shall review and report on the resource research activities of the Survey: Provided further, That if specific authorizing legislation is*

enacted during or before the start of fiscal year 1996, the resource research component of the Survey should comply with the provisions of that legislation: Provided further, That unobligated and unexpended balances in the National Biological Survey, Research, inventories and surveys account at the end of the fiscal year 1995, shall be merged with and made a part of the United States Geological Survey, Surveys, investigations, and research account and shall remain available for obligation until September 30, 1996: Provided further, That the authority granted to the United States Bureau of Mines to conduct mineral surveys and to determine mineral values by section 603 of Public Law 94-579 is hereby transferred to, and vested in, the Director of the United States Geological Survey; and the Senate agree to the same.

Amendment numbered 44:

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$182,994,000*; and the Senate agree to the same.

Amendment numbered 47:

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following:

For expenses necessary for, and incidental to, the closure of the United States Bureau of Mines, $64,000,000, to remain available until expended, of which not to exceed $5,000,000 may be used for the completion and/or transfer of certain ongoing projects within the United States Bureau of Mines, such projects to be identified by the Secretary of the Interior within 90 days of enactment of this Act: Provided, That there hereby are transferred to, and vested in, the Secretary of Energy: (1) the functions pertaining to the promotion of health and safety in mines and the mineral industry through research vested by law in the Secretary of the Interior or the United States Bureau of Mines and performed in fiscal year 1995 by the United States Bureau of Mines at its Pittsburgh Research Center in Pennsylvania, and at its Spokane Research Center in Washington; (2) the functions pertaining to the conduct of inquiries, technological investigations and research concerning the extraction, processing, use and disposal of mineral substances vested by law in the Secretary of the Interior or the United States Bureau of Mines and performed in fiscal year 1995 by the United States Bureau of Mines under the minerals and materials science programs at its Pittsburgh Research Center in Pennsylvania, and at its Albany Research Center in Oregon; and (3) the functions pertaining to mineral reclamation industries and the development of methods for the disposal, control, prevention, and reclamation of mineral waste products vested by law in the Secretary of the Interior or the United States Bureau of Mines and performed in fiscal year 1995 by the United States Bureau of Mines at its Pittsburgh Research Center in Pennsylvania: Provided further, That, if any of the same functions were performed in fiscal year 1995 at locations other than those listed above, such functions shall not be transferred to the Secretary of Energy from those other locations; Provided further, That the Director of the Office of Management and Budget, in consultation with the Secretary of Energy and the Secretary of the Interior, is authorized to make such determinations as may be necessary with regard to the transfer of functions which relate to or are used by the Department of the Interior, or component thereof affected by this transfer of functions, and to make such dispositions of personnel, facilities, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to or to be made available in connection with, the functions transferred herein as are deemed necessary to accomplish the purposes of this transfer: Provided further, That all reductions in personnel complements resulting from the provisions of this Act shall, as to the functions transferred to the Secretary of Energy, be done by the Secretary of the Interior as though these transfers had not taken place but had been required of the Department of the Interior by all other provisions of this Act before the transfers of function become effective: Provided further, That the transfers of function to the Secretary of Energy shall become effective on the date specified by the Director of the Office of Management and Budget, but in no event later than 90 days after enactment into law of this Act: Provided further, That the reference to "function" includes, but is not limited to, any duty, obligation, power, authority, responsibility, right, privilege, and activity, or the plural thereof, as the case may be; and the Senate agree to the same.

Amendment numbered 49:

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$173,887,000*; and the Senate agree to the same.

Amendment numbered 53:

That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following: *$1,384,434,000*; and the Senate agree to the same.

Amendment numbered 55:

That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following: *$100,255,000 shall be for welfare assistance grants and not to exceed $104,626,000*; and the Senate agree to the same.

Amendment numbered 58:

That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$68,209,000*; and the Senate agree to the same.

Amendment numbered 60:

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$71,854,000*; and the Senate agree to the same.

Amendment Numbered 63:

That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment amended as follows: Before "*: Provided further*" in said amendment, insert: *, to become effective on July 1, 1997*; and the Senate agree to the same.

Amendment Numbered 64:

That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$100,833,000*; and the Senate agree to the same.

Amendment Numbered 65:

That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$80,645,000*; and the Senate agree to the same.

Amendment Numbered 68:

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment amended as follows: In lieu of the sum named in said amendment insert: *$500,000*; and the Senate agree to the same.

Amendment Numbered 69:

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment, amended as follows:

In lieu of the first sum named in said amendment insert: *$4,500,000*.

In lieu of the second sum named in said amendment insert: *$35,914,000*.

In lieu of the third sum named in said amendment insert: *$500,000*; and the Senate agree to the same.

Amendment Numbered 70:

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following: *$65,188,000, of which (1) $61,661,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, and brown tree snake control and research*; and the Senate agree to the same.

Amendment Numbered 79:

That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment amended as follows:

In lieu of "October 1, 1995" named in said amendment insert: *March 1, 1996*; and the Senate agree to the same.

Amendment Numbered 84:

That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows: *Sec. 108. Prior to the transfer of Presidio properties to the Presidio Trust, when authorized, the Secretary may not obligate in any calendar month more than 1/12 of the fiscal year 1996 appropriation for operation of the Presidio: Provided, That this section shall expire on December 31, 1995.*

And the Senate agree to the same.

Amendment Numbered, 86:

That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 115. (a) Of the funds appropriated by this Act or any subsequent Act providing for appropriations in fiscal years 1996 and 1997, not more than 50 percent of any self-governance funds that would otherwise be allocated to each Indian tribe in the State of Washington shall actually be paid to or on account of such Indian

tribe from and after the time at which such tribe shall—

(1) take unilateral action that adversely impacts the existing rights to and/or customary uses of, nontribal member owners of fee simple land within the exterior boundary of the tribe's reservation to water, electricity, or any other similar utility or necessity for the nontribal members' residential use of such land; or

(2) restrict or threaten to restrict said owners use of or access to publicly maintained rights of way necessary or desirable in carrying the utilities or necessities described above.

(b) Such penalty shall not attach to the initiation of any legal actions with respect to such rights or the enforcement of any final judgments, appeals from which have been exhausted, with respect thereto.

And the Senate agree to the same.

Amendment Numbered 89:

That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert: *Sec. 118. Section 4(b) of Public Law 94–241 (90 Stat. 263) as added by section 10 of Public Law 99–396 is amended by deleting "until Congress otherwise provides by law." and inserting in lieu thereof: "except that, for fiscal years 1996 through 2002, payments to the Commonwealth of the Northern Mariana Islands pursuant to the multi-year funding agreements contemplated under the Covenant shall be $11,000,000 annually, subject to an equal local match and all other requirements set forth in the Agreement of the Special Representatives on Future Federal Financial Assistance of the Northern Mariana Islands, executed on December 17, 1992 between the special representative of the President of the United States and special representatives of the Governor of the Northern Mariana Islands with any additional amounts otherwise made available under this section in any fiscal year and not required to meet the schedule of payments in this subsection to be provided as set forth in subsection (c) until Congress otherwise provides by law.*

"(c) The additional amounts referred to in subsection (b) shall be made available to the Secretary for obligation as follows:

"(1) for fiscal years 1996 through 2001, $4,580,000 annually for capital infrastructure projects as Impact Aid for Guam under section 104(c)(6) of Public Law 99–239;

"(2) for fiscal year 1996, $7,700,000 shall be provided for capital infrastructure projects in American Samoa; $4,420,000 for resettlement of Rongelap Atoll; and

"(3) for fiscal years 1997 and thereafter, all such amounts shall be available solely for capital infrastructure projects in Guam, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Federated States of Micronesia and the Republic of the Marshall Islands: Provided, That, in fiscal year 1997, $3,000,000 of such amounts shall be made available to the College of the Northern Marianas and beginning in fiscal year 1997, and in each year thereafter, not to exceed $3,000,000 may be allocated, as provided in appropriations Acts, to the Secretary of the Interior for use by Federal agencies or the Commonwealth of the Northern Mariana Islands to address immigration, labor, and law enforcement issues in the Northern Mariana Islands. The specific projects to be funded in American Samoa shall be set forth in a five-year plan for infrastructure assistance developed by the Secretary of the Interior in consultation with the American Samoa Government and updated annually and submitted to the Congress concurrent with the budget justifications for the Department of the Interior. In developing budget recommendations for capital infrastructure funding, the Secretary shall indicate the highest priority projects, consider the extent to which particular projects are part of an overall master plan, whether such project has been reviewed by the Corps of Engineers and any recommendations made as a result of such review, the extent to which a set-aside for maintenance would enhance the life of the project, the degree to which a local cost-share requirement would be consistent with local economic and fiscal capabilities, and may propose an incremental set-aside, not to exceed $2,000,000 per year, to remain available without fiscal year limitation, as an emergency fund in the event of natural or other disasters to supplement other assistance in the repair, replacement, or hardening of essential facilities: Provided further, That the cumulative amount set aside for such emergency fund may not exceed $10,000,000 at any time.

"(d) Within the amounts allocated for infrastructure pursuant to this section, and subject to the specific allocations made in subsection (c), additional contributions may be made, as set forth in appropriations Acts, to assist in the resettlement of Rongelap Atoll: Provided, That the total of all contributions from any Federal source after enactment of this Act may not exceed $32,000,000 and shall be contingent upon an agreement, satisfactory to the President, that such contributions are a full and final settlement of all obligations of the United States to assist in the resettlement of Rongelap Atoll and that such funds will be expended solely on resettlement activities and will be properly audited and accounted for. In order to provide such contributions in a timely manner, each Federal agency providing assistance or services, or conducting activities, in the Republic of the Marshall Islands, is authorized to make funds available through the Secretary of the Interior, to assist in the resettlement of Rongelap. Nothing in this subsection shall be construed to limit the provision of ex gratia assistance pursuant to section 105(c)(2) of the Compact of Free Association Act of 1985 (Public Law 99–239, 99 Stat. 1770, 1792), including for individuals choosing not to resettle at Rongelap, except that no such assistance for such individuals may be provided until the Secretary notifies the Congress that the full amount of all funds necessary for resettlement at Rongelap has been provided.".

And the Senate agree to the same.

Amendment Numbered 90:

That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$178.000,000*; and the Senate agree to the same.

Amendment Numbered 91:

That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following: *$136,794,000, to remain available until expended, as authorized by law*; and the Senate agree to the same.

Amendment Numbered 92:

That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,256,253,000*; and the Senate agree to the same.

Amendment Numbered 95:

That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$163,500,000*; and the Senate agree to the same.

Amendment Numbered 98:

That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$41,200,000*; and the Senate agree to the same.

Amendment Numbered 101:

That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment amended as follows: Following "Forest Service," in said amendment insert: *other than the relocation of the Regional Office for Region 5 of the Forest Service from San Francisco to excess military property at Mare Island, Vallejo, California,* ; and the Senate agree to the same.

Amendment Numbered 104:

That the House recede from its disagreement to the amendment of the Senate numbered 104, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert: *Any funds available to the Forest Service may be used for retrofitting Mare Island facilities to accommodate the relocation: Provided, That funds for the move must come from funds otherwise available to Region 5: Provided further, That any funds to be provided for such purposes shall only be available upon approval of the House and Senate Committees on Appropriations.*

And the Senate agree to the same.

Amendment Numbered 108:

That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

For fiscal years 1996 and 1997, the Secretary shall continue the current Tongass Land Management Plan (TLMP) and may accommodate commercial tourism (if an agreement is signed between the Forest Service and the Alaska Visitors' Association), except that during this period, the Secretary shall maintain at least the number of acres of suitable available and suitable scheduled timber lands, and Allowable Sale Quantity, as identified in the Preferred Alternative (Alternative P) in the Tongass Land and Resources Management Plan and Final Environmental Impact Statement (dated October 1992) as selected in the Record of Decision Review Draft #3–2/93. Nothing in this section, including the ASQ identified in Alternative P, shall be construed to limit the Secretary's consideration of new information or to prejudice future revision, amendment or modification of TLMP based upon sound, verifiable scientific data.

If the Forest Service determines in a Supplemental Evaluation to an Environmental Impact Statement that no additional analysis under the National Environmental Policy Act or section 810 of the Alaska National Interest Lands Conservation Act is necessary for any timber sale or offering which has been prepared for acceptance by, or award to, a purchaser after December 31, 1988, that has been subsequently determined by the Forest Service to be available for sale or offering to one or more other purchaser, the change of purchasers for whatever reason shall not be considered a significant new circumstance, and the Forest Service may offer or award such timber sale or offering to a different purchaser or offeree notwithstanding any other

provision of law. A determination by the Forest Service pursuant to this paragraph shall not be subject to judicial review.

And the Senate agree to the same.

Amendment Numbered 110:

That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment, as follows:

In lieu of the sum stricken and inserted by said amendment insert: *and for promoting health and safety in mines and the mineral industry through research (30 U.S.C. 3, 861(b), and 951(a)), for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), and for the development of methods for the disposal, control, prevention, and reclamation of waste products in the mining, minerals, metal, and mineral reclamation industries (30 U.S.C. 3 and 21a), $417,169,000*; and the Senate agree to the same.

Amendment Numbered 112:

That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$148,786,000*; and the Senate agree to the same.

Amendment Numbered 114:

That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$553,293,000*; and the Senate agree to the same.

Amendment Numbered 115:

That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$140,696,000*; and the Senate agree to the same.

Amendment Numbered 116:

That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$114,196,000*; and the Senate agree to the same.

Amendment Numbered 119:

That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$72,266,000*; and the Senate agree to the same.

Amendment Numbered 120:

That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,747,842,000*; and the Senate agree to the same.

Amendment Numbered 122:

That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$238,958,000*; and the Senate agree to the same.

Amendment Numbered 125:

That the House recede from its disagreement to the amendment of the Senate numbered 125, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$308,188,000*; and the Senate agree to the same.

Amendment Numbered 132:

That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$6,442,000*; and the Senate agree to the same.

Amendment Numbered 135:

That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$5,840,000*; and the Senate agree to the same.

Amendment Numbered 146:

That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

PUBLIC DEVELOPMENT

Funds made available under this heading in prior years shall be available for operating and administrative expenses and for the orderly closure of the Corporation, as well as operating and administrative expenses for the functions transferred to the General Services Administration.

And the Senate agree to the same.

Amendment Numbered 151:

That the House recede from its disagreement to the amendment of the Senate numbered 151, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of Subsection (g) insert the following:

(g) Section 3(b) of the Pennsylvania Avenue Development Corporation Act of 1972 (40 U.S.C. 872(b)) is amended as follows:

"(b) The Corporation shall be dissolved on or before April 1, 1996. Upon dissolution, assets, obligations, indebtedness, and all unobligated and unexpended balances of the Corporation shall be transferred in accordance with the Department of the Interior and Related Agencies Appropriations Act, 1996.".

And the Senate agree to the same.

Amendment Numbered 152:

That the House recede for its disagreement to the amendment of the Senate numbered 152, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following:

SEC. 314. (a) Except as provided in subsection (b), no part of any appropriation contained in this Act or any other Act shall be obligated or expended for the operation or implementation of the Interior Columbia Basin Ecosystem Management Project (hereinafter "Project").

(b)(1) From the funds appropriated to the Forest Service and Bureau of Land Management: a sum of $4,000,000 is made available for the Executive Steering Committee of the Project to publish, and submit to the Committees on Agriculture, Nutrition, and Forestry, Appropriations, and Energy and Natural Resources of the Senate and Committees on Agriculture, Appropriations, and Resources of the House of Representatives, by April 30, 1996, an assessment on the National Forest System lands and lands administered by the Bureau of Land Management (hereinafter "Federal lands") within the area encompassed by the Project. The assessment shall be accompanied by draft Environmental Impact Statements that are not decisional and not subject to judicial review, contain a range of alternatives, without the identification of a preferred alternative or management recommendations, and provide a methodology for conducting any cumulative effects analysis required by section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)) in the preparation of such amendment to a resource management plan pursuant to subsection (c)(2). The Executive Steering Committee shall release the required draft Environmental Impact Statements for a ninety day public comment period. A summary of the public comments received must accompany these documents upon its submission to Congress.

(2) The assessment required by paragraph (1) shall contain the scientific information collected and analysis undertaken by the Project on landscape dynamics and forest and rangeland health conditions and the implications of such dynamics and conditions for forest and rangeland management, specifically the management of forest and rangeland vegetation structure, composition, density and related social and economic effects.

(3) The assessment and draft Environmental Impact Statements required by paragraph (1) shall not: contain any material other than that required in paragraphs (1) and (2); be the subject of consultation or conferencing pursuant to section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536); or be accompanied by any record of decision or documentation pursuant to section 102(2) of the National Environmental Policy Act, except as specified in paragraph (1).

(c)(1) From the funds appropriated to the Forest Service and the Bureau of Land Management, each Forest Supervisor of the Forest Service and District Manager of the Bureau of Land Management with responsibility for a national forest or unit of land administered by the Bureau of Land Management (hereinafter "forest") within the area encompassed by the Project shall—

(A) review the resource management plan (hereinafter "plan") for such forest, the scientific information and analysis in the report prepared pursuant to subsection (b) which are applicable to such plan, and any policy which is applicable to such plan upon the date of enactment of this section (whether or not such policy has been added to such plan by amendment), including any which is, or is intended to be, of limited duration, and which the Project addresses; and

(B) based on such review, develop a modification of such policy, or an alternative policy which serves the basic purpose of such policy, to meet the specific conditions of such forest.

(2) For each plan reviewed pursuant to paragraph (1), the Forest Supervisor or District Manager concerned shall prepare and adopt an amendment which: contains the modified or alternative policy developed pursuant to paragraph (1)(B); is directed solely to and affects only such plan; and addresses the specific conditions of the forest to which the plan applies and the relationship of the modified or alternative policy to such conditions. The Forest Supervisor or District Manager concerned shall consult at a minimum, with the Governor of the State, and the Commissioners of the county or counties, and affected tribal governments in which the forest to which the plan applies is situated during the review of the plan required by paragraph (1) and the preparation of an amendment to the plan required by this paragraph.

(3) To the maximum extent practicable, each amendment prepared pursuant to paragraph (2) shall establish site-specific standards in lieu of imposing general standards applicable to multiple sites. Any amendment which would result in any major change in land use allocations within the plan or would reduce the likelihood

of achievement of the goals and objectives of the plan (prior to any previous amendment incorporating in the plan any policy referred to in paragraph (1)(A)) shall be deemed a significant change, pursuant to section 6(f)(4) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(4)) or section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712), requiring a significant plan amendment or equivalent.

(4) Each amendment prepared pursuant to paragraph (2) shall comply with any applicable requirements of section 102(2) of the National Environmental Policy Act, except that any cumulative effects analysis conducted in accordance with the methodology provided pursuant to subsection (b)(1) shall be deemed to meet any requirement of such Act for such analysis and the scoping conducted by the Project prior to the date of enactment of this section shall substitute for any scoping otherwise required by such Act for such amendment, unless at the sole discretion of the Forest Supervisor or District Manager additional scoping is deemed necessary.

(5) The review of each plan required by paragraph (1) shall be conducted, and the preparation and decision to approve an amendment to each plan pursuant to paragraph (2) shall be made, by the Forest Supervisor or District Manager, as the case may be, solely on: the basis of the review conducted pursuant to paragraph (1)(A), any consultation or conferencing pursuant to section 7 of the Endangered Species Act of 1973 required by paragraph (6), any documentation required by section 102(2) of the National Environmental Policy Act, and any applicable guidance or other policy issued prior to the date of enactment of this Act.

(6)(A) Any policy adopted in an amendment prepared pursuant to paragraph (2) which is a modification of or alternative to a policy referred to in paragraph (1)(A) and upon which consultation or conferencing has occurred pursuant to section 7 of the Endangered Species Act of 1973, shall not again be subject to the consultation or conferencing provisions of such section 7.

(B) If required by such section 7, and not subject to subparagraph (A), the Forest Supervisor or District Manager concerned shall consult or conference separately on each amendment prepared pursuant to paragraph (2).

(C) No further consultation, other than the consultation specified in subparagraph (B), shall be undertaken on the amendments prepared pursuant to paragraph (2), on any project or activity which is consistent with an applicable amendment, on any policy referred to in paragraph (1)(A), or on any portion of any plan related to such policy or the species to which such policy applies.

(7) Each amendment prepared pursuant to paragraph (2) shall be adopted on or before October 31, 1996: Provided, That any amendment deemed a significant plan amendment, or equivalent, pursuant to paragraph (3) shall be adopted on or before March 31, 1997.

(8) No policy referred to in paragraph (1)(A), or any provision of a plan or other planning document incorporating such policy, shall be effective in any forest subject to the Project on or after March 31, 1997, or after an amendment to the plan which applies to such forest is adopted pursuant to the provisions of this subsection, whichever occurs first.

(9) On the signing of a record decision or equivalent document making an amendment for the Clearwater National Forest pursuant to paragraph (2), the requirement for revision referred to in the Stipulation of Dismissal dated September 13, 1993, applicable to the Clearwater National Forest is deemed to be satisfied, and the interim management direction provisions contained in the Stipulation of Dismissal shall be of no further effect with respect to the Clearwater National Forest.

(d) The documents prepared under the authority of this section shall not be applied or used to regulate non-Federal lands.

And the Senate agreed to the same.

Amendment numbered 153:

That the House recede from its disagreement to the amendment of the Senate numbered 153, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following:

SEC. 315. RECREATIONAL FEE DEMONSTRATION PROGRAM.

(a) The Secretary of the Interior (acting through the Bureau of Land Management, the National Park Service and the United States Fish and Wildlife Service) and the Secretary of Agriculture (acting through the Forest Service) shall each implement a fee program to demonstrate the feasibility of user-generated cost recovery for the operation and maintenance of recreation areas or sites and habitat enhancement projects on Federal lands.

(b) In carrying out the pilot program established pursuant to this section, the appropriate Secretary shall select from areas under the jurisdiction of each of the four agencies referred to in subsection (a) no fewer than 10, but as many as 50, areas, sites or projects for fee demonstration. For each such demonstration, the Secretary, notwithstanding any other provision of law—

(1) shall charge and collect fees for admission to the area or for the use of outdoor recreation sites, facilities, visitor centers, equipment, and services by individuals and groups, or any combination thereof;

(2) shall establish fees under this section based upon a variety of cost recovery and fair market valuation methods to provide a broad basis for feasibility testing;

(3) may contract, including provisions for reasonable commissions, with any public or private entity to provide visitor services, including reservations and information, and may accept services of volunteers to collect fees charged pursuant to paragraph (1);

(4) may encourage private investment and partnerships to enhance the delivery of quality customer services and resource enhancement, and provide appropriate recognition to such partners or investors; and

(5) may assess a fine of not more than $100 for any violation of the authority to collect fees for admission to the area or for the use of outdoor recreation sites, facilities, visitor centers, equipment, and services.

(c)(1) Amounts collected at each fee demonstration area, site or project shall be distributed as follows:

(A) Of the amount in excess of 104% of the amount collected in fiscal year 1995, and thereafter annually adjusted upward by 4%, eighty percent to a special account in the Treasury for use without further appropriation, by the agency which administers the site, to remain available for expenditures in accordance with paragraph (2)(A).

(B) Of the amount in excess of 104% of the amount collected in fiscal year 1995, and thereafter annually adjusted upward by 4%, twenty percent to a special account in the Treasury for use without further appropriation, by the agency which administers the site, to remain available for expenditure in accordance with paragraph (2)(B).

(C) For agencies other than the Fish and Wildlife Service, up to 15% of current year collections of each agency, but not greater than fee collection costs for that fiscal year, to remain available for expenditure without further appropriation in accordance with paragraph (2)(C).

(D) For agencies other than the Fish and Wildlife Service, the balance to the special account established pursuant to sub-paragraph (A) of section 4(i)(1) of the Land and Water Conservation Fund Act, as amended.

(E) For the Fish and Wildlife Service, the balance shall be distributed in accordance with section 201(c) of the Emergency Wetlands Resources Act.

(2)(A) Expenditures from site specific special funds shall be for further activities of the area, site or project from which funds are collected, and shall be accounted for separately.

(B) Expenditures from agency specific special funds shall be for use on an agency-wide basis and shall be accounted for separately.

(C) Expenditures from the fee collection support fund shall be used to cover fee collection costs in accordance with section 4(i)(1)(B) of the Land and Water Conservation Fund Act, as amended: Provided, That funds unexpended and unobligated at the end of the fiscal year shall not be deposited into the special account established pursuant to section 4(i)(1)(A) of said Act and shall remain available for expenditure without further appropriation.

(3) In order to increase the quality of the visitor experience at public recreational areas and enhance the protection of resources, amounts available for expenditure under this section may only be used for the area, site or project concerned, for backlogged repair and maintenance projects (including projects relating to health and safety) and for interpretation, signage, habitat or facility enhancement, resource preservation, annual operation (including fee collection), maintenance, and law enforcement relating to public use. The agencywide accounts may be used for the same purposes set forth in the preceding sentence, but for areas, sites or projects selected at the discretion of the respective agency head.

(d)(1) Amounts collected under this section shall not be taken into account for the purposes of the Act of May 23, 1908 and the Act of March 1, 1911 (16 U.S.C. 500), the Act of March 4, 1913 (16 U.S.C. 501), the Act of July 22, 1937 (7 U.S.C. 1012), the Act of August 8, 1937 and the Act of May 24, 1939 (43 U.S.C. 1181f et seq.), the Act of June 14, 1926 (43 U.S.C. 869–4), chapter 69 of title 31, United States Code, section 401 of the Act of June 15, 1935 (16 U.S.C. 715s), the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l), and any other provision of law relating to revenue allocation.

(2) Fees charged pursuant to this section shall be in lieu of fees charged under any other provision of law.

(e) The Secretary of the Interior and the Secretary of Agriculture shall carry out this section without promulgating regulations.

(f) The authority to collect fees under this section shall commence on October 1, 1995, and end on September 30, 1998. Funds in accounts established shall remain available through September 30, 2001.

And the Senate agree to the same.

Amendment numbered 154:

That the House recede from its disagreement to the amendment of the Senate numbered 154, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows:

SEC. 316. Section 2001(a)(2) of Public Law 104–19 is amended as follows: Strike "September 30, 1997" and insert in lieu thereof "December 31, 1996".

And the Senate agree to the same.

Amendment numbered 156:

That the House recede from its disagreement to the amendment of the Senate numbered 156, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows:

SEC. 319. GREAT BASIN NATIONAL PARK.

Section 3 of the Great Basin National Park Act of 1986 (16 U.S.C. 410mm-1) is amended—

(1) in the first sentence of subsection (e) by striking "shall" and inserting "may"; and

(2) in subsection (f)—

(A) by striking "At the request" and inserting the following:

"(1) EXCHANGES.—At the request";

(B) by striking "grazing permits" and inserting "grazing permits and grazing leases"; and

(C) by adding after "Federal lands." the following:

"(2) ACQUISITION BY DONATION.—

"(A) IN GENERAL.—The Secretary may acquire by donation valid existing permits and grazing leases authorizing grazing on land in the park.

"(B) TERMINATION.—The Secretary shall terminate a grazing permit or grazing lease acquired under subparagraph (A) so as to end grazing previously authorized by the permit or lease.".

And the Senate agree to the same.

Amendment numbered 158:

That the House recede from its disagreement to the amendment of the Senate numbered 158, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following:

SEC. 322. (a) None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994, and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) PROCESSING SCHEDULE.—For those applications for patents pursuant to subsection (b) which were filed with the Secretary of the Interior, prior to September 30, 1994, the Secretary of the Interior shall—

(1) Within three months of the enactment of this Act, file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the United States Senate a plan which details how the Department of the Interior will make a final determination as to whether or not an applicant is entitled to a patent under the general mining laws on at least 90 percent of such applications within five years of the enactment of this Act and File reports annually thereafter with the same committees detailing actions taken by the Department of the Interior to carry out such plan; and

(2) Take such actions as may be necessary to carry out such plan.

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

And the Senate agree to the same.

Amendment numbered 164:

That the House recede from its disagreement to the amendment of the Senate numbered 164, and agree to the same with an amendment, as follows:

In lieu of the section number named in said amendment, insert: *328*; and the Senate agree to the same.

Amendment numbered 165:

That the House recede from its disagreement to the amendment of the Senate numbered 165, and agree to the same with an amendment, as follows:

In lieu of the section number named in said amendment, insert: *329*; and the Senate agree to the same.

Amendment numbered 167:

That the House recede from its disagreement to the amendment of the Senate numbered 167, and agree to the same with an amendment, as follows:

In lieu of the section number named in said amendment, insert: *330*; and the Senate agree to the same.

Amendment numbered 168:

That the House recede from its disagreement to the amendment of the Senate numbered 168, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

SEC. 331. (a) PURPOSES OF NATIONAL ENDOWMENT FOR THE ARTS.—Section 2 of the National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 951), sets out findings and purposes for which the National Endowment for the Arts was established, among which are—

(1) "The arts and humanities belong to all the people of the United States";

(2) "The arts and humanities reflect the high place accorded by the American people . . . to the fostering of mutual respect for the diverse beliefs and values of all persons and groups";

(3) "Public funding of the arts and humanities is subject to the conditions that traditionally govern the use of public money [and] such funding should contribute to public support and confidence in the use of taxpayer funds"; and

(4) "Public funds provided by the Federal Government must ultimately serve public purposes the Congress defines".

(b) ADDITIONAL CONGRESSIONAL FINDINGS.—Congress further finds and declares that the use of scarce funds, which have been taken from all taxpayers of the United States, to promote, disseminate, sponsor, or produce any material or performance that—

(1) denigrates the religious objects or religious beliefs of the adherents of a particular religion, or

(2) depicts or describes, in a patently offensive way, sexual or excretory activities or organs

is contrary to the express purposes of the National Foundation on the Arts and the Humanities Act of 1965, as amended.

(c) PROHIBITION ON FUNDING THAT IS NOT CONSISTENT WITH THE PURPOSES OF THE ACT.—Notwithstanding any other provision of law, none of the scarce funds which have been taken from all taxpayers of the United States and made available under this Act to the National Endowment for the Arts may be used to promote, disseminate, sponsor, or produce any material or performance that—

(1) denigrates the religious objects or religious beliefs of the adherents of a particular religion, or

(2) depicts or describes, in a patently offensive way, sexual or excretory activities or organs,

and this prohibition shall be strictly applied without regard to the content or viewpoint of the material or performance.

(d) SECTION NOT TO AFFECT OTHER WORKS.—Nothing in this section shall be construed to affect in any way the freedom of any artist or performer to create any material or performance using funds which have not been made available under this Act to the National Endowment for the Arts.

And the Senate agree to the same.

Amendment numbered 170:

That the House recede from its disagreement to the amendment of the Senate numbered 170, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

SEC. 332. For purposes related to the closure of the Bureau of Mines, funds made available to the United States Geological Survey, the United States Bureau of Mines, and the Bureau of Land Management shall be available for transfer, with the approval of the Secretary of the Interior, among the following accounts: United States Geological Survey, Surveys, investigations, and research; Bureau of Mines, Mines and minerals; and Bureau of Land Management, Management of lands and resources. The Secretary of Energy shall reimburse the Secretary of the Interior, in an amount to be determined by the Director of the Office of Management and Budget, for the expenses of the transferred functions between October 1, 1995 and the effective date of the transfers of function. Such transfers shall be subject to the reprogramming guidelines of the House and Senate Committees on Appropriations.

And the Senate agree to the same.

Amendment numbered 171:

That the House recede from its disagreement to the amendment of the Senate numbered 171, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert the following:

SEC. 333. No funds appropriated under this or any other Act shall be used to review or modify sourcing areas previously approved under section 490(c)(3) of the Forest Resources Conservation and Shortage Relief Act of 1990 (Public Law 101–382) or to enforce or implement Federal regulations 36 CFR part 223 promulgated on September 8, 1995. The regulations and interim rules in effect prior to September 8, 1995 (36 CFR 223.48, 36 CFR 223.87, 36 CFR 223 Subpart D, 36 CFR 223 Subpart F, and 36 CFR 261.6) shall remain in effect. The Secretary of Agriculture or the Secretary of the Interior shall not adopt any policies concerning Public Law 101–382 or existing regulations that would restrain domestic transportation or processing of timber from private lands or impose additional accountability requirements on any timber. The Secretary of Commerce shall extend until September 30, 1996, the order issued under section 491(b)(2)(A) of Public Law 101–382 and shall issue an order under section 491(b)(2)(B) of such law that will be effective October 1, 1996.

And the Senate agree to the same.

Amendment numbered 172:

That the House recede from its disagreement to the amendment of the Senate numbered 172, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert the following:

SEC. 334. The National Park Service, in accordance with the Memorandum of Agreement between the United States National Park Service and the City of Vancouver dated November 4, 1994, shall permit general aviation on its portion of Pearson Field in Vancouver, Washington until the year 2022, during which time a plan

and method for transitioning from general aviation aircraft to historic aircraft shall be completed; such transition to be accomplished by that date. This action shall not be construed to limit the authority of the Federal Aviation Administration over air traffic control or aviation activities at Pearson Field or limit operations and airspace of Portland International Airport.

And the Senate agree to the same.

Amendment numbered 173:

That the House recede from its disagreement to the amendment of the Senate numbered 173, and agree to the same with an amendment:

In lieu of the matter proposed by said amendment insert:

SEC. 335. The United States Forest Service approval of Alternative site 2 (ALT 2), issued on December 6, 1993, is hereby authorized and approved and shall be deemed to be consistent with, and permissible under, the terms of Public Law 100-696 (the Arizona-Idaho Conservation Act of 1988).

And the Senate agree to the same.

RALPH REGULA,
JOSEPH M. MCDADE,
JIM KOLBE,
JOE SKEEN,
BARBARA F. VUCANOVICH,
CHARLES H. TAYLOR,
GEORGE R. NETHERCUTT, Jr.,
JIM BUNN,
BOB LIVINGSTON,
Managers on the Part of the House.

SLADE GORTON,
TED STEVENS,
PETE V. DOMENICI,
MARK O. HATFIELD,
CONRAD BURNS,
ROBERT F. BENNETT,
CONNIE MACK,
J. BENNETT JOHNSTON,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1977), making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The conference agreement on H.R. 1977 incorporates some of the provisions of both the House and the Senate versions of the bill. Report language and allocations set forth in either House Report 104-173 or Senate Report 104-125 which are not changed by the conference are approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not negate the language referenced above unless expressly provided herein.

The managers have included funding in each of the land acquisition accounts that is not earmarked by individual projects. The managers direct the Department of the Interior and the Forest Service to develop a proposed distribution of project funding for review and approval by the House and Senate Committees on Appropriations. In developing the proposed distributions, the agencies are encouraged to give consideration to a broader array of projects than was proposed in the FY 1996 budget, including but not limited to, projects for which capability statements have been prepared.

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

Amendment No. 1: Appropriates $568,062,000 for management of lands and resources instead of $570,017,000 as proposed by the House and $563,936,000 as proposed by the Senate. The amendment also adds language to transfer responsibility for mineral assessments in Alaska from the Bureau of Mines.

The net decrease below the House consists of decreases of $1,500,000 for wild horse and burro management, $500,000 for threatened and endangered species, $1,000,000 for recreation wilderness management, $448,000 for recreation resources management, $50,000 for coal management, $50,000 for other mineral resources, $554,000 for land and realty management, $4,000,000 for ALMRS, $500,000 for administrative support, and $834,000 for bureau-wide fixed costs; and increases of $4,981,000 for Alaska conveyance, $500,000 for information systems operations and $2,000,000 for mineral assessments in Alaska formerly funded under the Bureau of Mines.

Amendment No. 2: Restores House provision stricken by the Senate which provides $599,999 for the management of the East Mojave National Scenic Area. The Senate had no similar provision. The amendment also adds language earmarking $2,000,000 for mineral assessments in Alaska.

Amendment No. 3: Restates the final appropriation amount for management of lands and resources as $568,062,000 instead of $570,017,000 as proposed by the House and $563,936,000 as proposed by the Senate.

WILDLAND FIRE MANAGEMENT

Amendment No. 4: Appropriates $235,924,000 for wildland fire management as proposed by the House instead of $240,159,000 as proposed by the Senate.

CONSTRUCTION AND ACCESS

Amendment No. 5: Appropriates $3,115,000 for construction and access instead of $2,515,000 as proposed by the House and $2,615,000 as proposed by the Senate.

The managers agree to the following distribution of funds:

Sourdough Campground, AK	$584,000
Byington Campground, ID	290,000
West Aravaipa Ranger Station, AZ	200,000
Railroad Flat Campground, CA	218,000
Penitentie Canyon, CO	220,000
James Kipp Campground, MT	345,000
Datil Well Rec Site reconstruction, NM	41,000
Encampment River Rec Area, WY	60,000
Indian Creek Accessibility Rehab, NV	57,000
El Camino Real Int'l Heritage Ctr., NM-A&E	500,000
Flagstaff Hill, OR	600,000
Total	3,115,000

The managers urge BLM and the non-Federal partners to consider during the A&E phase of the El Camino Real International Heritage Center project the fact that future construction funds are likely to be severely constrained.

PAYMENTS IN LIEU OF TAXES

Amendment No. 6: Appropriates $101,500,000 for payments in lieu of taxes instead of $111,409,000 as proposed by the House and $100,000,000 as proposed by the Senate.

LAND ACQUISITION

Amendment No. 7: Appropriates $12,800,000 for land acquisition instead of $8,500,000 as proposed by the House and $10,550,000 as proposed by the Senate. The $12,800,000 includes $3,250,000 for acquisition management, $1,000,000 for emergency and inholding purchases, and $8,550,000 for land purchases.

Funds provided under this account for land purchases are subject to the guidelines identified at the front of this statement.

OREGON AND CALIFORNIA GRANT LANDS

Amendment No. 8: Appropriates $93,379,000 for Oregon and California grant lands instead of $91,387,000 as proposed by the House and $95,364,000 as proposed by the Senate.

The net increase above the House consists of a reduction of $900,000 for resources management, and increases of $1,115,000 for facilities maintenance, and $1,777,000 for Jobs-in-the-Woods.

The managers are concerned about the many programs in the President's Forest Plan designed to provide assistance to timber dependent communities in the Pacific Northwest. The managers are disturbed by the inability of the agencies involved to provide a detailed accounting of funds appropriated in previous fiscal years in the President's Forest Plan for the unemployed timber worker programs.

The managers expect the Secretary of the Interior and the Secretary of Agriculture to prepare a detailed accounting and report of the funds appropriated in fiscal year 1995 for the President's Forest plan. The report shall include a careful accounting of appropriated funding, including: funds appropriated for timber production; administrative expenses, including the number of Federal employees employed to administer the various aspects of the President's plan; funds appropriated for the various jobs programs under the President's plan, including but not limited to the Jobs in the Woods program; the number of individuals employed by these programs; and the average length of employment in the various jobs. The managers expect the Secretaries to submit the report to the Committees no later than March 31, 1996.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

Amendment No. 9: Appropriates $497,943,000 for resource management instead of $497,150,000 as proposed by the House and $501,478,000 as proposed by the Senate.

The net increase above the House consists of increases of $3,800,000 for cooperative conservation agreements, $750,000 for listing, $2,237,000 for habitat conservation, $1,502,000 for migratory bird management, $600,000 for hatchery operations and maintenance, $800,000 for fish and wildlife management, $478,000 for the National Education and Training Center, and $885,000 for vehicle and aircraft purchase; and reductions of $500,000 for recovery, $230,000 for environmental contaminants, $6,542,000 for refuge operations and maintenance, and $2,987,000 for servicewide administrative support.

The conference agreement includes $3,800,000 for cooperative conservation agreements with private landowners to institute effective management measures that make listing unnecessary. The managers intend that these funds also be used to implement the 4(d) rule which is intended to ease endangered species land use restrictions on small landowners. The managers agree that none of the funding for cooperative conservation agreements or listing be used in any way to conduct activities which would directly support listing of species or designating critical habitat.

The managers have included $750,000 under the listing program to be used only for

delisting and downlisting of threatened and endangered species in order to ease land use restrictions on private and public lands.

The conference agreement includes a reduction of $200,000 from the gray wolf reintroduction program. The managers expect the Service to continue the cooperative agreement with the Animal and Plant Health Inspection Service to provide assistance to ranchers experiencing livestock losses to wolves.

The managers agree with the Senate position regarding the continued operation of Federal fish hatcheries. However, the funding provided for hatcheries in total is below last year's level, so reductions will be necessary. The managers encourage those non-Federal parties that have expressed an interest in participating in hatchery transfers to continue to pursue this option, and the Service should provide the transitional assistance for such efforts as was contemplated in the budget. Within the funds restored for hatchery operations and maintenance, $500,000 is provided only for maintenance of those hatcheries transferred during fiscal year 1996.

The managers reiterate, however, the need for the working group proposed by the Senate to identify, by March 1, 1996, savings from the fisheries program that equal or surpass the savings associated with the hatchery transfers or closures proposed in the budget. Outyear funding for fisheries and other programs cannot be assured at a time of declining budgets, and future transfer proposals might not involve transitional assistance. The managers expect that there will be significantly fewer Federal fish hatcheries by the end of fiscal year 1997.

The National Fish and Wildlife Foundation is funded at a level of $4,000,000. The House recommended that no funds be provided for this purpose in the future. The Senate took no position regarding outyear funding for the Foundation.

The managers direct the Department to reinstate its 1992 policy, modified to reflect public comments received, regarding permit terms and conditions for hunting and fishing guides in Alaska providing permit terms of 5 years with one renewal period of 5 years, transferability under prescribed conditions, and a right of survivorship. At such time as the new policy is implemented, existing permits should be reissued consistent with this policy. The managers note that the existing policy limiting terms to one year makes it impossible to obtain financing for guiding operations while the limit on transferability and survivorship prevent long-time family businesses from continuing upon the death or illness of the permit holder.

The managers recognize the Fish and Wildlife Service's fisheries mitigation responsibilities pursuant to existing law and expect the working group to take into account such responsibilities.

Amendment No. 10. Extends availability of $11,557,000 for Lower Snake River compensation plan facilities until expended as proposed by the Senate, instead of limiting the availability to September 30, 1997 as proposed by the House.

Amendment No. 11: Includes language proposed by the Senate which prohibits listing additional species as threatened or endangered and prohibits designating critical habitat during fiscal year 1996 or until a reauthorization is enacted. The House had no similar provision.

CONSTRUCTION

Amendment No. 12: Appropriates $37,655,000 for construction instead of $26,355,000 as proposed by the House and $38,775,000 as proposed by the Senate.

The managers agree to the following distribution of funds:

Bear River Migratory Bird Refuge, UT, flood repair	$1,000,000
Bosque del Apache NWR, NM, repair	1,820,000
Hawaii captive propagation facility, HI	1,000,000
Mississippi refuges, bridge repair and equipment	1,120,000
National Education Training Center, WV, construction	24,000,000
Quivira NWR, KS, water management	760,000
Russian River, AK, rehab	400,000
Southeast Louisiana refuges, rehab	1,000,000
Wichita Mountains NWR, OK, Grama Lake and Comanche Dams, repair	700,000
Dam safety, servicewide inspections	460,000
Bridge safety, servicewide inspections	395,000
Emergency projects—servicewide	1,000,000
Construction management—servicewide	4,000,000
Total	37,655,000

The managers expect the Department to include the remaining funding necessary to complete the construction of the National Education and Training Center in the fiscal year 1997 budget.

NATURAL RESOURCE DAMAGE ASSESSMENT

Amendment No. 13: Appropriates $4,000,000 for the natural resource damage assessment fund as proposed by the Senate instead of $6,019,000 as proposed by the House.

The reductions below the House consist of $1,597,000 for damage assessments and $422,000 for program management.

LAND ACQUISITION

Amendment No. 14: Appropriates $36,900,000 for land acquisition instead of $14,100,000 as proposed by the House and $32,031,000 as proposed by the Senate. The $36,900,000 includes $8,000,000 for acquisition management, $1,000,000 for emergency and hardship purchases, $1,000,000 for inholding purchases, $1,000,000 for land exchanges, and $25,900,000 for refuge land purchases.

Funds provided under this account for land purchases are subject to the guidelines identified at the front of this statement.

NORTH AMERICAN WETLANDS CONSERVATION FUND

Amendment No. 15: Appropriates $6,750,000 for the North American Wetlands Conservation Fund as proposed by the Senate instead of $4,500,000 as proposed by the House.

The increase above the House includes $2,230,000 for habitat management and $20,000 for administration.

The House recommended that no funds be provided for this purpose in the future. The Senate took no position regarding outyear funding for this program.

WILDLIFE CONSERVATION AND APPRECIATION FUND

Amendment No. 16: Appropriates $800,000 for the Wildlife Conservation and Appreciation Fund as proposed by the Senate instead of $998,000 as proposed by the House.

Amendment No. 17: Deletes matching requirements proposed by the House and stricken by the Senate. The matching requirements of the Partnerships for Wildlife Act will continue to apply, and do not need to be stated in the appropriations act.

ADMINISTRATIVE PROVISIONS

Amendment No. 18: Provides authority to purchase 113 motor vehicles as proposed by the Senate instead of 54 passenger vehicles as proposed by the House.

Amendment No. 19: Deletes House prohibition on purchasing police vehicles. The Senate had no similar provision.

Amendment No. 20: Includes Senate provision that the Fish and Wildlife Service may accept donated aircraft. The House had no similar provision.

Amendment No. 21: Includes House provision prohibiting the Fish and Wildlife Service from delaying the issuance of a wetlands permit for the City of Lake Jackson, TX. The Senate had no similar provision.

Amendment No. 22: Modifies Senate provision on the distribution of refuge entrance fees by substituting language which allows the Fish and Wildlife Service to charge reasonable fees for expenses associated with the conduct of training programs at the National Education and Training Center. Any fees collected for this purpose will be used to cover costs associated with the operation of this facility. The House had no similar provision.

Amendment No. 23: Modifies Senate provision regarding use of pesticides on farmland within wildlife refuges in the Klamath Basin. The amendment is based, in part, upon the Service's representation that it has already approved or anticipates approval of certain materials that are needed for farming during this fiscal year and that it will consider other materials for 1996 and subsequent years. If these approvals do not occur or are withdrawn, the Senate language will prevail and growers will be subject to the same restrictions as growers on private lands. Allowing the pesticide use proposal process to remain in effect for the next fiscal year will enable growers and the Federal government to work constructively toward an agreeable process.

NATURAL RESOURCES SCIENCE AGENCY

RESEARCH, INVENTORIES AND SURVEYS

Amendment No. 24: Deletes Senate language providing $145,965,000 for a natural resources science agency and providing guidance on the operation of that agency. This agency would have replaced the National Biological Service. The House had no similar provision. The managers have agreed to eliminate the National Biological Service and to fund natural resources research as part of the U.S. Geological Survey as proposed by the House. This item is discussed in more detail under amendment Nos. 42 and 43.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

Amendment No. 25: Appropriates $1,083,151,000 for operation of the National park system instead of $1,088,249,000 as proposed by the House and $1,092,265,000 as proposed by the Senate. The reduction from the Senate level reflects the transfer of the equipment replacement account back to the construction account.

In keeping with the demands placed on other Interior bureaus, the managers have not funded uncontrollable costs and expect these costs to be absorbed through reductions to levels of review and management. Efficiencies should also be sought by exploring opportunities that exist and have been outlined in GAO reports to co-locate and combine functions, systems, programs, activities or field locations with other Federal land management agencies.

The managers are concerned about the costs associated with the current reorganization effort and strongly urge the NPS to

limit expenditures for task forces, work groups and employee details and special assistants. The managers request that a report be submitted by February 1, 1996, detailing a budget history of past costs and future estimated costs associated with the reorganization.

The managers expect a report within 45 days of enactment of this Act identifying NPS' preliminary allocations for fiscal year 1996. This report will serve as the baseline for any reprogrammings in fiscal year 1996.

In considering these allocations, the managers expect that none of the programmatic increases requested in the budget are to be considered except those necessary to meet specific park operating needs. This includes new and expanded programs. Any new initiative such as those related to training, reorganization or national service should be addressed through the reprogramming process.

The managers expect that the National Park Service will use these operating funds for core park programs.

The managers expect that the principle goal of the reorganization plan which is to relocate staff from central and regional offices to the parks, will greatly alleviate the pressures placed on parks by increased visitation.

The managers understand that in September 1995, a delegation from the World Heritage Committee of the United Nations Educational, Scientific and Cultural Organization held hearings in Montana regarding Yellowstone National Park and surrounding areas. The managers understand that the World Heritage Committee has neither the authority nor the ability to require the Federal or State governments to change, modify or amend management directions or to create, manage or maintain buffer zones to protect resources. In the event the World Heritage Committee, or any other organization, recommends non-binding steps to protect resources in the Yellowstone area, the managers expect the National Park Service, as well as any other affected Federal agency, to follow the regular planning process, including full public involvement, before implementing any management changes.

The managers have agreed to the House position regarding the termination of the Pennsylvania Avenue Development Corporation and the transfer of certain specific activities to other agencies including the National Park Service. This item is discussed in greater detail in amendment number 151 in Title III.

Amendment No. 26: Revises House language stricken by the Senate to provide for the use of up to $500,000 for the development of a management plan for the Mojave National Preserve.

The National Park Service is directed to develop a long-term management plan for the Mojave National Preserve that incorporates traditional uses and recognizes budgetary constraints. The managers have permitted up to $500,000 to be used for this specific purpose. Such funds must be derived from the Office of the Director of the National Park Service and funds may not be reprogrammed from any other source within the National Park Service or the Department of the Interior to replenish the Office of the Director account.

The management plan shall set forth a vision for public use of and access to the Mojave National Preserve that gives proper balance to:

1. Pre-existing uses of the area:

2. The full range of compatible recreational uses of the Mojave;

3. Modes of transport, including vehicle, bicycle, foot, helicopter, fixed-wing aircraft, and other appropriate means;

4. Legal access for private lands and interests which remain within the boundary of the Preserve;

5. Public education on the history of human use of the desert, on the native biota of the desert, and on the appropriate balance between these sometimes competing elements;

6. The adoption of necessary management policies for the Mojave which assure long-term sustainability of the species, habitats, and ecosystems of the desert, including the humans; and

7. Consideration of ways to assure a continuous Heritage Trail corridor through the Preserve in order to provide public access over the historic route.

It is the intent of the managers during this interim period, while the Park Service prepares this plan, that the Bureau of Land Management manage the day-to-day operations of the Preserve; $599,999 has been provided for this specific purpose. The Department may not transfer any of these operating funds to the National Park Service or any other entity within the Department of the Interior during fiscal year 1996.

At the present of the Bureau of Land Management, the managers do not object to the temporary detail of a small number of seasonal employees from nearby Park Service units.

NATIONAL RECREATION AND PRESERVATION

Amendment No. 27: Appropriates $37,649,000 for National recreation and preservation instead of $35,725,000 as proposed by the House and $38,094,000 as proposed by the Senate.

The reduction of $445,000 in Statutory and Contractual Aid from the Senate amount reflects the elimination of $23,000 for the Maine Acadian Cultural Preservation Commission and a reduction of $442,000 for the Native Hawaiian Culture and Arts program.

Amendment No. 28: Earmarks $236,000 for the William O. Douglas Outdoor Education Center as proposed by the Senate instead of $248,000 as proposed by the House.

As discussed under amendment No. 155, no funds are provided for the Mississippi River Corridor Heritage Commission. Within funds provided, the National Park Service shall publish the final report and enter into no other activities related to this corridor. The funds included in the Senate bill for the Commission have been transferred to the rivers and trails program.

HISTORIC PRESERVATION

Amendment No. 29: Appropriates $36,212,000 for the Historic Preservation Fund instead of $37,934,000 as proposed by the House and $38,312,000 as proposed by the Senate.

The managers have provided $32,712,000 for State grants and $3,500,000 for the National Trust for Historic Preservation.

The managers agree to a three year period of transition of the National Trust for Historic Preservation to replace Federal funds with private funding.

CONSTRUCTION

Amendment No. 30: Appropriates $143,225,000 for construction instead of $114,868,000 as proposed by the House and $116,480,000 as proposed by the Senate.

The managers agree to the following distribution of funds:

Andersonville National Historic Site, GA (prisoner of war museum)	$2,800,000
Assateague National Seashore, MD (erosion control)	300,000
Blackstone River Valley National Heritage Corridor MA/RI (interpretive project)	300,000
Blue Ridge Parkway, Hemphill Knob, NC (administration building)	1,030,000
Cane River Creole National Historic Park, LA (preservation and stabilization)	4,000,000
Chickasaw National Recreation Area, OK (campground rehabilitation)	1,624,000
Chamizal National Monument, TX (rehabilitation)	300,000
Crater Lake National Park, OR (dormitories construction)	10,000,000
Cuyahoga National Recreation Area, OH (site and structure rehabilitation)	2,500,000
Delaware Water Gap National Recreation Area, PA (trails rehabilitation)	1,050,000
Everglades National Park, FL (water delivery system modification)	4,500,000
Fort Necessity National Battlefield, PA (rehabilitation)	265,000
Fort Smith National Historic Site, AR (rehabilitation)	500,000
Gateway National Recreation Area, NY (Jacob Riis Park rehabilitation)	1,595,000
General Grant National Memorial, NY (rehabilitation)	1,000,000
Gettysburg National Military Park, PA (water and sewer lines)	2,550,000
Glacier National Park, MT (rehabilitate chalets)	328,000
Grand Canyon National Park, AZ: Transportation	1,000,000
Gulf Islands National Seashore, MS (erosion control)	600,000
Harpers Ferry National Historical Park, WV (utilities and phone lines)	455,000
Hot Springs NP, AR (stabilization/Lead Point)	500,000
James A. Garfield National Historic Site, OH (rehabilitation/development)	3,600,000
Jean Lafitte National Park and Preserve, LA (complete repairs)	2,100,000
Klondike Gold Rush National Historical Park, AK (restore Skagway historic district	850,000
Lackawanna Valley, PA (technical assistance)	400,000
Lake Chelan National Recreation Area, WA (planning and design for repair of Company Creek Road)	280,000
Little River Canyon National Park, AL (health and safety)	460,000
Mount Rainier National Park, WA (replace employee dormitory)	6,050,000
Natchez Trace Parkway, MS	3,000,000
National Capital Parks—Central, DC (Lincoln/Jefferson memorials rehabilitation)	4,000,000

New River Gorge National River, WV (trails, visitor access and hazardous materials)	625,000
President's Park, DC: Replace White House electrical system	1,100,000
Sagamore Hill National Historic Site, NY (water and sewer lines)	800,000
Salem Maritime National Historic Site, MA (vessel exhibit)	2,200,000
Saratoga National Historical Park, NY (monument rehabilitation)	2,000,000
Sequoia National Park, CA (replace Giant Sequoia facilities)	3,700,000
Southwestern Pennsylvania Commission (various projects)	2,000,000
Stones River National Battlefield, TN (stablization)	200,000
Thomas Stone Historic Site, MD (rehabilitation)	250,000
Western Trails Center, IA	3,000,000
Wrangell-St. Elias National Park and Preserve, AK (Kennicott Mine site safety and rehabilitation)	1,500,000
Yosemite National Park, CA (El Portal maintenance facilities)	9,650,000
Zion National Park, UT (transportation system facilities)	5,200,000
Subtotal, line item construction	90,162,000
Emergency, unscheduled, housing	13,973,000
Planning	17,000,000
Equipment replacement	14,365,000
General management plans	6,600,000
Special resource studies	825,000
Strategic planning office	300,000
Total	143,225,000

The bill provides $1,000,000 for transportation related activities at Grand Canyon National Park. These funds are to be made available for transportation projects that the Superintendent of the Grand Canyon Park has identified as high priority. Therefore, it is the intent of the managers that these moneys be used for any transportation related expenditure, including the design of new transportation facilities and the purchase of new buses.

The managers encourage the National Park Service to proceed expeditiously with the necessary work at Cane River Creole NHP, LA.

Amendment No. 31: Earmarks $4,500,000 for the Everglades as proposed by the Senate instead of $6,000,000 as proposed by the House.

Amendment No. 32: Retains the Senate provision indicating Historic Preservation funds may be available until expended to stabilize buildings associated with the Kennicott, Alaska copper mine. The House had no similar provision.

LAND ACQUISITION

Amendment No. 33: Appropriates $49,100,000 for land acquisition instead of $14,300,000 as proposed by the House and $45,187,000 as proposed by the Senate. The $49,100,000 includes $7,200,000 for acquisition management, $3,000,000 for emergency and hardship purchases, $3,000,000 for inholding purchases, $1,500,000 for State grant administration, and $34,400,000 for other land purchases.

Amendment No. 34: Deletes the earmark inserted by the House and stricken by the Senate for Federal assistance to the State of Florida. Authority exists for the Department to use land acquisition funds for a grant to the State of Florida if approved pursuant to the procedures identified for land acquisition in fiscal year 1996.

Amendment No. 35: Modifies language proposed by the Senate which requires that funds which may be made available for the acquisition of the Elwha and Glines dams shall be used solely for acquisition, and shall not be expended until the full purchase amount has been appropriated by the Congress. The House had no similar provision. Consistent with the direction for the land acquisition accounts, no specific earmark is provided for this project. Under the procedures identified for land acquisition, however, funds could be made available for the Elwha and Glines dams.

The Elwha Act, P.L. 102-495, authorizes the purchase of the Elwha and Glines dams by the Secretary of the Interior at a total purchase price of $29,500,000. Recognizing the serious funding constraints under which the Committees are operating, bill language has been included which authorizes funding to be provided over a period of years, as necessary, in order to acquire the dams. The bill language specifies that the appropriated funds may only be used for acquisition. Appropriated funds cannot be expended until the total purchase price of $29,500,000 is appropriated.

Under the Elwha Act, the Secretary is authorized to study the benefits of the removal of both dams, and to assess the costs of such a removal to restore fish runs in the Elwha River. The managers continue to be disturbed greatly by the early projections from the Administration of costs that range from $80-$300 million for dam removal. Due to the lack of available funds, the managers strongly discourage the Administration and those parties supporting dam removal from continuing to support such a policy. Instead, the managers encourage interested parties to pursue other, less costly alternatives to achieve fish restoration. The managers urge parties interested in the Elwha Act to work to find, within the next year, a more fiscally responsible and achievable solution to fishery restoration in lieu of dam removal. If no conclusion can be reached on this issue, the appropriations committee, working with the authorizing committees, will be forced to work to find a legislative solution to the problem.

The managers have included $1,500,000 for administration of the state grant program. These funds are provided only to close down ongoing projects. No funds are provided for new grants and the managers intend that no funds will be provided in the future.

ADMINISTRATIVE PROVISIONS

Amendment No. 36: Retains Senate language regarding an agreement for the redevelopment of the southern end of Ellis Island and providing for Congressional review. Identical language has been included in previous interior appropriations bills.

Amendment No 37: Modifies language proposed by the Senate to clarify that funds may not be used by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention. The House had no similar provision.

Amendment No. 38: Modifies Senate language to authorize the National Park Service (NPS) to enter into cooperative agreements not only for the American Battlefield Program as proposed by the Senate but also to carry out its other statutory programs. Current authority is not adequate to allow the NPS to pursue a range of partnership opportunities which would benefit our National parks and programs. This language will enable NPS to enter into such agreements with States, local governments and other public and private entities, to accomplish, but not be limited to, such projects as scientific research with universities, joint maintenance operations with adjoining state parks, heritage partnerships, long-range trail development with a variety of entities, and other similar programs. The House had no similar provision.

Amendment No. 39: Modifies Senate language regarding a feasibility study for a northern access route into Denali National Park and Preserve in Alaska. The modification is to require that the study also be submitted to the House and Senate Committees on Appropriations.

Amendment No. 40: Deletes Senate language regarding the Stampede Creed Mine at Denali National Park in Alaska. The House had no similar provision.

If requested by the University of Alaska at Fairbanks, the National Park Service shall enter into negotiations regarding a memorandum of understanding for continued use of the Stampede Creek mine property. The Park Service should report to the relevant Congressional committees by May 1, 1996 on an assessment of damages resulting from the April 30, 1987 explosion. The repair or replacement should be to the same condition as existed on April 30, 1987. If the University of Alaska at Fairbanks seeks to replace the facilities, the Park Service should consider working with the Army to assist in any compensation to which the University of Alaska at Fairbanks may be eligible since the Army assisted the National Park Service with the explosives work conducted at Stampede Creek on April 30, 1987.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

Amendment No. 41: Appropriates $730,503,000 for surveys, investigations and research instead of $686,944,000 as proposed by the House and $577,503,000 as proposed by the Senate. The amendment also provides authority for minerals information activities formerly conducted in the Bureau of Mines.

Changes to the amount proposed by the House include increases of $24,112,000 for natural resources research, $16,000,000 for minerals information activities transferred from the Bureau of Mines and $4,000,000 for university earthquake research grants, and decreases in Federal water resources investigations of $176,000 for data collection and analysis and $100,000 for hydrology of critical aquifers and a decrease of $277,000 in the National mapping program for cartographic and geographic research.

The managers have provided $4,000,000 for university research in the earthquakes program. If there is a compelling need for additional funds in this program in fiscal year 1996 and an acceptable funding offset can be justified, the USGS should notify the Committees following the existing reprogramming guidelines. The Committees will consider any such request on its merits.

The managers understand that the USGS is constrained from releasing certain information under interagency agreement No. AGP00473.94 with the Bureau of Indian Affairs absent the approval of the BIA. This issue is discussed in more detail in the BIA section of this statement.

The managers have agreed to fund a competitive program for the water resources research institutes with at least a 2 to 1 funding match from non-Federal sources. The

managers expect that this approach likely will lead to the closure of some of the institutes. The managers recommend that in fiscal year 1996 a modest base grant of $20,000 per participating institute be provided with the balance of the funding for the program to be competitively awarded based on National program priorities established by the USGS. The need for continuing a small base grant beyond fiscal year 1996 should be carefully examined by the USGS in the context of its fiscal year 1997 budget priorities. The managers do not object to competitions being regionally-based if that approach is determined by the USGS to be the most productive, from the standpoint of meeting the most compelling information needs, and the most cost effective. If a regional approach is selected, the managers suggest that the USGS regions be consolidated so that there are no more than 4 or 5 large regional areas. The competition should not be structured to ensure that every participating institute in a region gets a competitive award. The USGS should report to the Committees in the fiscal year 1997 budget submission on how the competition is to be structured and should report in subsequent budget submissions on the distribution of competitively awarded grants by institute.

Amendment No. 42: Earmarks $137,000,000 for natural resources research and cooperative research units instead of $112,888,000 as proposed by the House. The Senate recommended funding this research under a separate account and at a level of $145,965,000 as discussed in amendment No. 24. The amendment also earmarks $16,000,000 for minerals information activities transferred from the Bureau of Mines, mines and minerals account (see amendment No. 47).

The managers agree that natural resources research in the Department of the Interior should be organized in a manner that ensures that it is independent from regulatory control and scientifically excellent. The managers intend the merger of these research activities into the USGS to be permanent. The USGS is directed to plan and manage the restructuring and downsizing of the former National Biological Service. Retrenchments required to remain within the reduced level of appropriations for the former NBS are to occur predominately in administrative, managerial and other headquarters support functions of that organization so as to maintain, to the maximum extent possible, scientific and technical capabilities.

The managers expect the agency to work closely with the land management agencies to identify priority science needs of concern to the Department's land managers on the ground. The managers are concerned that natural resource research be linked closely to management issues. In addition, attention should be provided to information related to wildlife resources entrusted to the stewardship of the Department; fisheries, including restoration of depleted stocks; fish propagation and riverine studies; aquatic resources; nonindigenous nuisances that affect aquatic ecosystems; impacts and epidemiology of disease on fish and wildlife populations; chemical drug registration for aquatic species; and effective transfer of information to natural resources managers.

During fiscal year 1996, funds appropriated for the functions of the former NBS shall remain a separate entity, titled "natural resources research", within the USGS. Upon completion of the necessary downsizing, and no later than nine months after enactment of this legislation, the managers direct the USGS to provide the Committees with a final plan for the permanent consolidation and integration of natural resources research functions into the USGS. As of October 1, 1996, employees of the former NBS shall be subject to the same administrative guidelines and practices followed by the USGS including peer review of research and investigations, maintenance of objectivity and impartiality, and ethics requirements regarding financial disclosure and divestiture. The managers expect that the USGS budget request for fiscal year 1997 will require amendment subsequent to its submission to reflect appropriately this consolidation. To reiterate, this merger is intended to be permanent and should be implemented fully by October 1, 1996.

During fiscal year 1996 the Department and the USGS are prohibited from reprogramming funds from other USGS programs and activities for any program or activity within the Department for natural resources research activities.

The managers also have agreed to provide $16,000,000 for minerals information activities, transferred from the Bureau of Mines. The funding represents a reduction from the fiscal year 1995 level and may require significant downsizing and restructuring of the program. The USGS should oversee the refocusing of the program. Until such downsizing is completed, the program should remain a separate and distinct budget and organizational entity within the USGS. To the extent job vacancies occur in the transferred program in fiscal year 1996, they should be filled with Bureau of Mines employees subject to termination or reduction-in-force. The managers understand that the existing USGS mineral resources survey activity is undergoing a restructuring and downsizing and expect that effort and the required downsizing of the minerals information program to proceed independently. When both downsizing efforts are completed, a single, refocused minerals program should be created which combines the minerals information activities transferred from the Bureau of Mines with other USGS mineral resources work.

Amendment No. 43: Modifies language inserted by the House and stricken by the Senate providing guidance on the conduct of natural resources research. The change to the House position expands the prohibition on the use of funds for new surveys on private property to include new aerial surveys for the designation of habitat under the Endangered Species Act unless authorized in writing by the property owner. With respect to natural resources research activities, the managers agree that funds may not be used for new surveys on private property without the written consent of the land owner, that volunteers are to be properly trained and that volunteer-collected data are to be verified carefully. The amendment also transfers authority from the Bureau of Mines to the Director of the USGS to conduct mineral surveys, consistent with the funding for that purpose earmarked under amendment No. 42.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

Amendment No. 44: Appropriates $182,994,000 for royalty and offshore minerals management instead of $186,556,000 as proposed by the House and $182,169,000 as proposed by the Senate. Changes to the amount proposed by the House include decreases in information management of $151,000 for the absorption of fixed cost increases and $3,000,000 which is offset by the authority to use additional receipts as provided in amendment Nos. 45 and 46; and decreases in general administration of $306,000 for administrative operations and $105,000 for general support services.

The managers agree that the independent review of the royalty management program which was recommended by the House should not be conducted until the disposition of the hardrock minerals program is legislatively resolved. Accordingly, no funds are earmarked for this effort in fiscal year 1996.

Amendment No. 45: Provides for the use of $15,400,000 in increased receipts for the technical information management system as proposed by the Senate instead of $12,400,000 as proposed by the House.

Amendment No. 46: Permits the use of additional receipts for Outer Continental Shelf program activities in addition to the technical information management system as proposed by the Senate. The House had no similar provision.

BUREAU OF MINES

MINES AND MINERALS

Amendment No. 47: Appropriates $64,000,000 for mines and minerals instead of $87,000,000 as proposed by the House and $128,007,000 as proposed by the Senate. The conference agreement provides for the transfer of health and safety research to the Department of Energy (see amendment No. 110). The $64,000,000 provided for mines and minerals is to be used for the orderly closure of the Bureau of Mines.

The managers expect that the health and safety functions in Pittsburgh, PA and Spokane, WA will be continued under the Department of Energy as will the materials partnerships program in Albany, OR. The U.S. Geological Survey will assume responsibility for the minerals information program in Denver, CO and Washington, DC. The Bureau of Land Management will assume responsibility for mineral assessments in Alaska. The managers do not object to a limited number of administrative support personnel being maintained in these locations. All other functions of the Bureau of Mines will be terminated and all other Bureau locations will be closed. The funds provided under this head should be sufficient to provide termination costs and to provide for environmental cleanup costs and for the required oversight and closeout of contracts. The managers understand that some contracts will require oversight through a logical completion point to ensure that the Federal investment is not lost. One example is the construction associated with the Casa Grande in situ copper leaching program. The managers expect that there will be few such cases and expect the Secretary to notify the Committees of the rationale for continuing specific contracts, not transferred to DOE, BLM or USGS, beyond the closure of the Bureau. The managers expect the Secretary to proceed apace with the termination of the Bureau using the funds provided herein.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

Amendment No. 48: Appropriates $95,970,000 for regulation and technology as proposed by the Senate instead of $93,251,000 as proposed by the House.

ABANDONED MINE RECLAMATION FUND

Amendment No. 49: Appropriates $173,887,000 for the abandoned mine reclamation fund instead of $176,327,000 as proposed by the House and $170,441,000 as proposed by the Senate.

The net decrease below the House consists of reductions of $500,000 for donations,

$2,000,000 for reclamation program operations, and $93,000 for administrative support; and increases of $13,000 for executive direction and $140,000 for general services.

Amendment No. 50: Deletes House earmark of $5,000,000 for the Appalachian Clean Streams Initiative. The Senate had no similar provision.

Amendment No. 51: Deletes House provision that allowed the use of donations for the Appalachian Clean Streams Initiative. The Senate had no similar provision.

Amendment No. 52: Includes Senate provision which allows States to use part of their reclamation grants as a funding match to treat and abate acid mine drainage, consistent with the Surface Mining Control and Reclamation Act (SMCRA). The House had no similar provision.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

Amendment No. 53: Appropriates $1,384,434,000 for the Operation of Indian Programs instead of $1,509,628,000 as proposed by the House and $1,261,234,000 as proposed by the Senate. Changes to the amount proposed by the House from Tribal Priority Allocations include decreases of $1,500,000 for contract support, $4,000,000 for small and needy tribes, and a general reduction of $92,136,000.

Changes from Other Recurring Programs include: increases of $1,109,000 for ISEP formula funds, $1,000,000 for student transportation, and $73,000 for Lake Roosevelt; and decreases of $1,109,000 for ISEP adjustments, $1,000,000 for early childhood development, and $1,186,000 for community development—facilities O&M; and a transfer of $3,047,000 from trust services to the Office of Special Trustee for American Indians.

Changes from Nonrecurring Programs include: increases of $400,000 for Self Determination grants, $1,500,000 for community economic development grants, $250,000 for technical assistance, and $1,500,000 for water rights negotiations; and decreases of $442,000 for attorney fees and $125,000 for resources management for absorption of pay costs.

Changes from Central Office Operations include: a decrease of $126,000 for the substance abuse coordination office, a decrease of $2,000,000 for education program management, a $12,477,000 transfer from trust services to the Office of Special Trustee for American Indians, a transfer of $447,000 from general administration to the Office of Special Trustee for American Indians, and a general reduction of $14,400,000.

Changes from Area Office Operations include a transfer of $2,367,000 from trust services to the Office of Special Trustee for American Indians and a general reduction of $14,447,000.

Changes from Special Programs and Pooled Overhead include: increases of $1,337,000 for special higher education scholarships, $962,000 for the Indian Arts and Crafts Board, $1,780,000 for intra-governmental billings, and $57,000 for direct rentals; and decreases of $866,000 for the Indian Child Welfare Act, $1,500,000 for employee displacement costs, $141,000 for personnel consolidation, $664,000 for GSA rentals, $1,666,000 for human resources development, and a $23,000 general reduction.

Amendment No. 54: Deletes Senate earmark of $962,000 for the Indian Arts and Crafts Board. The House had no similar provision. The managers agree that within Special Programs/Pooled Overhead, $962,000 is earmarked for the Indian Arts and Crafts Board. In light of declining budgets, future funding for this program should be provided through non-Federal sources.

Amendment No. 55: Earmarks $104,626,000 for contract support costs as proposed by the Senate instead of $106,126,000 as proposed by the House and adds language earmarking $100,255,000 for welfare assistance.

Amendment No. 56: Earmarks up to $5,000,000 for the Indian Self-Determination fund as proposed by the Senate instead of $5,000,000 as proposed by the House.

Amendment No. 57: Earmarks $330,711,000 for school operations costs as proposed by the House instead of $330,991,000 as proposed by the Senate.

Amendment No. 58: Earmarks $68,209,000 for higher education scholarships, adult vocational training, and assistance to public schools instead of $67,138,000 as proposed by the House and $69,477,000 as proposed by the Senate.

Amendment No. 59: Retains a statutory reference to the Johnson O'Malley Act as proposed by the Senate. The House had no similar provision.

Amendment No. 60: Earmarks $71,854,000 for housing improvement, road maintenance, attorney fees, litigation support, self-governance grants, the Indian Self-Determination Fund, and the Navajo-Hopi settlement program instead of $74,814,000 as proposed by the House and $62,328,000 as proposed by the Senate.

Amendment No. 61: Deletes a reference to trust fund management as proposed by the Senate. Responsibility for trust fund management has been transferred to the Office of Special Trustee for American Indians.

Amendment No. 62: Deletes reference to the statute of limitations language, as proposed by the Senate. This language is included in the Office of Special Trustee for American Indians (amendment No. 80).

Amendment No. 63: Retains Senate language on the use of up to $8,000,000 in unobligated balances for employee severance, relocation, and related expenses and inserts new language regarding the effective date when schools can adjust salary schedules. The House had no similar provision.

The managers agree that:

1. Under Other Recurring Programs $409,000 is earmarked for Alaska legal services and salmon studies.

2. Not more than $297,000 shall be available for a grant to the Close Up Foundation.

3. Amounts specifically earmarked within the bill for Tribal Priority Allocations are subject to the general reduction identified for Tribal Priority Allocations. The managers expect the Bureau to allocate the general reduction in a manner that will not jeopardize funding provided from the Highway Trust Fund for road maintenance. In addition, the general reduction should not be applied to the $750,000 allocated for the Financial Management Improvement Team and for small and needy tribes. BIA should ensure that compacting and non-compacting tribes are treated consistently, except for compacting tribes who meet the criteria for small and needy tribes.

4. BIA should provide consistent treatment in allocating funds for small and needy tribes and new tribes. Allocations should be based on recommendations of the Joint Reorganization Task Force.

5. No funds are provided for the school statistics initiative. If the BIA wishes to pursue this initiative, the Committees will consider a reprogramming request.

6. Several steps must be completed before schools can adjust salary schedules. For this reason, bill language is included that will provide this authority beginning with the 1997–98 school year. The managers expect that within 30 days after enactment of this Act BIA should provide the Committees with a plan and time schedule advising how BIA will adjust salary schedules by the 1997–98 school year. The managers expect BIA to ensure that all necessary steps are taken to facilitate changes in salary rates for any schools desiring to use non-DOD pay rates.

7. $16,338,000 from the Operation of Indian Programs should be transferred to the Office of Special Trustee for American Indians (see Amendment No. 80).

The managers have agreed to a reduction of $2,000,000 for education program management in the Central Office Operations program. No reduction has been included for area and agency technical support in Other Recurring Programs. The managers expect the Bureau to review education program management at all levels to ensure that resources are properly allocated within the funding provided. If the Bureau wishes to reallocate the funds for these accounts, a reprogramming request should be submitted to the Committees.

The managers expect the Bureau of Indian Affairs to direct the U.S. Geological Survey to provide for the public release of all interpretations of data and reports (draft and final) completed under interagency agreement number AGP00473.94 and all related amendments immediately upon completion of the water studies. Within 15 days of enactment of this Act the BIA shall report to the Committees its decision as to whether or not it will direct the USGS to provide for the public release of the information. If the BIA does not allow for the public release of the information, the BIA should immediately cancel the interagency agreement with the USGS.

The managers have not agreed to the Senate amendment regarding a prohibition of the use of funds for travel and training expenses for the BIA. However, the BIA is expected to follow the guidance detailed in the discussion of Amendment No. 163.

CONSTRUCTION

Amendment No. 64: Appropriates $100,833,000 for construction instead of $98,033,000 as proposed by the House and $107,333,000 as proposed by the Senate. Changes to the amount proposed by the House include increases of $4,500,000 for the Chief Leschi School, and $2,500,000 for the fire protection program, and decreases of $3,700,000 for the Navajo irrigation project and $500,000 for engineering and supervision.

The managers agree that the Chief Leschi School complex project will be phased in over a two-year period.

The managers agree that funding provided for construction projects should include the entire cost of a given project, which eliminates the need for a separate appropriation for contract support.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENT TO INDIANS

Amendment No. 65: Appropriates $80,645,000 for Indian land and water claim settlements and miscellaneous payments to Indians instead of $75,145,000 as proposed by the House and $82,745,000 as proposed by the Senate.

Amendment No. 66: Earmarks $78,600,000 for land and water claim settlements as proposed by the Senate instead of $73,100,000 as proposed by the House. Changes to the amount proposed by the House include an increase of $5,500,000 for the Ute Indian settlement.

Amendment No. 67: Earmarks $1,000,000 for trust fund deficiencies as proposed by the House instead of $3,100,000 as proposed by the Senate.

TECHNICAL ASSISTANCE OF INDIAN ENTERPRISES

Amendment No. 68: Appropriates $500,000 for technical assistance instead of $900,000 as proposed by the Senate and no funds as proposed by the House.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

Amendment No. 69: Appropriates $5,000,000 for guaranteed loans instead of $7,700,000 as proposed by the Senate and no funds as proposed by the House.

The managers agree that $4,500,000 is for the cost of guaranteed loans and $500,000 is for administrative expenses.

TERRITORIAL AND INTERNATIONAL AFFAIRS

ASSISTANCE TO TERRITORIES

Amendment No. 70: Appropriates $65,188,000 for Assistance to Territories instead of $52,405,000 as proposed by the House and $68,188,000 as proposed by the Senate. The changers to the amount proposed by the House include a increase of $13,827,000 for territorial assistance and a decrease of $1,044,000 for American Samoa operations grants. The amount provided for territorial assistance includes increases over the House of $5,650,000 for technical assistance, $2,400,000 for maintenance assistance, $1,500,000 for management controls, and $750,000 for disaster assistance.

Amendment No. 71: Earmarks $3,527,000 for the Office of Insular Affairs as proposed by the Senate instead of no funds as proposed by the House. The managers agree that the Office of Territorial and International Affairs is abolished along with the Office of the Assistant Secretary for Territorial and International Affairs. The funding provided is for staff to carry out the Secretary's mandated responsibilities and is to be located under the Assistant Secretary for Policy, Management and Budget. This action is consistent with the reorganization already approved by the Appropriations Committees.

Amendment No. 72: Retains Senate language directing the use of funds for technical assistance, maintenance assistance and disaster assistance.

COMPACT OF FREE ASSOCIATION

Amendment No. 73: Deletes House proposed language and funding for impact aid to Guam as proposed by the Senate.

The managers agree that Guam should be compensated for the impact caused by immigration from the freely associated states as authorized under the Compact of Free Association. Funding for compact impact shall be provided by a re-allocation of existing mandatory grant funds as discussed under amendment No. 89.

DEPARTMENTAL OFFICES

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

Amendment Nos. 74 and 75: The managers agree to the Senate language which changes the account name from Office of the Secretary to Departmental Management.

Amendment No. 76: Appropriates $57,796,000 for departmental management as proposed by the Senate instead of $53,919,000 as proposed by the House. A redistribution has been made which includes reductions of $296,000 to the Secretary's immediate office and $51,000 to Congressional Affairs. These funds have been transferred to Central Services.

The managers agree that these accounts have been restrained over recent years and that coordination of the Department's programs, particularly during the ongoing downsizing and restructuring process, is critical to ensure the overall effectiveness of the Department's programs. However, the managers feel that it is important to restrain these offices at the 1995 level considering that most of the Department's programs have sustained reductions, or face elimination, and all are being directed to absorb their uncontrollable expenses. The managers also recognize the need to have flexibility in the Departmental Offices to manage within reduced funding levels and with the displacements and uncertainties caused by reductions-in-force. Therefore, the managers agree that the Department may reprogram funds without limitation among the program elements within the four activities. However, any reprogramming among the four activities must follow the normal reprogramming guidelines.

The managers strongly support language included in the House Report which encourages each agency to reduce levels of review and management in order to cover the costs associated with pay raises and inflation. The Department should carefully review and eliminate excessive or duplicated positions associated with Congressional and Public Affairs offices.

Amendment No. 77: Deletes Senate language which prohibits the use of official reception funds prior to the filing of the Charter for the Western Water Policy Review Commission. The House had no similar provision.

CONSTRUCTION MANAGEMENT

Amendment No. 78: Appropriates $500,000 as proposed by the Senate instead of no funding as proposed by the House.

The managers agree to retain the core policy function from the Office of Construction Management in Office of Policy, Management and Budget. The balance of the programs are transferred to BIA construction.

NATIONAL INDIAN GAMING COMMISSION

Amendment No. 79: Modifies language inserted by the Senate requiring a report detailing information on Indian tribes or tribal organizations with gaming operations. The modification changes the date the report is due to March 1, 1996. The House had no similar provision.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

Amendment No. 80: Appropriates $16,338,000 for Federal trust programs in the Office of Special Trustee for American Indians and establishes this new account as proposed by the Senate. The House had no similar provision.

The managers agree to the following transfers from the Operations of Indian Programs account within the Bureau of Indian Affairs as proposed by the Senate: $3,047,000 from Other Recurring Programs for financial trust services; $2,367,000 from Area Office Operations for financial trust services; and $10,924,000 from Central Office Operations, including $10,447,000 for the Office of Trust Funds Management.

The managers concur with the need for establishing the office as articulated in the Senate report. The managers believe that the Special Trustee will be effective in implementing reforms in the Bureau of Indian Affairs only to the extent that the Trustee has authority over the human and financial resources supporting trust programs. Lacking such authority, the Trustee cannot be held accountable and the likely result will be simply one more office pointing out the shortcomings of the Bureau of Indian Affairs.

Furthermore, under the current financial constraints facing the Committees and the various downsizing activities taking place in the Department, it is essential that the Committees have a clear understanding of the organizational structure supporting trust programs and an assurance that the significant general reductions proposed to be taken against the Bureau of Indian Affairs do not impair the Secretary's ability to manage trust assets. The managers are aware that there may be additional activities that could be transferred to the Office and encourage the Special Trustee, the Department, the Bureau of Indian Affairs, the tribes, and the Office of Management and Budget to work closely with the appropriations and authorizing committees to identify the activities and related resources to be transferred.

Any increase in funding or staffing for the Office of Special Trustee should be considered within the context of the fiscal year 1997 budget request and with consideration for funding constraints and the downsizing occurring throughout the Department, particularly within the Bureau of Indian Affairs.

The managers have recommended funding in a simplified budget structure to allow the Special Trustee some flexibility in establishing the office and the budget structure. Prior to submission of the fiscal year 1997 budget request, the managers expect the Special Trustee to work with the Committees to establish an appropriate budget structure for the Office.

The managers expect the Special Trustee to provide by December 1, 1996 a detailed operating plan for financial trust services for fiscal year 1996. The plan should detail what specific activities relating to the reconciliation effort will be undertaken, both directly by the Office of Special Trustee and by its contractors. The plan should detail what products will be provided to the tribes and the Congress and when such products will be submitted. The plan should include staffing for financial trust services, including the number of vacant positions and when the positions are expected to be filled.

Within the funds provided, support should be provided to the Intertribal Monitoring Association (ITMA). The managers expect ITMA to provide the Special Trustee with any information that is provided to the Appropriations or authorizing committees. If the Office of the Special Trustee plans to continue funding ITMA in fiscal year 1997, the managers expect the Special Trustee to identify the funds to be available for ITMA in the fiscal year 1997 budget request.

To the extent possible, the managers expect that administrative support services will continue to be provided by the Bureau of Indian Affairs during fiscal year 1996. To the extent that resources exist within the Office of Special Trustee for budgeting or other administrative services, these activities should be provided by the Office of Special Trustee, rather than through the Bureau of Indian Affairs. The managers have not included any funds for overhead costs, such as GSA rent, postage, FTS-2000, PAY/PERS, or workers' compensation. These costs should be paid from the Operation of Indian Programs account during fiscal year 1996. The fiscal year 1997 budget should include appropriate overhead amounts in the Office of the Special Trustee.

ADMINISTRATIVE PROVISIONS

Amendment No. 81: Retains language inserted by the senate changing the name of "Office of the Secretary" to "Department Management".

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

Amendment No. 82: Deletes an unnecessary comma as proposed by the Senate.

Amendment No. 83: Retains the House language stricken by the Senate granting the Secretary of the Interior authority to transfer land acquisition funds between the Bureau of Land Management, the U.S. Fish and Wildlife Service and the National Park Service.

Amendment No. 84: Modifies language proposed by the House and stricken by the Senate regarding the expenditure of funds for the Presidio. The managers are aware of legislation which may be enacted regarding the future management of the Presidio in California and have provided a funding limitation in order for the Congress to consider legislation this fall. In light of declining budgets, the managers recognize the need for an alternative approach for the Presidio that does not require additional appropriations from the Interior bill. Because the authorizing legislation may be enacted early in fiscal year 1996, the managers have included language which restricts how much funding can be obligated on a monthly basis for the first quarter of the fiscal year. However, if legislation is not enacted, the managers also recognize the need for the National Park Service to be able to fulfill its management and resource protection responsibilities at the Presidio. Thus, the obligation limitation would be lifted on December 31, 1995.

Because of concerns about sufficient resources remaining available to address the requirements of any authorization regarding the Presidio Trust, the managers expect the National Park Service to notify the relevant House and Senate appropriations and authorizing committees before awarding any major contracts after December 31, 1995, and prior to the establishment of the Presidio Trust once it is authorized.

Amendment No. 85: Restores language proposed by the House and stricken by the Senate repealing provisions of the Oil Pollution Act of 1990 with respect to Outer Continental Shelf leases offshore North Carolina. The repeal of this statute is not intended to excuse the United States from the liabilities, if any, it has incurred to date nor to otherwise affect pending litigation.

Amendment No. 86: Modifies language proposed by the Senate limiting the allocation of self-governance funds to Indian tribes in the State of Washington if a tribe adversely impacts rights of nontribal owners of land within the tribe's reservation. The House had no similar provision. The modification eliminates the requirement that a mutual agreement be reached within 90 days of enactment.

Amendment No. 87: Retains language proposed by the Senate which requires the Department of the Interior to issue a specific schedule for the completion of the Lake Cushman Land Exchange Act within 30 days of enactment and to complete the exchange by September 30, 1996. The House had no similar provision.

Amendment No. 88: Retains Senate language authorizing the National Park Service to expend funds for maintenance and repair of the Company Creek Road in Lake Chelan National Recreation Area and providing that, unless specifically authorized, no funds may be used for improving private property. The House had no similar provision.

Amendment No. 89: Revises language proposed by the Senate to reallocate mandatory grant payments of $27,720,000 to the Commonwealth of the Northern Mariana Islands (CNMI).

The managers agree that for fiscal years 1996 through 2002 the CNMI shall receive $11,000,000 annually. This is consistent with total funding, matching requirements, and terms negotiated and set forth in the agreement executed on December 17, 1992, between the special representative of the President of the United States and the special representatives of the Governor of the Northern Mariana Islands.

The managers agree that Guam shall receive impact aid of $4,580,000 in fiscal year 1996. This funding level shall continue through fiscal year 2001, as authorized by the Compact of Free Association. The managers agree that these grant funds must be used for infrastructure needs, as determined by the Government of Guam.

The managers agree that $7,700,000 shall be allocated for capital improvement grants to American Samoa in fiscal year 1996 and that higher levels of funding may be required in future years to fund the highest priority projects identified in a master plan. The managers have agreed to language directing the Secretary to develop such a master plan in conjunction with the Government of American Samoa. The plan is to be reviewed by the Army Corps of Engineers before it is submitted to the Congress and is to be updated annually as part of the budget justification.

The managers understand that renovation of hospital facilities in American Samoa has been identified as one of the more critical and high priority needs. The Secretary of the Interior and the American Samoa Governments are reminded that Congress required the creation of a hospital authority as a condition to Federal funding of health care facilities. The managers expect the existing hospital authority in American Samoa to be supported by the American Samoa Government so that it continues the purpose of improving the quality and management of health care.

The managers agree that $4,420,000 shall be allocated in fiscal year 1996 for resettlement of Rongelap Atoll. Language has been included that total additional contributions, including funding provided in this bill, may not exceed $32,000,000 and are contingent on an agreement that such contributions are a full and final settlement of all obligations of the United States to assist in the resettlement of Rongelap.

The managers have deleted language provisions proposed by the Senate which would legislate on several matters including minimum wage, immigration, and local employment in the Northern Mariana Islands.

The managers agree that the Secretary of the Interior should continue to submit an annual "State of the Islands" report. This report has been submitted for the past four years in accordance with Committee directives and is a valuable source of information for the Congress.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST RESEARCH

Amendment No. 90: Appropriates $178,000,000 for forest research instead of $182,000,000 as proposed by the House and $177,000,000 as proposed by the Senate.

For forestry research, the managers reaffirm support for the consolidation of budget line items, to provide the agency additional flexibility with restructuring, and to allow efficiencies and cost savings as required to meet the funding reductions. The managers agree that no forest and range experiment station, research program, or research project should be held harmless from decreases that would impose disproportionate reductions to other research activities. The agency should maintain its focus on core research activities—including forestry research—that support initiatives relating both to public and private forest lands, and cooperative research efforts involving the universities as well as the private sector, directed at forest management, resource utilization and productivity. The managers urge the Forest Service to avoid location closures where research is not conducted elsewhere, and to consolidate programs that are spread over multiple locations. The managers are particularly concerned that silvicultural and hardwood utilization research continue given the large number of public and private forests which rely on this research.

In addition, the managers note the growing importance of data and other information collected through the Forest Inventory Analysis (FIA) program and the resulting statewide forest inventories. The analysis and collection of information directed at forest health conditions on public and private forest lands has become especially important in recent years.

The managers have included $300,000 for landscape management research at the University of Washington, $479,000 for Cook County Ecosystem project, and $200,000 for research at the Olympic Natural Resources Center in Forks, WA.

STATE AND PRIVATE FORESTRY

Amendment No. 91: Appropriates $136,794,000 for State and private forestry as proposed by the Senate but deletes Senate earmarks for cooperative lands fire management and the stewardship incentives program. The House provided $129,551,000 for State and private forestry.

The net increase above the House includes increases of $4,500,000 for the stewardship incentives program, $3,000,000 for forest legacy program, and $5,500,000 for economic action programs; and reductions of $2,000,000 from forest health management, $621,000 from cooperative lands fire management, $1,636,000 for forest stewardship and $1,500,000 for urban and community forestry.

The managers agree to the following distribution of funds within economic action programs:

Forest products conservation and recovery	$1,000,000
Economic recovery	5,000,000
Rural development	4,800,000
Wood in transportation	1,200,000
Columbia River Gorge, economic grants to countries	2,500,000

The managers agree that $2,880,000 within rural development be allocated to the Northeast and Midwest, and that no funds are provided for economic diversification studies.

INTERNATIONAL FORESTRY

The managers agree that up to $4,000,000 of Forest Service funds may be utilized for purposes previously funded through the International Forestry appropriation. Domestic activities requiring international contacts will continue to be funded, as in the past, by the appropriate domestic benefiting program. The managers reiterate their expectations that the Service curtail foreign travel expenditures in light of budget constraints.

Operations formerly funded by International Forestry or other appropriations, other than research activities, of the International Institute of Tropical Forestry, Puerto Rico and the Institute of Pacific Islands Forestry, Hawaii may continue to be

funded as appropriate. As with other programs, it may be necessary to reduce funding for these institutes due to budget constraints. Research activities will be funded from the Forest Research appropriation.

The managers also expect the Forest Service to examine the best means to provide leadership in international forestry activities and meet essential representation and liaison responsibilities with foreign governments and international organizations, and agree that the Forest Service should not maintain a separate deputy chief for international forestry.

NATIONAL FOREST SYSTEM

Amendment No. 92: Appropriates $1,256,253,000 for the national forest system instead of $1,266,688,000 as proposed by the House and $1,247,543,000 as proposed by the Senate.

The net decrease below the House consists of reductions of $5,750,000 for recreation management, $1,750,000 for wilderness management, $435,000 for heritage resources, $1,750,000 for wildlife habitat management $1,000,000 for inland fish habitat management, $1,750,000 for threatened and endangered species habitat management; and increases of $1,000,000 for road maintenance, and $1,000,000 for facility maintenance.

The managers expect the land agencies to begin to rebuild and restore the public timber programs on national forests and BLM lands. With the modest increase in funding provided, the Forest Service is expected to produce 2.6 billion board feet of green sales. With enactment of the new salvage initiative (P.L. 104–19) in response to the emergency forest health situation, the agencies are expected to proceed aggressively to expedite the implementation of existing programmed salvage volumes, with the expectation that the Forest Service will produce an additional increment of 1.5 BBF over the expected sale program for fiscal year 1996. The managers expect a total fiscal year 1996 Forest Service sale accomplishment level of 5.6 BBF, and note that this is nearly half the level authorized for sale just five years ago. The Forest Service is to report timber sale accomplishments on the basis of net sawtimber sold and awarded to purchasers, and on the volume offered. Those regions of the country which sell products other than sawtimber should continue to report accomplishments in the same manner as used in the forest plans. The reports are to provide information on both green and salvage sales.

The managers encourage the Forest Service to use up to $350,000 to commission a third party field review of the environmental impacts and the economic efficiency of the emergency forest salvage program mandated by section 2001 of P.L. 104–19. The managers believe that funding such a review can be appropriately undertaken through the timber salvage sale fund.

The managers note the difference between the House and Senate reports pertaining to tree measurement and timber scaling. The managers also note that House Report 103–551 specifically allows Forest Service managers to use scaling when selling salvage sales of thinnings. The managers expect the Forest Service to use fully the flexibility authorized in House Report 103–551 for rapidly deteriorating timber, and to use sample weight scaling for the sale of low value thinnings. Further, the managers direct the Forest Service to undertake a study to identify: (1) which measurement method is more cost efficient; (2) to assess what percent of timber theft cases involve scaling irregularities and whether tree measurement discourages timber theft; (3) which measurement method is more efficient when environmental modifications are needed after a sale has been awarded; and (4) assess the agency's ability to perform cruising required under tree measurement. The study will measure Forest Service performance based on Forest Service Handbook cruise standards, including identifying how often uncertified employees are involved in cruise efforts. The Forest Service shall contact with an established independent contractor skilled in both cruising and scaling and report back to the Committees no later than March 1, 1996.

The conference agreement includes $400,000 for the development of a plan for preserving and managing the former Joliet Arsenal property as a National tallgrass prairie. The managers are aware of legislation to establish the Midewin National Tallgrass Prairie and Urge the Forest Service to take such steps as are necessary, including a reprogramming, to begin implementing the legislation when enacted. The managers also urge the Forest Service to seek full funding for the Midewin National Tallgrass Prairie as part of its fiscal year 1997 budget request.

The managers are concerned about the many programs in the President's Forest Plan designed to provide assistance to timber dependent communities in the Pacific Northwest. The managers are disturbed by the inability of the agencies involved to provide a detailed accounting of funds appropriated in previous fiscal years for the unemployed timber worker programs in the President's Forest Plan.

The managers expect the Secretary of the Interior and the Secretary of Agriculture to prepare a detailed accounting and report of the funds appropriated in fiscal year 1995 for the President's Forest plan. The report shall include a careful accounting of appropriated funding, including: funds appropriated for timber production; administrative expenses, including the number of Federal employees employed to administer the various aspects of the President's plan; funds appropriated for the various jobs programs allowed for under the President's plan, including but not limited to the Jobs in the Woods program; the number of individuals employed by these programs; and the average length of each job. The managers expected the Secretaries to submit the report to the Committees no later than March 31, 1996.

The managers are concerned that the Forest Service reallocates funding pursuant to reprogramming requests before they are transmitted to Congress. The managers direct the Forest Service to adhere to the reprogramming guidelines, and not reallocate funds until the Appropriations Committees have had an opportunity to review these proposals.

The managers believe that additional opportunities exist for contracting Forest Service activities, and encourage expanding the use of contractors wherever possible.

The managers are aware that suggestions have been made to withdraw administratively additional lands in Montana in order to prevent timber and oil and gas development. It is the understanding of the managers that wilderness designation for Federal lands can only be accomplished legislatively. However, the Forest Service does have the ability to designate the management of its lands through the forest planning process. The managers expect the Forest Service to comply with existing statutory and regulatory requirements in the management of National forest system lands. Where appropriate, proposed changes in land management practices should be implemented involving public participation and scientific analysis in the land management planning process, including plan amendments as necessary.

WILDLAND FIRE MANAGEMENT

Amendment No. 93: Changes the account title to Wildland Fire Management as proposed by the Senate; instead of Fire Protection and Emergency Suppression as proposed by the House.

Amendment No. 94: Appropriates $385,485,000 for wildland fire management as proposed by the House instead of $381,485,000 as proposed by the Senate.

CONSTRUCTION

Amendment No. 95: Appropriates $163,500,000 for construction, instead of $120,000,000 as proposed by the House and $186,888,000 as proposed by the Senate.

The increase above the House includes $23,500,000 for facilities, $5,000,000 for road construction, and $15,000,000 for trail construction. Within the total for facilities, the conference agreement includes $36,000,000 for recreation, $10,000,000 for FA&O, and $2,500,000 for research.

The managers agree to the following earmarks within recreation construction:

Allegheny NF, rehabilitation	$150,000
Bead Lake, WA, boating access	60,000
Bead Lake, WA, roads	176,000
Columbia River Gorge Discovery Center, OR, completion	2,500,000
Cradle of Forestry, NC, utilities	500,000
Daniel Boone NF, KY, rehabilitation	660,000
Gum Springs Recreation Area, LA, rehabilitation phase II	400,000
Johnston Ridge Observatory, WA	500,000
Johnston Ridge Observatory, WA, roads	550,000
Lewis and Clark Interpretive Center, MT, completion	2,700,000
Multnomah Falls, OR, sewer system	190,000
Northern Great Lakes Visitor Center, WI	1,965,000
Seneca Rocks, WV visitor center, completion	1,400,000
Timberline Lodge, OR, water system improvements and new reservoir	750,000
Winding Stair Mountain National Recreation and Wilderness Area, OK, improvements	682,000

The managers agree that for the Northern Great Lakes Visitor Center, WI, funding is provided with the understanding that the project cost is to be matched 50% by the State of Wisconsin.

The conference agreement includes $95,000,000 for roads to be allocated as follows: $57,000,000 for timber roads, $26,000,000 for recreation roads, and $12,000,000 for general purpose roads.

The managers remain interested in Forest Service plans for restoring Grey Towers, and are concerned about the cost of the project. The managers expect the Forest Service to continue the implementation of the master plan for Grey Towers and to explore additional partnerships that can help cost-share required restoration work. The Forest Service should work with the Committees to provide a better understanding of the needs of Grey Towers and explore ways to reduce the cost to the Federal government.

The managers concur in the reprogramming request currently pending for Johnston Ridge Observatory and Timberline Lodge sewer system.

Amendment No. 96: Earmarks $2,500,000 and unobligated project balances for a grant to

the "Non-Profit Citizens for the Columbia Gorge Discovery Center," and authorizes the conveyances of certain land, as proposed by the Senate. The House included no similar provision.

Amendment No. 97: Includes Senate provision which authorizes funds appropriated in 1991 for a new research facility at the University of Missouri, Columbia, to be available as a grant for construction of the facility, and provides that the Forest Service shall receive free space in the building. The House had no similar provision.

LAND ACQUISITION

Amendment No. 98: Appropriates $41,200,000 instead of $14,600,000 as proposed by the House and $41,167,000 as proposed by the Senate. The $41,200,000 includes $7,500,000 for acquisition management, $2,000,000 for emergency and in holding purchases, $1,000,000 for wilderness protection, $1,725,000 for cash equalization of land exchanges, and $28,975,000 for land purchase.

Amendment No. 99: Strikes Senate earmark for Mt. Jumbo.

Amendment No. 100: Strikes Senate earmark for Kane Experimental Forest.

The managers expect that any movement of acquisition funds from one project to another regardless of circumstances must follow normal reprogramming guidelines. The managers have deleted all references to specific earmarkings included in the Senate report.

The managers continue to encourage strongly the use of land exchanges as a way in which to protect important recreational or environmentally significant lands, in lieu of the Federal Government acquiring lands. The managers believe that land exchanges represent a more cost-effective way in which to do business and encourage the Forest Service to give high priority to those exchanges either nearing completion, or where land management decisions are made particularly difficult due to checkerboard ownership.

The managers are concerned about the long history of problems associated with the implementation of land acquisition provisions in the Columbia River Gorge National Scenic Act. To date, nearly $40 million has been spent on land acquisitions in the Gorge, and the Forest Service estimates that nearly $20–$30 million in remaining land is left to be acquired. The Gorge Act authorizes land exchanges in the area, and while several exchanges have been completed, a substantial number of acres remain to be acquired to fulfill the purposes of the Scenic Act. The managers strongly support the use of land exchanges versus land acquisitions. The managers understand that the Forest Service has the existing statutory authority to conduct land exchanges in the Scenic Area, including tripatrite land-for-timber exchanges.

The managers encourage the Forest Service to enter into land exchanges, including tripartite land exchanges, with willing land owners in the Gorge to diminish the need for future acquisitions.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Amendment No. 101: Retains Senate provision which prohibits any reorganization without the consent of the appropriations and authorizing committees and adds a provision exempting the relocation of the Region 5 regional offices from the requirement to obtain the consent of the authorizing and appropriations committees. The House had no similar provision.

The managers are concerned that the Forest Service is being required to move the Regional Office in Atlanta, Georgia from its present location to a new Federal Center in downtown Atlanta at greatly increased costs. At the same time, accessibility for both the public and employees will be made more difficult. Requiring the Forest Service to absorb increased costs for no increase in effectiveness or efficiency is not acceptable. The managers agree that any relocation of the Atlanta office can occur only pursuant to the bill language restrictions which require the advance approval of the authorizing and appropriations committees. This will allow the committees the opportunity to examine closely the costs and benefits of any such proposal, and require the Administration to justify fully any additional expenditures.

Amendment No. 102: Includes Senate provision which adds the Committee on Energy and Natural Resources to the list of committees which must approve reorganizations pursuant to amendment No. 101. The House had no similar provision.

Amendment No. 103: Includes the Senate provision which adds the Committee on Resources to the list of committees which must approve reorganizations pursuant to amendment No. 101. The House had no similar provision.

Amendment No. 104: Modifies Senate provision by deleting the prohibition on changes to the appropriations structure without advance approval of the Appropriations Committees, and substituting language allowing the relocation of the Region 5 regional office to Mare Island in Vallejo, CA, subject to the existing reprogramming guidelines. The House had no similar provision.

The conference agreement includes bill language which provides authority to finance costs associated with the relocation of the Region 5 regional office to excess military property at Mare Island Naval Shipyard at Vallejo, CA, from any Forest Service account. However, the managers expect a reprogramming request which justifies the relocation and identifies the source of funds to be used before funds are reallocated for this purpose. The allocation of other regions are not to be reduced in order to finance the move.

Amendment No. 105: Retains House language stricken by the Senate providing that 80 percent of the funds for the "Jobs in the Woods" program for National Forest land in the State of Washington be granted to the State Department of Fish and Wildlife. The Senate had no similar provision.

Amendment No. 106: Deletes House provision relating to songbirds on the Shawnee NF. The Senate had no similar provision.

Amendment No. 107: Deletes Senate provision which prohibits revision or implementation of a new Tongass Land Management Plan. The House had no similar provision.

Amendment 108: Deletes Senate provision requiring the implementation of the Tongass Land Management Plan (TLMP), Alternative P and replaces it with a requirement that the Tongass Land Management Plan in effect on December 7, 1995 remain in effect through fiscal year 1997. During fiscal years 1996 and 1997, the managers require the Secretary to maintain at least the number of acres of suitable available and suitable scheduled timber lands, and Allowable Sale Quantity as in Alternative P. The Secretary may continue the TLMP revision process, including preparation of the final EIS and Record of Decision, but is not authorized to implement the Record of Decision before October 1, 1997.

The conference agreement also includes language which allows a change in the offerees or purchasers of one or more timber sales that have already complied with the National Environmental Protection Act (NEPA) and the Alaska National Interest Lands Conservation Act (ANILCA). This language intends that when the Forest Service determines that additional analysis under NEPA and ANILCA is not necessary, the change of offerees or purchasers for whatever reason (including termination of a long term timber sale contract) shall not be considered a "significant new circumstance" under NEPA or ANILCA and shall not be a reason under other law for the sale or sales not to proceed.

The House had no similar provision.

DEPARTMENT OF ENERGY

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

Amendment No. 110: Appropriates $417,169,000 for fossil energy research and development instead of $379,524,000 as proposed by the House and $376,181,000 as proposed by the Senate. The amendment also provides for the transfer of authority for health and safety research in mines and the mineral industry from the Bureau of Mines (see amendment No. 47). Changes to the amount proposed by the House for coal research include an increase of $2,000,000 for Kalina cycle testing and decreases of $1,500,000 in coal preparation research, $1,650,000 for HRI proof of concept testing and $1,000,000 for bench scale research in the direct liquefaction program, $1,000,000 for in house research in the high efficiency integrated gasification combined cycle program, $500,000 for filters testing and evaluation in the high efficiency pressurized fluidized bed program, and $300,000 for international program support and $1,000,000 for university coal research in advanced research and technology development. Changes to the amount proposed by the House for oil technology research include increases of $1,500,000 for a data repository, $250,000 for the gypsy field project and $250,000 for the northern midcontinent digital petroleum atlas in exploration and supporting research, and decreases of $1,000,000 for the National laboratory/industry partnership and $1,000,000 for extraction in exploration and supporting research, $2,000,000 for the heavy oil/unconsolidated Gulf Coast project in the recovery field demonstrations program, and $1,100,000 as a general reduction to the processing research and downstream operations program. Changes to the amount proposed by the House for natural gas research include decreases of $440,000 for conversion of natural gases to liquid fuels, $130,000 for the international gas technology information center and $30,000 for low quality gas upgrading in the utilization program and $1,000,000 for the advanced concepts/tubular solid oxide fuel cell program. Other changes to the House recommended level include increases of $40,000,000 for health and safety research ($35 million) and materials partnerships ($5 million) which are being transferred from the Bureau of Mines, $6,295,000 for cooperative research and development and $5,000,000 for program direction at the energy technology centers and a decrease of $4,000,000 for environmental restoration.

The funds provided for cooperative research and development include $295,000 for technical and program management support and $3,000,000 each for the Western Research Institute and the University of North Dakota Energy and Environmental Research Center. Within the funds provided for WRI and UNDEERC, the managers agree that a percentage comparable to the fiscal year 1995 rate may be used for the base research program, and the balance is to be used for the jointly sponsored research program.

The managers have included an increase of $5,000,000 for program direction, which is $1,000,000 less than recommended in the Senate bill. The managers expect the Department to allocate these funds commensurate with the program distributions in this bill. The various program and support functions of the field locations should continue to be funded out of the same line-items as in fiscal year 1995.

The managers are aware of proposals regarding the future field office structure of the fossil energy program. The managers take no position on the specifics of the various aspects of the strategic realignment initiative at this time as many of the details are not yet available. The managers expect the Department to comply fully with the reprogramming guidelines before proceeding with implementation of any reorganization or relocation. The managers are concerned about the basis for estimated savings, personnel impacts, budget changes, transition plans, and how any proposed integration will address market requirements and utilization.

In any proposal to privatize the National Institute for Petroleum and Energy Research (NIPER), the Department should seek competitively a non-Federal entity to acquire NIPER and to make such investments and changes as may be necessary to enable the private entity to perform high-value research and development services and compete with other organizations for private and public sector work. In the interim, to the extent the program level for oil technology allows, the Department is encouraged to maintain as much of the program at NIPER as possible.

With respect to the functions of the Bureau of Mines which have been transferred to the Department of Energy, the managers expect the Department to continue to identify the resources being allocated for these purposes and not to subsume these functions into other budget line-items within the fossil energy account. The Secretary should maintain the transferred functions and personnel at their current locations. In fiscal year 1996, any staffing reductions required to accommodate the funding level provided for health and safety research should be taken from within this activity and should not affect any other elements of the fossil energy research and development organization. Likewise, any additional or vacant positions which are required for the health and safety research function should be filled with Bureau of Mines employees who are subject to termination or reduction-in-force. The managers strongly encourage the Administration, and particularly the Office of Management and Budget, to work toward consolidating these health and safety functions in the same agency with either the Mine Safety and Health Administration or the National Institute for Occupational Safety and Health.

The managers do not object to the use of up to $18,000,000 in clean coal technology program funds for administration of the clean coal program. The managers are concerned that a clean coal project was recently changed without addressing congressional concerns that were raised before and during the application review period. The managers expect the Secretary, to the extent possible, to ensure that the sulfur dioxide facility which was approved as part of the NOXSO clean coal project is constructed so as to begin operation when the elemental sulfur is available from the NOXSO process. The managers also expect the Department to report to the legislative committees of jurisdiction as well as the Appropriations Committees in the House and Senate on the rationale for approving the construction of a sulfur dioxide plant as part of the NOXSO project. As the remaining projects in the clean coal program proceed, the Department should focus on technologies that relate directly to the objectives of the program.

Amendment No. 111: Deletes language inserted by the Senate requiring that any new project start be substantially cost-shared with a private entity. The House had no similar provision. The managers expect the Department to make every effort to increase the percentage of non-Federal cost-sharing in its research and development projects.

NAVAL PETROLEUM AND OIL SHALE RESERVES

Amendment No. 112: Appropriates $148,786,000 for the Naval petroleum and oil shale reserves instead of $151,028,000 as proposed by the House and $136,028,000 as proposed by the Senate.

Amendment No. 113: Repeals the restriction on conducting studies with respect to the sale of the Naval petroleum and oil shale reserves as proposed by the Senate. The House had no similar provision.

ENERGY CONSERVATION

Amendment No. 114: Appropriates $553,293,000 for energy conservation instead of $556,371,000 as proposed by the House and $576,976,000 as proposed by the Senate. Changes to the amount proposed by the House for the buildings program include increases of $150,000 for the foam insulation project in the building envelope program, $100,000 for lighting and appliance collaboratives in commercial buildings in the building equipment program and $1,140,000 for energy efficiency standards for Federal buildings in the codes and standards program, and decreases of $400,000 for residential buildings/building America, $3,000 for residential energy efficiency/climate change action plan, and $1,500,000 for partnership America/climate change action plan in building systems; $150,000 as a general reduction to materials and structures in building envelope; $450,000 as a general reduction to lighting and $100,000 for appliance technology introduction partnerships/climate change action plan in building equipment; and $3,060,000 as a general reduction to the codes and standards program, consistent with the moratorium on issuing new standards (see amendment No. 157).

Changes to the amount proposed by the House for the industry program include an increase of $3,000,000 in industrial wastes to maintain the NICE3 program at the fiscal year 1995 level and decreases of $300,000 for combustion in the municipal solid waste program, $1,000,000 as a general reduction to the metals initiative in the materials and metals processing program with the expectation that none of the reduction is to be applied to the electrochemical dezincing project, $200,000 as a general reduction for alternative feedstocks and $700,000 as a general reduction for process development in the other process efficiency program, and $2,000,000 for environmental technology partnerships in implementation and deployment.

Changes to the amount proposed by the House for the transportation program include increases of $990,000 for metal matrix composites in vehicle systems materials; $200,000 for turbine engine technologies, $200,000 for the ceramic turbine engine demonstration project, $4,500,000 for automotive piston technologies, and $612,000 for combustion and emissions research and development in heat engine technologies; and $16,228,000 for on-board hydrogen proton exchange membrane fuel cells and $2,900,000 for fuel cell research and development in electric and hybrid propulsion development. Decreases from the House include $1,200,000 for fuel cells/battery materials and $500,000 as a general reduction in materials technology; $1,000,000 as a general reduction in vehicle systems materials; $6,462,000 as a general reduction to light duty engine technologies in the heat engine technologies program; and $500,000 for battery development, $1,000,000 to terminate the phosphoric acid fuel cell bus program and $15,528,000 as a general reduction for fuel cell development in the electric and hybrid propulsion development program.

Changes to the amount proposed by the House for the technical and financial assistance program include an increase of $3,250,000 for the weatherization assistance program and a decrease of $295,000 for the inventions and innovations program.

The managers have agreed to the Senate bill language restricting the issuance of new or amended standards in the codes and standards program (see amendment Nos. 156 and 157).

The managers agree that:

1. The Department should aggressively pursue increased cost sharing;

2. Projects that prove to be uneconomical or fail to produce desired results should be terminated;

3. The fiscal year 1997 budget should continue the trend of program downsizing with the focus on completing existing commitments;

4. Ongoing programs should not be grouped under the umbrella of large initiatives and described as new programs in the budget;

5. There should be no new program starts without compelling justification and identified funding offsets;

6. The home energy rating system pilot program should be continued with the existing pilot States; within the funds available for HERS, the managers expect the Department to work with Mississippi and other non-pilot program States on the States' home energy rating system;

7. There is no objection to continuing the student vehicle competition in the transportation program at the current year funding level;

8. The Department should work with the States to determine what other programs should be included in a block grant type program along with the consolidated State energy conservation program/institutional conservation program;

9. There is no objection to continuing the interagency agreement with the Department of Housing and Urban Development for public assisted housing and other low-income initiatives to the extent that HUD reimburses the Department for this work;

10. The Office of Industrial Technologies may procure capital equipment using operating funds, subject to the existing reprogramming guidelines;

11. The Department should work with the Office of Management and Budget and the General Services Administration to ensure that agencies fund energy efficiency improvements in Federal buildings;

12. The Department should increase private sector investment through energy savings performance contracts in the Federal energy management program and should develop mechanisms to be reimbursed for these efforts;

13. The Department should submit a new five year program plan for the transportation program in light of current funding constraints; and

14. There are no specific restrictions on the number of contracts to be let for the long term battery development effort or activities within the electric and hybrid vehicle program. Given the level of funding provided, the Department should examine carefully its options in these areas in close coordination with its industry cooperators.

Amendment No. 115: Earmarks $140,696,000 for State energy grant programs instead of $148,946,000 as proposed by the House and $168,946,000 as proposed by the Senate.

Amendment No. 116: Earmarks $114,196,000 for the weatherization assistance program instead of $110,946,000 as proposed by the House and $137,446,000 as proposed by the Senate.

Amendment No. 117: Earmarks $26,500,000 for the State energy conservation program as proposed by the House instead of $31,500,000 as proposed by the Senate.

ECONOMIC REGULATION

Amendment No. 118: Appropriates $6,297,000 for economic regulation as proposed by the House instead of $8,038,000 as proposed by the Senate.

The managers agree that the Office of Hearings and Appeals should receive reimbursement for work other than petroleum overcharge cases and related activities as recommended by the House.

ENERGY INFORMATION ADMINISTRATION

Amendment No. 119: Appropriates $72,266,000 for the Energy Information Administration $79,766,000 as proposed by the House and $64,766,000 as proposed by the Senate. The managers expect the reduction to be applied largely to EIA's forecasting efforts.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

Amendment No. 120: Appropriates $1,747,842,000 for Indian health services instead of $1,725,792,000 as proposed by the House and $1,815,373,000 as proposed by the Senate. Changes to the amount proposed by the House include increases of $25,000,000 to offset partially the fixed cost increase for health care providers, $1,500,000 for collections and billings, $750,000 for epidemiology centers, $200,000 for the Indians into Psychology program, and decreases of $2,000,000 for Indian health professionals, $3,000,000 for tribal management, and a $400,000 transfer from hospitals and clinics to facilities and environmental health support. The managers direct that the $25,000,000 provided for fixed cost increases be distributed on a pro-rata basis across all activities in the Indian health services and Indian health facilities accounts.

Amendment No. 121: Earmarks $350,564,000 for contract medical care as proposed by the Senate instead of $351,258,000 as proposed by the House.

The managers agree that the Indian Self Determination Fund is to be used only for new and expanded contracts and that this fund may be used for self-governance compacts only to the extent that a compact assumes new or additional responsibilities that had been performed by the IHS.

The managers agree that the fetal alcohol syndrome project at the University of Washington should be funded at the fiscal year 1995 level.

The managers are concerned about the adequacy of health care services available to the Utah Navajo population, and urge IHS to work with the local health care community to ensure that the health care needs of the Utah Navajos are being met. IHS should carefully consider those needs in designing a replacement facility for the Montezuma Creek health center.

INDIAN HEALTH FACILITIES

Amendment No. 122: Appropriates $238,958,000 for Indian health facilities instead of $236,975,000 as proposed by the House and $151,227,000 as proposed by the Senate. Changes to the amount proposed by the House include increases of $750,000 for the Alaska medical center, $1,000,000 for modular dental units, $500,000 for injury prevention, $400,000 for a base transfer from hospitals and clinics, and a decrease of $667,000 for the Fort Yuma, AZ project.

The managers agree to delay any reprogramming of funds from the Winnebago and Omaha Tribes' health care facility. However, given current budget constraints, if issues relative to the siting and design of the facility cannot be resolved, the managers will consider reprogramming these funds to other high priority IHS projects during fiscal year 1996.

The Talihina, OK hospital is ranked sixth on the IHS health facilities priority list for inpatient facilities. The Choctaw Nation has developed a financing plan for a replacement facility. The Choctaw Nation proposes various funding sources to support its project for a community based hospital. The managers direct IHS to work with the Choctaw Nation to identify resources necessary to staff, equip, and operate the newly constructed facility. The managers will consider these operational needs in the context of current budget constraints.

The managers have not agreed to provisions in the Senate bill requiring the IHS to prepare reports on the distribution of Indian Health Service professionals and on HIV-AIDS prevention needs among Indian tribes. While the managers agree that closer examination of these topics may be warranted, the resources necessary to conduct adequate studies are not available at this time.

DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

INDIAN EDUCATION

Amendment No. 123: Appropriates $52,500,000 as proposed by the House instead of $54,660,000 as proposed by the Senate.

The managers agree that no funding is provided for the National Advisory Council on Indian Education.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

Amendment No. 124: Appropriates $20,345,000 for the Office of Navajo and Hopi Indian Relocation as proposed by the Senate instead of $21,345,000 as proposed by the House.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

Amendment No. 125: Appropriates $308,188,000 for Salaries and Expenses instead of $309,471,000 as proposed by the House and $307,988,000 as proposed by the Senate.

The $200,000 increase is provided for the Center for folklife programs specifically for the 1996 Festival of American Folklife featuring the State of Iowa. This amount is provided in addition to the $400,000 base funding. The State of Iowa will contribute $250,000 toward this effort.

Amendment No. 126: Earmarks $30,472,000 as proposed by the Senate instead of $32,000,000 proposed by the House for the instrumentation program, collections acquisition and various other programs.

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

Amendment No. 127: Appropriates $3,250,000 for zoo construction as proposed by the Senate instead of $3,000,000 as proposed by the House. The increase is limited to repairs and rehabilitation and is not to be used for new exhibits or expansions.

REPAIR AND RESTORATION OF BUILDINGS

Amendment No. 128: Appropriates $33,954,000 for repair and restoration of buildings as proposed by the Senate instead of $24,954,000 as proposed by the House.

CONSTRUCTION

Amendment No. 129: Appropriates $27,700,000 for construction as proposed by the Senate instead of $12,950,000 as proposed by the House. The managers agree that $15,000,000 is included for the National Museum of the American Indian Cultural Resource Center, $8,700,000 is included to complete the construction and equipping of the Natural History East Court Building and $3,000,000 is for minor construction, alterations and modifications.

The managers are providing $1,000,000 to be used to complete a proposed master plan and initiate detailed planning and design to allow for the development of a proposed financial plan for the proposed extension at Dulles Airport for the Air and Space Museum. The managers expect that the financial plan shall specify, in detail, the phasing of the project and commitments by the Commonwealth of Virginia and the Smithsonian toward construction and operation of the facility.

The managers agree that no Federal funds, beyond the costs of planning and design, will be available for the construction phase of this project.

The managers have provided $15,000,000 for the continued construction of the National Museum of the American Indian Cultural Resource Center in Suitland, Maryland. This amount will bring the Federal contribution to date for this project to $40,900,000. The managers have agreed that no additional Federal funds will be appropriated for this project.

The managers also strongly encourage the Smithsonian to develop alternative cost scenarios for the proposed National Museum of the American Indian Mall Museum including downsizing of the building and decreasing the amount of Federal funding.

Amendment No. 130: The managers agree to concur with the Senate amendment which strikes the House provision permitting a single procurement for construction of the American Indian Cultural Resources Center. The managers understand that authority provided previously for such purposes is sufficient.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

Amendment No. 131: Appropriates $51,844,000 for salaries and expenses as proposed by the Senate instead of $51,315,000 as proposed by the House.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

Amendment No. 132: Appropriates $6,442,000 for repair, restoration and renovation of buildings instead of $5,500,000 as proposed by the House and $7,385,000 as proposed by the Senate.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

Amendment No. 133: Appropriates $10,323,000 for operations and maintenance as proposed by the Senate, instead of $9,800,000 as proposed by the House.

Amendment No. 134: Includes Senate provision which amends 40 U.S.C. 193n to provide the Kennedy Center with the same police authority as the Smithsonian Institution and the National Gallery of Art. The House had no similar provision.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

Amendment No. 135: Appropriates $5,840,000 for the Woodrow Wilson International Center for Scholars instead of $5,840,000 as proposed by the House and $6,537,000 as proposed by the Senate.

The managers continue to have serious concerns about the total costs associated with the proposed move to the Federal Triangle building. Until such time as both the House and Senate Appropriations Committees' concerns are satisfactorily addressed, no funds may be used for this purpose.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

Amendment No. 136: Appropriates $82,259,000 for grants and administration as proposed by the House instead of $88,765,000 as proposed by the Senate.

Amendment No. 137: Deletes House language making NEA funding contingent upon passage of a House reauthorization bill. The Senate had no similar provision.

The managers on the part of the House continue to support termination of NEA within two years, and do not support funding beyond FY 1997. The managers on the part of the Senate take strong exception to the House position, and support continued funding for NEA. The managers expect this issue to be resolved by the legislative committees in the House and Senate.

MATCHING GRANTS

Amendment No. 138: Appropriates $17,235,000 for matching grants as proposed by the House instead of $21,235,000 as proposed by the Senate.

Amendment No. 139: Deletes House language making funding for NEA contingent upon passage of a House reauthorization bill.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

Amendment No. 140: Appropriates $94,000,000 for grants and administration as proposed by the Senate instead of $82,469,000 as proposed by the House.

The managers on the part of the House continue to support a phase out of NEH within three years, and do not support funding beyond FY 1998. The managers on the part of the Senate take strong exception to the House position, and support continued funding for NEH. The managers expect this issue to be resolved by the legislative committees in the House and Senate.

MATCHING GRANTS

Amendment No. 141: Appropriates $16,000,000 for matching grants as proposed by the Senate instead of $17,025,000 as proposed by the House.

Amendment No. 142: Earmarks $10,000,000 for challenge grants as proposed by the Senate instead of $9,180,000 as proposed by the House.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

Amendment No. 143: Appropriates $2,500,000 for salaries and expenses as proposed by the Senate instead of $3,063,000 as proposed by the House.

While the Advisory Council works closely with Federal agencies and departments, the National Park Service and State historic preservation officers, it does not have responsibility for designating historic properties, providing financial assistance, overriding other Federal agencies' decisions, or controlling actions taken by property owners.

The managers encourage those Federal agencies and departments which benefit from the Advisory Council's expert advice to assist in covering these costs. The managers are concerned that some Advisory Council activities may duplicate those conducted by other preservation agencies. Therefore, the managers direct the Advisory Council to evaluate ways to recover the costs of assisting Federal agencies and departments through reimbursable agreements and to examine its program activities to identify ways to eliminate any duplication with other agencies. The Advisory Council shall report its findings to the Congress by March 31, 1996.

FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

SALARIES AND EXPENSES

Amendment No. 144: Appropriates $147,000 as proposed by the Senate instead of $48,000 as proposed by the House.

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

SALARIES AND EXPENSES

Amendment No. 145: Appropriates no funds as proposed by the Senate instead of $2,000,000 as proposed by the House.

PUBLIC DEVELOPMENT

Amendment No. 146: Modifies language proposed by the Senate allowing the use of prior year funding for operating and administrative expenses. The modification allows the use of prior year funding for shutdown costs in addition to operating costs. In addition, prior year funds may be used to fund activities associated with the functions transferred to the General Services Administration. The House had no similar provision.

The managers agree that not more than $3,000,000 in prior year funds can be used for operating, administrative expenses, and shutdown costs for the Pennsylvania Avenue Development Corporation. The managers direct that the orderly shutdown of the Corporation be accomplished within six months from the date of enactment of this Act. No staff should be maintained beyond April 1, 1996. The managers agree that Pennsylvania Avenue Development Corporation staff associated with the Federal Triangle project should be transferred to the General Services Administration, and provision for the transfer has been included in the Treasury-Postal Services Appropriations bill.

UNITED STATES HOLOCAUST MEMORIAL COUNCIL

HOLOCAUST MEMORIAL COUNCIL

Amendment No. 147: Appropriates $28,707,000 for the Holocaust Memorial Council as proposed by the House instead of $26,609,000 as proposed by the Senate.

Amendment No. 148: Restores language proposed by the House and stricken by the Senate providing that $1,264,000 for the Museum's exhibition program shall remain available until expended.

TITLE III—GENERAL PROVISIONS

Amendment No. 149: Retains Senate provision making a technical correction to Public Law 103-413.

Amendment No. 150: Includes Senate provision that any funds used for the Americorps program are subject to the reprogramming guidelines, and can only be used if the Americorps program is funded in the VA-HUD and Independent Agencies fiscal year 1996 appropriations bill. The House prohibited the use of any funds for the Americorps program.

Since the Northwest Service Academy (NWSA) is funded through fiscal year 1996, the managers agree that the agencies are not prohibited from granting the NWSA a special use permit, from using the NWSA to accomplish projects on agency-managed lands or in furtherance of the agencies' missions, or from paying the NWSA a reasonable fee-for-service for projects.

Amendment No. 151: Modifies House language stricken by the Senate transferring certain responsibilities from the Pennsylvania Avenue Development Corporation to the General Services Administration, National Capital Planning Commission, and the National Park Service. The modification transfers all unobligated and unexpended balances to the General Services Administration. The Senate had no similar provision.

Amendment No. 152: Modifies House and Senate provisions relating to the Interior Columbia River Basin ecoregion management project (the Project). The House and Senate contained different language on the subject, but both versions were clear in their position that the Project has grown too large, and too costly to sustain in a time of shrinking budgets. In addition, the massive nature of the undertaking, and the broad geographic scope of the decisions to be made as part of a single project has raised concerns about potential vulnerability to litigation and court injunctions with a regionwide impact. The language included in the conference report reflects a compromise between the two versions.

Subsection (b) appropriates $4,000,000 for the completion of an assessment on the National forest system lands and lands administered by the BLM within the area encompassed by the Project, and to publish two draft Environmental Impact Statements on the Project. The Forest Service and BLM should rely heavily on the eastside forest ecosystem health assessment in the development of the assessment and DEIS's, in particular, volume II and IV provide a significant amount of the direction necessary for the development of an ecosystem management plan. This document has already been peer reviewed and widely distributed to the public. Therefore, the collaborative efforts by many scientists can be recognized.

The two separate DEIS's would cover the project region of eastern Washington and Oregon, and the project region of Montana and Idaho, and other affected States. The language also directs project officials to submit the assessment and two DEIS's to the appropriate House and Senate committees for their review. The DEIS's are not decisional and not subject to judicial review. The managers have included this language based upon concern that the publication of DEIS's of this magnitude would present the opportunity for an injunction that would shut down all multiple use activities in the region.

The assessment shall contain a range of alternatives without the identification of a

preferred alternative or management recommendation. The assessment will also provide a methodology for conducting any cumulative effects analysis required by section 102(2) of NEPA, in the preparation of each amendment to a resource management plan.

The assessment shall also include the scientific information and analysis conducted by the Project on forest and rangeland health conditions, among other considerations, and the implications of the management of these conditions. Further, the assessment and DEIS's shall not be subject to consultation or conferencing under section 7 of the Endangered Species Act, nor be accompanied by any record of decision required under NEPA.

Subsection (c) states the objective of the managers that the district manager of the Bureau of Land Management or the forest supervisor of the Forest Service use the DEIS's as an information base for the development of individual plan amendments to their respective forest plan. The managers believe that the local officials will do the best plan in preparing plan amendments that will achieve the greatest degree of balance between multiple use activities and environmental protection.

Upon the date of enactment, the land managers are required to review their resource management plan for their forest, together with a review of the assessment and DEIS's, and based on that review, develop or modify the policies laid out in the DEIS or assessment to meet the specific conditions of their forest.

Based upon this review, subsection (c)(2) directs the forest supervisor or district manager to prepare and adopt an amendment to meet the conditions of the individual forest. In an effort to increase the local participation in the plan amendment process, the district manager or forest supervisor is directed to consult with the governor, and affected county commissioners and tribal governments in the affected area.

Plan amendments should be site specific, in lieu of imposing general standards applicable to multiple sites. If an amendment would result in a major change in land use allocations within the forest plan, such an amendment shall be deemed a significant change, and therefore requiring a significant plan amendment or equivalent.

Subsection (c)(5) strictly limits the basis for individual plan amendments in a fashion that the managers intend to be exclusive.

Language has been included to stop duplication of environmental requirements. Subsection (c)(6)(A) states that any policy adopted in an amendment that modifies, or is an alternative policy, to the general policies laid out in the DEIS's and assessment document that has already undergone consultation or conferencing under section 7 of the ESA, shall not again be subject to such provisions. If a policy has not undergone consultation or conferencing under section 7 of the ESA, or if an amendment addresses other matters, however, then that amendment shall be subject to section 7.

Amendments which modify or are an alternative policy are required to be adopted before October 31, 1996. An amendment that is deemed significant, shall be adopted on or before March 31, 1997. The policies of the Project shall no longer be in effect on a forest on or after March 31, 1997, or after an amendment to the plan that applies to that forest is adopted, whichever comes first.

The managers have included language specific to the Clearwater National Forest, as it relates to the provisions of this section. The managers have also included language to clarify that the documents prepared under this section shall not apply to, or be used to regulate non-Federal lands.

Amendment No. 153: Includes a modified version of provisions included by both the House and Senate relating to a recreational fee demonstration program. This pilot program provides for testing a variety of fee collection methods designed to improve our public lands by allowing 80 per cent of fees generated to stay with the parks, forests, refuges and public lands where the fees are collected. There is a tremendous backlog of operational and maintenance needs that have gone unmet, while at the same time visits by the American public continue to rise. The public is better served and more willing to pay reasonable user fees if they are assured that the fees are being used to manage and enhance the sites where the fees are collected.

Most of the provisions of the Senate amendment are incorporated into the amendment agreed to by the managers, which provides for the following:

(1) The maximum number of demonstration sites per agency is extended from 30 to 50.

(2) the time period for the demonstration is extended from one year to three years and these funds remain available for three years after the demonstration period ends.

(3) Agencies may impose a fine of up to $100 for violation of the authority to collect fees established by this program.

(4) The more simplified accounting procedures proposed by the Senate are adopted, such that fewer Treasury accounts need to be established than proposed by the House.

(5) In those cases where demonstrations had fee collections in place before this provision, fees above the amounts collected in 1995 (plus 4% annually) are to be used for the benefit of the collection site or on an agency-wide basis. The other fees collected will be treated like they are at non-demonstration sites, except funds withheld to cover fee collection costs for agencies other than the Fish and Wildlife Service will remain available beyond the fiscal year in which they are collected.

(6) For those Fish and Wildlife Service demonstrations where fees were collected in fiscal year 1995, the fees collected, up to the 1995 level (plus 4% annually), are disbursed as they were in 1995.

(7) The agencies have been provided more latitude in selecting demonstration sites, areas or projects. These demonstrations may include an entire administrative unit, such as a national park or national wildlife refuge where division into smaller units would be difficult to administer or where fee collections would adversely affect visitor use patterns.

(8) The Secretaries are directed to select and design the demonstration projects in a manner which will provide optimum opportunities to evaluate the broad spectrum of resource conditions and recreational opportunities on Federal lands, including facility, interpretation, and fish and wildlife habitat enhancement projects that enhance the visitor experience.

(9) Vendors may charge a reasonable markup or commission to cover their costs and provide a profit.

(10) Each Secretary shall provide the Congress a brief report describing the selected sites and free recovery methods to be used by March 31, 1996, and a report which evaluates the pilot demonstrations, including recommendations for further legislation, by March 31, 1999. The reports to Congress are to include a discussion of the different sites selected and how they represent the geographical and programmatic spectrum of recreational sites and habitats managed by the agencies. The diversity of fee collection methods and fair market valuation methods should also be explained.

(11) In order to maximize funding for start-up costs, agencies are encouraged to use existing authority in developing innovative implementation strategies, including cooperative efforts between agencies and local governments.

(12) Although the managers have not included the Senate amendment language regarding geographical discrimination on fees, the managers agree that entrance, tourism, and recreational fees should reflect the circumstances and conditions of the various States and regions of the county. In setting fees, consideration should be given to fees charged on comparable sites in other parts of the region or country. The four agencies are encouraged to cooperate fully in providing additional data on tourism, recreational use, or rates which may be required by Congress in addressing the fee issue.

(13) The managers request that the General Accounting Office conduct a study and report to the Appropriations Committees by July 31, 1996 on the methodology and progress made by the Secretaries to implement this section.

Amendment No. 154: Deletes House language relating to salvage timber sales in the Pacific Northwest, and substitutes language which makes a technical correction to the emergency salvage timber program, Sec. 2001(a)(2) of Public Law 104–19 that changes the ending date of the emergency period to December 31, 1996. This correction is necessary to conform to the expiration date in Sec. 2001(j). The Senate included no similar provision.

Amendment No. 155: Retains House language stricken by the Senate prohibiting the use of funds for the Mississippi River Corridor Heritage Commission.

Amendment No. 156: Deletes House language stricken by the Senate placing a moratorium on the issuance of new or amended standards and reducing the codes and standards program in the Department of Energy by $12,799,000 and inserts language regarding grazing at Great Basin National Park. The codes and standards issue is discussed under the energy conservation portion of this statement.

Amendment No. 157: Deletes language proposed by the House and stricken by the Senate and retains Senate alternative language providing for a one-year moratorium on new or amended standards by the Department of Energy. This issue is discussed under the energy conservation portion of this statement.

Amendment No. 158: Modifies House mining patent moratorium that was stricken and replaced by the Senate with fair market legislation for mining patents. The conference agreement continues the existing, straightforward moratorium on the issuance of mining patents that was contained in the fiscal year 1995 Interior and Related Agencies Appropriations Act.

The agreement further requires the Secretary of the Interior within three months of the enactment of this Act to file with the House and Senate Appropriations Committees and authorizing committees a plan which details how the Department will make a final determination on whether or not an applicant is entitled to a patent under the general mining laws on at least 90 percent of

such applications within five years of enactment of this Act, and take such actions as necessary to carry out such plan. The conference agreement does not intend for the final determination to presume final adjudication of the contesting of any applications which are deemed not entitled to a patent under the general mining laws.

In order to process patent applications in a timely manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application. The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

Amendment No. 159: Includes the Senate provision which prohibits funding for the Office of Forestry and Economic Development after December 31, 1995. The House had no similar provision.

Amendment No. 160: Retains language inserted by the Senate prohibiting redefinition of the marbled murrelet nesting area or modification to the protocol for surveying marbled murrelets. The House had no similar provision.

Amendment No. 161: Retains language inserted by the Senate authorizing the Secretary of the Interior to exchange land in Washington State with the Boise Cascade Corporation. The House had no similar language.

Amendment No. 162: Includes Senate provision which creates a new Timber Sales Pipeline Restoration Fund at the Departments of the Interior and Agriculture to partially finance the preparation of timber sales from the revenues generated from the section 318 timber sales that are released under section 2001(k) of Public Law 104-19. The House included no similar provision.

Amendment No. 163: Deletes language proposed by the Senate which would prohibit use of funds for travel and training expenses for the Bureau of Indian Affairs or the Office of Indian Education for education conferences or training activities.

The managers expect the Bureau of Indian Affairs and the Office of Indian Education to monitor carefully the funds used for travel and training activities. The managers are concerned about the cost of travel and training associated with national conferences attended by school board members or staff of schools funded by the Bureau of Indian Affairs. Because of the funding constraints faced by the Bureau, the managers expect that priority will be given to funding those activities which directly support accreditation of Bureau funded schools and covering costs associated with increased enrollment.

Amendment No. 164: Retains language inserted by the Senate prohibiting the award of grants to individuals by the National Endowment for the Arts except for literature fellowships, National Heritage fellowships and American Jazz Masters fellowships. The House had no similar provision.

Amendment No. 165: Includes Senate provision which delays implementation or enforcement of the Administration's rangeland reform program until November 21, 1995. The House included no similar provision.

Amendment No. 166: Strikes Senate section 331 pertaining to submission of land acquisition projects by priority ranking. Priorities should continue to be identified in the budget request and justifications.

Amendment No. 167: Includes Senate provision that makes three changes to existing law relating to tree spiking. Costs incurred by Federal agencies, businesses and individuals to detect, prevent and avoid damage and injury from tree, spiking, real or threatened, may be included as "avoidance costs" in meeting the threshold of $10,000 required for prosecution. The language doubles the discretionary maximum penalties for prison terms to 40 years for incidents resulting in the most severe personal injury. Those injured would have recourse to file civil suits to recover damages under this law. The House had no similar provision.

Amendment No. 168: Modifies Senate language restricting grants that denigrate adherents to a particular religion. The modification specifies that this restriction applies to NEA and incorporates Senate language from Amendment No. 169 restricting NEA grants for sexually explicit material. The House had no similar provision.

Amendment No. 169: Deletes Senate language restricting NEA grants for sexually explicit material. This issue is addressed in Amendment No. 168.

Amendment No. 170: Deletes language inserted by the Senate extending the scope of the Arts and Artifacts Indemnity Act. The House had no similar provision. The amendment also inserts language providing that former Bureau of Mines activities, which are being transferred to other accounts, are paid for from those accounts for all of fiscal year 1996 and changes a section number.

Amendment No. 171: Deletes language inserted by the Senate mandating energy savings at Federal facilities and inserts in lieu thereof language that keeps in place only the regulations and interim rules in effect prior to September 8, 1995 (36 CFR 223.48, 36 CFR 223.87, 36 CFR 223 Subpart D, 36 CFR 223 Subpart F, and 36 CFR 261.6) governing the export of State and federal timber in the western United States. This language has been included so that the Administration, Congress and affected parties can have more time to address policy issues with respect to Public Law 101-382, the Forest Resources Conservation and Shortage Relief Act of 1990. The language prohibits the Secretary of Agriculture or the Secretary of the Interior from reviewing or making modifications to existing sourcing areas. The language prohibits either Secretary from enforcing or implementing regulations promulgated on September 8, 1995 at 36 CFR Part 223. The bill language also directs the Secretary of Commerce to continue the 100 percent ban on the export of logs that originate from Washington State-owned public lands.

The fiscal year 1996 Agriculture Appropriations Act includes language that delayed the implementation of the September 8, 1995 regulations for 120 days, and the managers have extended the prohibition to enforce or implement these regulations for the entire fiscal year. The managers direct the Secretary of Agriculture to continue to solicit public comments on the regulations issued on September 8, 1995 until February 29, 1996. Based, in part, upon a careful review of the public comments, the Secretary is directed to report to the appropriate committees of Congress, including the Appropriations Committees, on the following: Any changes in those regulations the Secretary proposes to make in response to public comments; the appropriations needed to administer and enforce the regulations; the expected cost of the regulations, and other effects on the private sector, including effects on competition for public and private timber and productivity of domestic timber processing facilities; and any recommendations from the Secretary to amend Public Law 101-382 in response to changing circumstances in the timber industry since 1990, when the law was enacted.

Amendment No. 172: Deletes Senate amendment requiring the Indian Health Service to prepare a report on the distribution of Indian Health Service professionals. The House had no similar provision. The conference agreement also inserts language providing for the continued general aviation use and operation on the National Park Service portion of Pearson Airfield in Vancouver, Washington until the year 2022 and for the creation and implementation of a transition plan from general aviation to historic aircraft. This provision is consistent with the Memorandum of Agreement entered into between the United States National Park Service and the City of Vancouver dated November 4, 1994. The managers are aware that legislation to provide a comprehensive partnership agreement for management of the Vancouver Historic Reserve is under consideration. This provision allows the City of Vancouver to develop the Pearson Museum pending completion of the Vancouver Historic Reserve legislation. This language shall not be construed to limit the authority of the Federal Aviation Administration over air traffic control or aviation activities at Pearson Airfield, nor to limit operation or airspace in the vicinity of the Portland International Airport.

Amendment No. 173: Deletes Senate language requiring the Indian Health Service to prepare a report on HIV-AIDS prevention needs, and inserts in lieu thereof a provision which allows the construction of a third telescope on Mount Graham, in the Coronado National Forest, Arizona, to proceed under the terms of the Arizona-Idaho Conservation Act of 1988, P.L. 100-696.

APPLICATION OF GENERAL REDUCTIONS

The level at which reductions shall be taken pursuant to the Deficit Reduction Act of 1985, if such reductions are required in fiscal year 1996, is defined by the managers as follows:

As provided for by section 256(1)(2) of Public Law 99-177, as amended, and for the purposes of a Presidential Order issued pursuant to section 254 of said Act, the term "program, project, and activity" for items under the jurisdiction of the Appropriations Subcommittees on the Department of the Interior and Related Agencies of the House of Representatives and the Senate is defined as (1) any item specifically identified in tables or written material set forth in the Interior and Related Agencies Appropriations Act, or accompanying committee reports or the conference report and accompanying joint explanatory statement of the managers of the committee of conference; (2) any Government-owned or Government-operated facility; and (3) management units, such as national parks, national forests, fish hatcheries, wildlife refuges, research units, regional, State and other administrative units and the like, for which funds are provided in fiscal year 1996.

The managers emphasize that any item for which a specific dollar amount is mentioned in an accompanying report, including all changes to the budget estimate approved by the Committees, shall be subject to a percentage reduction no greater or less than the percentage reduction applied to all domestic discretionary accounts.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1996 recommended

by the Committee of Conference, with comparisons to the fiscal year 1995 amount, the 1996 budget estimates, and the House and Senate bills for 1996 follow:

New budget (obligational) authority, fiscal year 1995	$13,519,230,000
Budget estimates of new (obligational) authority, fiscal year 1996	13,817,404,000
House bill, fiscal year 1996	11,984,603,000
Senate bill, fiscal year 1996	12,053,099,000
Conference agreement, fiscal year 1996	12,164,636,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1995	−1,354,594,000
Budget estimates of new (obligational) authority, fiscal year 1996	−1,652,768,000
House bill, fiscal year 1996	+180,033,000
Senate bill, fiscal year 1996	+111,537,000

RALPH REGULA,
JOSEPH M. MCDADE,
JIM KOLBE,
JOE SKEEN,
BARBARA F. VUCANOVICH,
CHARLES H. TAYLOR,
GEORGE R. NETHERCUTT, Jr.,
JIM BUNN,
BOB LIVINGSTON,
Managers on the Part of the House.

SLADE GORTON,
TED STEVENS,
PETE V. DOMENICI,
MARK O. HATFIELD,
CONRAD BURNS,
ROBERT F. BENNETT,
CONNIE MACK,
J. BENNETT JOHNSTON,
Managers on the Part of the Senate.

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. OWENS) to revise and extend their remarks and include extraneous material:)

Mr. POSHARD, for 5 minutes, today.

Mr. MFUME, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mrs. COLLINS of Illinois, for 5 minutes, today.

(The following Members (at the request of Mr. TATE) to revise and extend their remarks and include extraneous material:)

Mr. METCALF, for 5 minutes each day, on December 13, December 14, and December 15.

Mr. CUNNINGHAM, for 5 minutes each day, on December 14 and December 15.

Mr. TIAHRT, for 5 minutes today and each day, on December 13 and December 14.

Mr. RAMSTAD, for 5 minutes, today.

Ms. ROS-LEHTINEN, for 5 minutes, on December 13.

Mr. LONGLEY, for 5 minutes each day, on December 14, December 15, and December 16.

Mr. WATTS of Oklahoma, for 5 minutes, today.

Mr. CHABOT, for 5 minutes, on December 13.

Mr. SMITH of New Jersey, for 5 minutes, on December 13.

Mr. MARTINI, for 5 minutes, on December 14.

Mr. RIGGS, for 5 minutes today and each day, on December 12 and December 14.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. ANDREWS, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. FOX of Pennsylvania, 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. OWENS) and to include extraneous matter:)

Mrs. CLAYTON.
Ms. DELAURO.
Mr. SKELTON.
Mr. SERRANO in two instances.
Mr. KENNEDY of Massachusetts.
Mr. MONTGOMERY.
Mrs. MEEK of Florida.
Mr. STOKES.
Mr. STARK in two instances.
Mr. MORAN.
Mr. ROEMER.
Mr. MENENDEZ.
Ms. ROYBAL-ALLARD.
Mr. FRANK of Massachusetts.
Mr. KENNEDY of Rhode Island.
Mr. LIPINSKI.
Mr. HAMILTON.
Ms. KAPTUR.

(The following Members (at the request of Mr. TATE) and to include extraneous matter:)

Mr. BONO.
Mr. KOLBE.
Mr. BURTON of Indiana.
Mr. DORNAN.
Mr. ROGERS.
Mr. WATTS of Oklahoma in two instances.
Mr. SMITH of New Jersey.
Mrs. VUCANOVICH.
Mr. WOLF.
Mr. LEACH.
Mr. GILMAN.
Ms. ROS-LEHTINEN.

(The following Members (at the request of Mr. PAYNE of New Jersey) and to include extraneous matter:)

Mr. UNDERWOOD
Mr. GINGRICH.
Mr. DEFAZIO.
Mr. PAYNE of New Jersey.
Mrs. FOWLER.
Mr. DOOLEY.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2076. An act making appropriations for the Departments of Commerce, Justice and State, the judiciary, and related agencies for the fiscal year ending September 30, 1996, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 790. An act to provide for the modification or elimination of Federal reporting requirements.

ADJOURNMENT

Mr. PAYNE of New Jersey. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 15 minutes p.m.), the House adjourned until tomorrow, Wednesday, December 13, 1995, at 10 a.m.

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. BLILEY: Committee on Commerce. H.R. 1747. A bill to amend the public Health Services Act to permanently extend and clarify malpractice coverage for health centers, and for other purposes; with amendments (Rept. 104–398). Referred to the Committee of the Whole House on the State of the Union.

Mr. Goss: Committee on Rules. House Resolution 296. Resolution providing for consideration of a motion to dispose of the remaining Senate amendments to the bill (H.R. 1868) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1996, and for other purposes (Rept. 104–399). Referred to the House Calendar.

Mr. SOLOMON: Committee on Rules. House Resolution 297. Resolution waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolutions reported from the Committee on Rules, and for other purposes (Rept. 104–400). Referred to the House Calendar.

Mrs. JOHNSON of Connecticut: Committee on Standards of Official Conduct. Inquiry into various complaints filed against Representative Newt Gingrich (Rept. 104–401). Referred to the House Calendar.

Mr. REGULA: Committee on Conference. Conference report on H.R. 1977. A bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes (Rept. 104–402. Ordered to be printed.

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. COBURN (for himself, Mr. GANSKE, Mr. GILCHREST, Mr. HOSTETTLER, Mr. HUTCHINSON, Mr. RAHALL, Mr. SMITH of New Jersey, Mr. WALSH, and Mr. WELDON of Florida:

H.R. 2757. A bill to amend title XVIII of the Social Security Act to require health maintenance organizations participating in the Medicare Program to assure access to out-of-network services to Medicare beneficiaries enrolled with such organizations; 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.

By Mr. CUNNINGHAM:

H.R. 2758. A bill to amend title 49, United States Code, relating to required employment investigations of pilots; to the Committee on Transportation and Infrastructure.

By Mr. BONO:

H.R. 2759. A bill to prevent paid furloughs of Federal and District of Columbia employees during periods of lapsed appropriations; to the Committee on Government Reform and Oversight.

By Mr. DOYLE (for himself, Mr. MURTHA, Mr. MASCARA, Mr. KLINK, Mr. COYNE, Mr. BORSKI, Mr. CLINGER, Mr. ENGLISH of Pennsylvania, Mr. FATTAH, Mr. FOGLIETTA, Mr. FOX, Mr. GEKAS, Mr. GOODLING, Mr. GREENWOOD, Mr. HOLDEN, Mr. KANJORSKI, Mr. MCDADE, Mr. MCHALE, Mr. SHUSTER, Mr. WALKER, and Mr. WELDON of Pennsylvania):

H.R. 2760. A bill to name the nursing care center at the Department of Veterans Affairs medical center in Aspinwall, PA, as the "H. John Heinz, III Department of Veterans Affairs Nursing Care Center"; to the Committee on Veterans' Affairs.

By Mr. GREENWOOD (for himself and Mr. MCHALE:

H.R. 2761. A bill to amend the Internal Revenue Code of 1986 to provide an election for an overpayment in lieu of a basis increase where indebtedness secured by property has original issue discount and is held by a cash method taxpayer; to the Committee on Ways and Means.

By Mr. JOHNSON of South Dakota:

H.R. 2762. A bill to require additional research prior to the promulgation of a standard for sulfate under the Safe Drinking Water Act, and for other purposes; to the Committee on Commerce.

By Mr. STUDDS (for himself, Mr. TORKILDSEN, Mr. MOAKLEY, Mr. MARKEY, Mr. FRANK of Massachusetts, Mr. KENNEDY of Massachusetts, Mr. NEAL of Massachusetts, Mr. OLVER, Mr. MEEHAN, and Mr. BLUTE):

H.R. 2763. A bill to establish the Boston Harbor Islands National Recreation Area, and for other purposes; to the Committee on Resources.

By Mr. WELDON of Florida:

H.R. 2764. A bill to amend title 10, United States Code, to authorize veterans who are totally disabled as the result of a service-connected disability to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are authorized to travel on such aircraft; to the Committee on National Security.

By Mr. BUYER (for himself and Mr. SKELTON):

H. Res. 295. Resolution relating to the deployment of United States Armed Forces in and around the territory of the Republic of Bosnia and Herzegovina to enforce the peace agreement between the parties to the conflict in the Republic of Bosnia and Herzegovina; to the Committee on International Relations, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BUYER (for himself and Mr. SKELTON):

H. Res. 298. Resolution relating to the deployment of United States Armed Forces in and around the territory of the Republic of Bosnia and Herzegovina to enforce the peace agreement between the parties to the conflict in the Republic of Bosnia and Herzegovina; to the Committee on International Relations, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JOHNSON of Connecticut (for herself, Mr. MCDERMOTT, Mr. CARDIN, Mr. GOSS, Ms. PELOSI, Mr. HOBSON, Mr. BORSKI, Mr. SCHIFF, and Mr. SAWYER):

H. Res. 299. Resolution to amend the Rules of the House of Representatives regarding outside earned income to the Committee on Rules.

By Mr. SENSENBRENNER:

H. Res. 300. Resolution providing for the expulsion of Representative Walter R. Tucker III, from the House; to the Committee on Standards of Official Conduct.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII.

Mr. SMITH of Texas introduced a bill (H.R. 2765) for the relief of Rocco A. Trecosta; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to the public bills and resolutions as follows:

H.R. 142: Mr. CALVERT.
H.R. 249: Mr. FILNER.
H.R. 294: Mr. MEEHAN.
H.R. 359: Mr. BONIOR.
H.R. 580: Mr. FAZIO of California.
H.R. 789: Mr. HOLDEN.
H.R. 864: Mr. LAUGHLIN.
H.R. 969: Mr. KLINK.
H.R. 1023: Mrs. THURMAN.
H.R. 1073: Mr. BARRETT of Wisconsin, Mr. MATSUI, and Mr. COYNE.
H.R. 1074: Mr. BARRETT of Wisconsin, Mr. MATSUI, and Mr. COYNE.
H.R. 1227: Mr. GREENWOOD.
H.R. 1416: Mr. COYNE and Mr. MENENDEZ.
H.R. 1458: Mr. OBERSTAR.
H.R. 1512: Mr. DOOLITTLE.
H.R. 1527: Mr. HASTINGS of Washington.
H.R. 1574: Mr. CHRYSLER.
H.R. 1656: Mr. KENNEDY of Massachusetts, Mr. MEEHAN, Mr. COOLEY, Ms. JACKSON-LEE, and Mrs. MALONEY.
H.R. 1684: Mr. MYERS of Indiana, Mr. GEJDENSON, and Mr. HINCHEY.
H.R. 1718: Mr. SHUSTER, Mr. GREENWOOD, Mr. FOGLIETTA, Mr. WALKER, Mr. WELDON of Pennsylvania, and Mr. GOODLING.
H.R. 1803: Mr. SCHIFF.
H.R. 1998: Mr. TALENT.
H.R. 2190: Mr. TALENT, Mr. BACHUS, and Mrs. CLAYTON.
H.R. 2245: Mr. COLEMAN.
H.R. 2326: Mr. HAMILTON.
H.R. 2435: Mrs. LOWEY.
H.R. 2458: Ms. ROYBAL-ALLARD, Mr. WYDEN, Mr. MARKEY, Mr. OBERSTAR, and Mrs. THURMAN.
H.R. 2463: Mr. HILLIARD and Mr. JEFFERSON.
H.R. 2529: Mr. PALLONE.
H.R. 2531: Mr. HOSTETTLER, Mr. WAMP, Mr. EHLERS, Mr. BURR, Mr. WELDON of Florida, Ms. PRYCE, Mr. CALVERT, and Mr. COOLEY.
H.R. 2540: Mr. CHRYSLER, Mr. COOLEY, Mr. PACKARD, Mr. WICKER, Mr. COBLE, Mr. FOLEY, and Mr. NORWOOD.
H.R. 2543: Mr. FOLEY, Mrs. MYRICK, Mr. BARCIA of Michigan, and Mr. CALVERT.
H.R. 2579: Mr. GENE GREEN of Texas, Mr. THOMPSON, Mr. JEFFERSON, Mr. GORDON, Mr. HINCHEY, Mr. BAKER of Louisiana, Mr. REED, and Mr. CRAPO.
H.R. 2582: Mr. SMITH of New Jersey.
H.R. 2597: Mr. BARR, Mr. KINGSTON, and Mr. MCDADE.
H.R. 2651: Mr. JACOBS and Mrs. THURMAN.
H.R. 2654: Mr. MEEHAN, Ms. LOFGREN, Mr. WYNN, Mr. FLAKE, Mrs. MINK of Hawaii, Ms. VELAZQUEZ, and Mr. BARRETT of Wisconsin.
H.R. 2664: Mr. FLAKE, Mr. BROWN of Ohio, Mr. ORTON, Mr. PAYNE of Virginia, Mr. MILLER of Florida, Mr. BLUTE, Ms. SLAUGHTER, and Mrs. MALONEY.
H.R. 2671: Mrs. LINCOLN, Mr. BALDACCI, Ms. RIVERS, Mr. SISISKY, Mr. ENGLISH of Pennsylvania, Mr. BARCIA, Mr. BISHOP, and Ms. DELAURO.
H.R. 2677: Mr. PETE GEREN of Texas, Mr. BREWSTER, Mr. DICKEY, Mr. HUTCHINSON, Mr. TAYLOR of North Carolina, Mr. RADANOVICH, and Mr. WELDON of Florida.
H.R. 2682: Mr. FLAKE, Mr. BOEHLERT, Mr. HINCHEY, and Mr. ENGEL.
H.R. 2691: Mr. DELLUMS, Mrs. SCHROEDER, Mr. SERRANO, Mr. HASTINGS of Florida, and Mr. COLEMAN.
H.R. 2694: Mr. GENE GREEN of Texas.
H.R. 2697: Mrs. MEEK of Florida, Ms. NORTON, Mr. FATTAH, Mr. BISHOP, Mr. OWENS, Miss COLLINS of Michigan, Ms. JACKSON-LEE, Mr. HILLIARD, Mr. LEWIS of Georgia, Mr. DELLUMS, and Mr. MORAN.
H.R. 2698: Mr. COOLEY.
H.R. 2723: Mr. CALVERT and Mr. COOLEY.
H.R. 2745: Ms. ROYBAL-ALLARD and Mr. REED.
H.J. Res. 127: Mr. BREWSTER, Mr. FRAZER, and Mr. CALVERT.
H. Con. Res. 102: Mr. DEFAZIO, Mr. FROST, and Mr. TORRICELLI.
H. Con. Res. 117: Mr. HUNTER, Mr. PORTER, Mr. BURTON of Indiana, and Ms. ESHOO.
H. Con. Res. 118: Mr. CALVERT, Mr. GILCHREST, Mr. BROWDER, Mr. MURTHA, Mr. HOLDEN, Mrs. FOWLER, and Mr. FOX.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1020

OFFERED BY: MR. ENSIGN

AMENDMENT NO. 13. Page 15, beginning in line 5, strike "originating in Lincoln County, Nevada" insert "originating in Lincoln County, but staying outside of Clark County, Nevada".

H.R. 1020

OFFERED BY: MR. ENSIGN

AMENDMENT NO. 14: Page 15, line 7, insert after the period the following: "The Secretary shall develop such corridor only (1)

with the approval of the Governor of each State in which the corridor is located, or (2) after consultation with each such Governor.".

H.R. 1020

OFFERED BY: MR. ENSIGN

AMENDMENT NO. 15: Page 21, insert after line 18 the following:

(1) STATE FEE.—The State of Nevada may impose a fee on the transfer of high level radioactive waste and spent nuclear fuel by rail transportation or intermodal transfer in the State of Nevada. Such fee shall be imposed when the transfer of such waste and fuel crosses the State boundary.

H.R. 1020

OFFERED BY: MR. ENSIGN

AMENDMENT NO. 16: Page 32, line 22, insert before the comma the following: "or if the State of Nevada has communicated to the Secretary its decision to not permit the construction of the repository at the Yucca Mountain site".

H.R. 1020

OFFERED BY: MR. ENSIGN

AMENDMENT NO. 17: Page 66, insert after line 9 the following:

"(g) UNFUNDED MANDATES.—The provisions of the Unfunded Mandates Reform Act of 1995 and all amendments made by that Act shall apply to this Act and the Waste Fund shall be used to pay all of the costs incurred by State and local governments by reason of any Federal intergovernmental mandate contained in this Act. For purposes of this section the term 'Federal intergovernmental mandate' has the same meaning as when used in section 421 of title IV of the Congressional Budget and Impoundment Control Act of 1974."

H.R. 1020

OFFERED BY: MR. ENSIGN

AMENDMENT NO. 18: Page 66, after line 9 insert the following:

"(g) PRIVATE PROPERTY.—

"(1) FEDERAL POLICY AND DIRECTION.—

"(A) GENERAL POLICY.—It is the policy of the Federal Government that no law or agency action with respect to the transportation, interim storage, or disposal of high-level radioactive waste should limit the use of privately-owned property so as to diminish its value.

"(B) APPLICATION TO FEDERAL AGENCY ACTION.—Each Federal agency, officer, and employee should exercise Federal authority to ensure that agency action with respect to the transportation, interim storage, or disposal of high-level radioactive waste will not limit the use of privately owned property so as to diminish its value.

"(2) RIGHT TO COMPENSATION.—

"(A) IN GENERAL.—The Federal Government shall compensate an owner of property whose use of any portion of that property has been limited by an agency action, under this Act relating to the transportation, interim storage, or permanent disposition of high-level radioactive waste, that diminishes the fair market value of that portion by 20 percent or more. The amount of the compensation shall equal the diminution in value that resulted from the agency action. If the diminution in value of a portion of that property is greater than 50 percent, at the option of the owner, the Federal Government shall buy that portion of the property for its fair market value.

"(B) DURATION OF LIMITATION ON USE.—Property with respect to which compensation has been paid under this subsection shall not thereafter be used contrary to the limitation imposed by the agency action, even if that action is later rescinded or otherwise vitiated. However, if that action is later rescinded or otherwise vitiated, and the owner elects to refund the amount of the compensation, adjusted for inflation, to the Treasury of the United States, the property may be so used.

"(3) EFFECT OF STATE LAW.—If a use is a nuisance as defined by the law of a State or is already prohibited under a local zoning ordinance, no compensation shall be made under this subsection with respect to a limitation on that use.

"(4) EXCEPTIONS.—

"(A) PREVENTION OF HAZARD TO HEALTH OR SAFETY OR DAMAGE TO SPECIFIC PROPERTY.—No compensation shall be made under this subsection with respect to an agency action the primary purpose of which is to prevent an identifiable—

"(i) hazard to public health or safety; or

"(ii) damage to specific property other than the property whose use is limited.

"(5) PROCEDURE.—

"(A) REQUEST OF OWNER.—An owner seeking compensation under this subsection shall make a written request for compensation to the Secretary of the Commission, as the case may be, whose action resulted in the limitation. No such request may be made later than 180 days after the owner receives actual notice of that agency action.

"(B) NEGOTIATIONS.—The Secretary of the Commission, as the case may be, may bargain with that owner to establish the amount of the compensation. If the agency and the owner agree to such an amount, the agency shall promptly pay the owner the amount agreed upon.

"(C) CHOICE OF REMEDIES.—If, not later than 180 days after the written request is made, the parties do not come to an agreement as to the right to and amount of compensation, the owner may choose to take the matter to binding arbitration or seek compensation in a civil action.

"(D) ARBITRATION.—The procedures that govern the arbitration shall, as nearly as practicable, be those established under title 9, United States Code, for arbitration proceedings to which that title applies. An award made in such arbitration shall include a reasonable attorney's fee and other arbitration costs (including appraisal fees). The agency shall promptly pay any award made to the owner.

"(E) CIVIL ACTION—An owner who does not choose arbitration, or who does not receive prompt payment when required by this section, may obtain appropriate relief in a civil action against the agency. An owner who prevails in a civil action under this section shall be entitled to, and the agency shall be liable for, a reasonable attorney's fee and other litigation costs (including appraisal fees). The court shall award interest on the amount of any compensation from the time of the limitation.

"(F) SOURCE OF PAYMENTS.—Any payment made under this section to an owner, and any judgment obtained by an owner in a civil action under this section shall, notwithstanding any other provision of law, be made from the Nuclear Waste Disposal Fund. If insufficent funds exist for the payment or to satisfy the judgment, it shall be the duty of the head of the agency to seek the appropriation of such funds for the next fiscal year.

"(6) LIMITATION.—Notwithstanding any other provision of law, any obligation of the United States to make any payment under this subsection shall be subject to the availability of appropriations.

"(7) DUTY OF NOTICE TO OWNERS.—Whenever an agency takes an agency action limiting the use of private property under this Act, the agency shall give appropriate notice to the owners of that property directly affected explaining their rights under this subsection and the procedures for obtaining any compensation that may be due to them under this subsection.

"(8) RULES OF CONSTRUCTION.—

"(A) EFFECT ON CONSTITUTIONAL RIGHT TO COMPENSATION.—Nothing in this subsection shall be construed to limit any right to compensation that exists under the Constitution or under other laws of the United States.

"(B) EFFECT OF PAYMENT.—Payment of compensation under this subsection (other than when the property is bought by the Federal Government at the option of the owner) shall not confer any rights on the Federal Government at the option of the owner) shall not confer any rights on the Federal Government other than the limitation on use resulting from the agency action.

"(9) DEFINITIONS.—For the purposes of this subsection—

"(A) The term 'property' means land and includes the right to use or receive water.

"(B) A use of property is limited by an agency action if a particular legal right to use that property no longer exists because of the action.

"(C) The term 'agency action' has the meaning given that term in section 551 of title 5, United States Code, but also includes the making of a grant to a public authority conditioned upon an action by the recipient that would constitute a limitation if done directly by the agency.

"(D) The term 'agency' has the meaning given that term in section 551 of title 5, United States Code.

"(E) The term 'fair market value' means the most probable price at which property would change hands, in a competitive and open market under all conditions requisite to a fair sale, between a willing buyer and a willing seller, neither being under any compulsion to buy or sell and both having reasonable knowledge of relevant facts, at the time the agency action occurs.

"(F) The term 'State' includes the District of Columbia, Puerto Rico, and any other territory or possession of the United States.

"(G) The term 'law of the State' includes the law of a political subdivision of a State.".

H.R. 1020

OFFERED BY: MR. ENSIGN

AMENDMENT NO. 19: Page 80, insert after line 25 the following:

SEC. 510. RISK ASSESSMENT AND COST-BENEFIT ANALYSIS.

"(a) COVERAGE.—This section does not apply to any of the following:

"(1) A situation that the Secretary or the Commission, as the case may be, determines to be an emergency. In such circumstance, the Secretary or the Commission, as the case may be, shall comply with the provisions of this subsection within as reasonable a time as it is practical.

"(2) Activities necessary to maintain military readiness.

"(b) UNFUNDED MANDATES.—Nothing in this section itself shall, without Federal funding and further Federal agency action, create my new obligation or burden on any State or local government or otherwise impose any financial burden on any State or local government in the absence of Federal funding, except with respect to routine information requests.

"(c) DEFINITIONS.—For purposes of this section:

"(1) COSTS.—The term 'costs' includes the direct and indirect costs to the United States Government, to State, local, and tribal governments, and to the private sector, wage earners, consumers, and the economy, of implementing and complying with a rule or alternative strategy.

"(2) BENEFIT.—The term 'benefit' means the reasonably identifiable significant health, safety, environmental, social and economic benefits that are expected to result directly or indirectly for implementation of a rule or alternative strategy.

"(3) MAJOR RULE.—The term 'major rule' means any regulation that is likely to result in an annual increase in costs of $25,000,000 or more. Such term does not include any regulation or other action taken by an agency to authorize or approve any individual substance or product.

"(4) EMERGENCY.—The term 'emergency' means a situation that is immediately impending and extraordinary in nature, demanding attention due to an condition, circumstance, or practice reaonsably expected to cause death, serious illness, or severe injury to humans, or substantial endangerment to private property or the environment if no action is taken.

"(d) AVAILABILITY OF INFORMATION AMONG FEDERAL AGENCIES.—The Secretary and the Commission shall make existing databases and information developed under this section available to other Federal agencies, subject to applicable confidentiality requirements, for the purpose of meeting the requirements of this section. Within 15 months after the date of enactment of this section, the President shall issue guidelines for the Secretary of the Commission to comply with this section.

"(e) EFFECTIVE DATE: APPLICABILITY; SAVINGS PROVISIONS.—

"(1) EFFECTIVE DATE.—Except as otherwise specifically provided in this section, the provisions of this section shall take effect 18 months after the date of enactment of this section.

"(2) APPLICABILITY.—

"(A) IN GENERAL.—Except as provided in subparagraph (C), this title applies to all significant risk assessment documents and significant risk characterization documents, as defined in subparagraph (B).

"(B) DEFINITIONS.—

"(i) SIGNIFICANT RISK ASSESSMENT DOCUMENT, SIGNIFICANT RISK CHARACTERIZATION DOCUMENT.—As used in this section, the terms 'significant risk assessment document' and 'significant risk characterization document' include, at a minimum, risk assessment documents or risk characterization documents prepared by or on behalf of a covered Federal agency in the implementation of a regulatory program designed to protect human health, safety, or the environment, used as a basis for one of the items referred to in clause (ii), and included by the agency in that item or inserted by the agency in the administrative record for that item.

"(ii) INCLUDED ITEMS.—The items referred to in clause (i) are the following: Any proposed or final major rule, including any analysis or certification promulgated as part of any Federal regulatory program designed to protect human health, safety, or the environmental clean-up plan for a facility or Federal guidelines for the issuance of any such plan. As used in this clause, the term 'environmental clean-up' means a corrective action under the Solid Waste Disposal Act, a removal or remedial action under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and any other environmental restoration and waste management carried out by or on behalf of a covered Federal agency with respect to any substance other than municipal waste; any proposed or final permit condition placing a restriction on facility siting or operation under Federal laws administered by the Environmental Protection Agency or the Department of the Interior. Nothing in this clause shall apply to the requirements of section 404 of the Clean Water Act; any report to Congress; any regulatory action to place a substance on any official list of carcinogens or toxic or hazardous substances or to place a new health effects value on such list, including the Integrated Risk Information System Database maintained by the Environmental Protection Agency; any guidance, including protocols of general applicability, establishing policy regarding risk assessment or risk characterization.

"(iii) ALSO INCLUDED.—The terms 'significant risk assessment document' and 'significant risk characterization document' shall also include the following: Any such risk assessment and risk characterization documents provided by an covered Federal agency to the public and which are likely to result in an annual increase in costs of $25,000,000 or more; environmental restoration and waste management carried out by or on behalf of the Department of Defense with respect to any substance other than municipal waste.

"(iv) RULE.—Within 15 months after the date of the enactment of this section, the Secretary and the Commission shall each promulgate a rule establishing those additional categories, if any, of risk assessment and risk characterization documents prepared by or on behalf of the Secretary or the Commission, as the case may be, that the Secretary or the Commission, as the case may be, will consider significant risk assessment documents or significant risk characterization documents for purposes of this section. In establishing such categories, the Secretary and the Commission shall consider each of the following: The benefits of consistent compliance by documents of the Secretary and the Commission in the categories; the administrative burdens of including documents in the categories; the need to make expeditious administrative decisions regarding documents in the categories; the possible use of a risk assessment or risk characterization in any compilation of risk hazards or health or environmental effects prepared by the Secretary and the Commission and commonly made available to, or used by, any Federal, State, or local government agency; and such other factors as may be appropriate.

"(3) EXCEPTIONS.—This section does not apply to risk assessment or risk characterization documents containing risk assessments or risk characterizations performed with respect to the following: A screening analysis, where appropriately labeled as such, including a screening analysis for purposes of product regulation or premanufacturing notices or any health, safety, or environmental inspections. No analysis shall be treated as a screening analysis if the results of such analysis are used as the basis for imposing restrictions on substances or activities.

"(4) SAVINGS PROVISIONS.—The provisions of this section shall be supplemental to any other provisions of law relating to risk assessments and risk characterizations, except that nothing in this section shall be construed to modify any statutory standard or statutory requirement designed to protect health, safety, or the environment. Nothing in this section shall be interpreted to preclude the consideration of any data or the calculation of any estimate to more fully describe risk or provide examples of scientific uncertainty or variability. Nothing in this section shall be construed to require the disclosure of any trade secret or other confidential information.

"(f) PRINCIPLES FOR RISK ASSESSMENT.—

"(1) IN GENERAL.—The Secretary and the Commission shall apply the principles set forth in paragraph (2) in order to assure that significant risk assessment documents and all of their components distinguish scientific findings from other considerations and are, to the extent feasible, scientifically objective, unbiased, and inclusive of all relevant data and rely, to the extent available and practicable, on scientific findings. Discussions or explanations required under this section need not be repeated in each risk assessment document as long as there is a reference to the relevant discussion or explanation in another agency document which is available to the public.

"(2) PRINCIPLES.—The principles to be applied are as follows:

"(A) When discussing human health risks, a significant risk assessment document shall contain a discussion of both relevant laboratory and relevant epidemiological data for sufficient quality which finds, or fails to find, a correlation between health risks and a potential toxin or activity. Where conflicts among such data appear to exist, or where animal data is used as a basis to assess human health, the significant risk assessment document shall, to the extent feasible and appropriate, include discussion of possible reconciliation of conflicting information, and as relevant, differences in study designs, comparative physiology, routes of exposure, bioavailability, pharmacokinetics, and any other relevant factor, including the sufficiency of basic data for review. The discussion of possible reconciliation should indicate whether there is a biological basis to assume a resulting harm in humans. Animal data shall be reviewed with regard to its relevancy to humans.

"(B) Where a significant risk assessment document involves selection of any significant assumption, inference, or model, the document shall, to the extent feasible: present a representative list and explanation of plausible and alternative assumptions, inferences, or models, explain that basis for any choices, identify any policy or value judgments; fully describe any model used in the risk assessment and make explicit the assumptions incorporated in the model; and indicate the extent to which any significant model has been validated by, or conflicts with, empirical data.

"(g) PRINCIPLES FOR RISK CHARACTERIZATION AND COMMUNICATIONS.—Each significant risk charactization document shall meet each of the following requirements:

"(1) ESTIMATES OF RISK.—The risk characterization shall describe the populations or natural resources which are the subject of the risk characterization. If a numerical estimate of risk is provided, the agency shall, to the extent feasible, provide—

"(A) the best estimate or estimates for the specific populations or natural resources which are the subject of the characterization (based on the information available to the Federal agency); and

"(B) a statement of the reasonable range of scientific uncertainties.

In addition to such best estimate or estimates, the risk characterization document

may present plausible upper-bound or conservative estimates in conjunction with plausible lower bounds estimates. Where appropriate, the risk characterization document may present, in lieu of a single best estimate, multiple best estimates based on assumptions, inferences, or models which are equally plausible, given current scientific understanding. To the extent practical and appropriate, the document shall provide descriptions of the distribution and probability of risk estimates to reflect differences in exposure variability or sensitivity in populations and attendant uncertainties. Sensitive subpopulations or highly exposed subpopulations include, where relevant and appropriate, children, the elderly, pregnant women, and disabled persons.

"(2) EXPOSURE SCENARIOS.—The risk characterization document shall explain the exposure scenarios used in any risk assessment, and, to the extent feasible, provide a statement of the size of the corresponding population at risk and the likelihood of such exposure scenarios.

"(3) COMPARISONS.—The document shall contain a statement that places the nature and magnitude of risks to human health, safety, or the environment in context. Such statement shall, to the extent feasible, provide comparisons with estimates of greater, lesser, and substantially equivalent risks that are familiar to and routinely encountered by the general public as well as other risks, and, where appropriate and meaningful, comparisons of those risks with other similar risks regulated by the Federal agency resulting from comparable activities and exposure pathways. Such comparisons should consider relevant distinctions among risks, such as the voluntary or involuntary nature of risks and the preventability or nonpreventability of risks.

"(4) SUBSTITUTION RISKS.—Each significant risk assessment or risk characterization document shall include a statement of any significant substitution risks to human health, where information on such risks has been provided to the agency.

"(5) SUMMARIES OF OTHER RISK ESTIMATES.—If—

"(A) a commenter provides the Secretary and the Commission with a relevant risk assessment document or a risk characterization document, and a summary thereof, during a public comment provided by the Secretary and the Commission for a significant risk assessment document or a significant risk characterization document, or, where no comment period is provided but a commenter provides the Secretary and the Commission with the relevant risk assessment document or risk characterization document, and a summary thereof, in a timely fashion, and

"(B) the risk assessment document or risk characterization document is consistent with the principles and the guidance provided under this section, the Secretary or the Commission, as the case may be, shall, to the extent feasible, present such summary in connection with the presentation of the significant risk assessment document or significant risk characterization document. Nothing in this paragraph shall be construed to limit the inclusion of any comments or material supplied by any person to the administrative record of any proceeding.

A document may satisfy the requirements of paragraph (3), (4), or (5) by reference to information or material otherwise available to the public if the document provides a brief summary of such information or material.

"(h) RECOMMENDATIONS OR CLASSIFICATIONS BY A NON-UNITED STATES-BASED ENTITY.—Neither the Secretary or the Commission shall automatically incorporate or adopt any recommendation or classification made by a non-United States-based entity concerning the health effects value of a substance without an opportunity for notice and comment, and any risk assessment document or risk characterization document adopted by a covered Federal agency on the basis of such a recommendation or classification shall comply with the provisions of this section. For the purposes of this section, the term 'non-United States—based entity' means—

"(1) any foreign government and its agencies;

"(2) the United Nations or any of its subsidiary organizations;

"(3) any other international governmental body or international standards-making organization; or

"(4) any other organization or private entity without a place of business located in the United States or its territories.

"(1) GUIDELINES AND REPORT.—

"(1) GUIDELINES.—Within 15 months after the date of enactment of this section, the President shall issue guidelines for the Secretary and the Commission consistent with the risk assessment and characterization principles set forth in this section and shall provide a format for summarizing risk assessment results. In addition, such guidelines shall include guidance on at least the following subjects: Criteria for scaling animal studies to assess risks to human health; use of different types of dose-response models; thresholds; definitions, use, and interpretations of the maximum tolerated dose; weighting of evidence with respect to extrapolating human health risks from sensitive species; evaluation of benign tumors, and evaluation of different human health endpoints.

"(2) REPORT.—Within 3 years after the date of the enactment of this section, the Secretary and the Commission shall provide a report to the Congress evaluating the categories of policy and value judgments identified under this section.

"(3) PUBLIC COMMENT AND CONSOLATION.—The guidances and report under this subsection, shall be developed after notice and opportunity for public comment, and after consultation with representatives of appropriate State, local, and tribal governments, and such other departments and agencies, offices, organizations, or persons as may be advisable.

"(4) REVIEW.—The President shall review and, where appropriate, revise the guidelines published under this subsection at least every 4 years.

"(j) RESEARCH AND TRAINING IN RISK ASSESSMENT.—

"(1) EVALUATION.—The Secretary and the Commission shall regularly and systematically evaluate risk assessment research and training needs of the Department and the Commission, including, where relevant and appropriate, the following:

"(A) Research to reduce generic data gaps, to address modelling needs (including improved model sensitivity), and to validate default options, particularly those common to multiple risk assessments.

"(B) Research leading to improvement of methods to quantify and communicate uncertainty and variability among individuals, species, populations, and, in the case of ecological risk assessment, ecological communities.

"(C) Emerging and future areas of research, including research on comparative risk analysis, expose to multiple chemicals and other stressors, noncancer endpoints, biological markers of exposure and effect, mechanisms of action in both mammalian and nonmammalian species, dynamics and probabilities of physiological and ecosystem exposures, and prediction of ecosystem-level responses.

"(D) Long-term needs to adequately train individuals in risk assessment and risk assessment application. Evaluations under this paragraph shall include an estimate of the resources needed to provide necessary training.

"(2) STRATEGY AND ACTIONS TO MEET IDENTIFIED NEEDS.—The head of each covered agency shall develop a strategy and schedule for carrying out research and training to meet the needs identified in paragraph (1).

"(3) REPORT.—Not later than 6 months after the date of the enactment of this section, the Secretary and the Commission shall submit to the Congress a report on the evaluations conducted under paragraph (1) and the strategy and schedule developed under paragraph (2). The Secretary and the Commission shall report to the Congress periodically on the evaluations, strategy, and schedule.

"(k) STUDY OF COMPARATIVE RISK ANALYSIS.—

"(1) IN GENERAL.—

"(A) STUDY.—The Director of the Office of Management and Budget, in consultation with the Office of Science and Technology Policy, shall conduct, or provide for the conduct of, a study using comparative risk analysis to rank health, safety, and environmental risks and to provide a common basis for evaluating strategies for reducing or preventing those risks. The goal of the study shall be to improve methods of comparative risk analysis.

"(B) CONTRACT.—Not later than 90 days after the date of the enactment of this section, the Director, in collaboration with the heads of appropriate Federal agencies, shall enter into a contract with the National Research Council to provide technical guidance on approaches to using comparative risk analysis and other considerations in setting health, safety, and environmental risk reduction priorities.

"(2) SCOPE OF STUDY.—The study shall have sufficient scope and breadth to evaluate comparative risk analysis and to test approaches for improving comparative risk analysis and its use in setting priorities for health, safety, and environmental risk reduction. The study shall compare and evaluate a range of diverse health, safety, and environmental risks.

"(3) STUDY PARTICIPANTS.—In conducting the study, the Director shall provide for the participation of a range of individuals with varying backgrounds and expertise, both technical and nontechnical, comprising broad representation of the public and private sectors.

"(4) DURATION.—The study shall begin within 180 days after the date of the enactment of this section and terminate within 2 years after the date on which it began.

"(5) RECOMMENDATIONS FOR IMPROVING COMPARATIVE RISK ANALYSIS AND ITS USE.—Not later than 90 days after the termination of the study, the Director shall submit to the Congress the report of the National Research Council with recommendations regarding the use of comparative risk analysis and ways to improve the use of comparative risk analysis for decision-making by the Secretary and the Commission.

"(1) DEFINITIONS.—For purposes of this section:

"(1) RISK ASSESSMENT DOCUMENT.—The term 'risk assessment document' means a document containing the explanation of how hazards associated with a substance, activity, or condition have been identified, quantified, and assessed. The term also includes a written statement accepting the findings of any such document.

"(2) RISK CHARACTERIZATION DOCUMENT.—The term 'risk characterization document' means a document quantifying or describing the degree of toxicity, exposure, or other risk posed by hazards associated with a substance, activity, or condition to which individuals, populations, or resources are exposed. The term also includes a written statement accepting the findings of any such document.

"(3) BEST ESTIMATE.—The term 'best estimate' means a scientifically appropriate estimate which is based, to the extent feasible, on one of the following:

"(A) Central estimates of risk using the most plausible assumptions.

"(B) An approach which combines multiple estimates based on different scenarios and weighs the probability of each scenario.

"(C) Any other methodology designed to provide the most unbiased representation of the most plausible level of risk, given the current scientific information available to the Secretary or the Commission, as the case may be.

"(4) SUBSTITUTION RISK.—The term 'substitution risk' means a potential risk to human health, safety, or the environment from a regulatory alternative designed to decrease other risks.

"(5) DOCUMENT.—The term 'document' includes material stored in electronic or digital form.

"(m) ANALYSIS OF RISK REDUCTION BENEFITS AND COSTS.—

"(1) ANALYSIS OF RISK REDUCTION BENEFITS AND COSTS.—

"(A) IN GENERAL.—The President shall require the Secretary and the Commission to prepare the following for each major rule within a program that is proposed or promulgated under this Act after the date of enactment of this section:

"(i) An identification of reasonable alternative strategies, including strategies that require no government action; will accommodate differences among geographic regions and among persons with different levels of resources with which to comply; and employ performance or other market-based mechanisms that permit the greatest flexibility in achieving the identified benefits of the rule; the agency shall consider reasonable alternative strategies proposed during the comment period.

"(ii) An analysis of the incremental costs and incremental risk reduction or other benefits associated with each alternative strategy identified or considered by the agency. Costs and benefits shall be quantified to the extent feasible and appropriate and may otherwise be qualitatively described.

"(iii) A statement that places in context the nature and magnitude of the risks to be addressed and the residual risks likely to remain for each alternative strategy identified or considered by the agency. Such statement shall, to the extent feasible, provide comparisons with estimates of greater, lesser, and substantially equivalent risks that are familiar to and routinely encountered by the general public as well as other risks, and, where appropriate and meaningful, comparisons of those risks with other similar risks regulated by the Secretary and the Commission resulting from comparable activities and exposure pathways. Such comparisons should consider relevant distinctions among risks, such as the voluntary or involuntary nature of risks and the preventability or nonpreventability of risks.

"(iv) For each final rule, an analysis of whether the identified benefits of the rule are likely to exceed the identified costs of the rule.

"(v) An analysis of the effect of the rule on small businesses with fewer than 100 employees; on net employment; and to the extent practicable, on the cumulative financial burden of compliance with the rule and other existing regulations on persons producing products.

"(2) PUBLICATION.—For each major rule referred to in paragraph (1) the Secretary or the Commission, as the case may be, shall publish in a clear and concise manner in the Federal Register along with the proposed and final regulation, or otherwise make publicly available, the information required to be prepared under paragraph (1).

"(3) DECISION CRITERIA.—

"(A) IN GENERAL.—No final rule subject to the provisions of this subsection shall be promulgated unless the Secretary or the Commission, as the case may be, certifies the following:

"(i) That the analyses under this subsection are based on objective and unbiased scientific and economic evaluations of all significant and relevant information and risk assessments provided to the Secretary or the Commission, as the case may be, by interested parties relating to the costs, risks, and risk reduction and other benefits addressed by the rule.

"(ii) That the incremental risk reduction or other benefits of any strategy chosen will be likely to justify, and be reasonably related to, the incremental costs incurred by State, local, and tribal governments, the Federal Government, and other public and private entities.

"(iii) That other alternative strategies identified or considered by the agency were found either to be less cost-effective at achieving a substantially equivalent reduction in risk, or to provide less flexibility to State, local, or tribal governments or regulated entities in achieving the otherwise applicable objectives of the regulation, along with a brief explanation of why alternative strategies that were identified or considered by the agency were found to be less cost-effective or less flexible.

"(4) EFFECT OF DECISION CRITERIA.—

"(A) IN GENERAL.—Notwithstanding any other provision of Federal law, the decision criteria of paragraph (3) shall supplement and, to the extent there is a conflict, supersede the decision criteria for rulemaking otherwise applicable under the statute pursuant to which the rule is promulgated.

"(B) SUBSTANTIAL EVIDENCE.—Notwithstanding any other provision of Federal law, no major rule shall be promulgated by the Secretary or the Commission under this Act unless the requirements of this section are met and the certifications required herein are supported by substantial evidence of the rulemaking record.

"(5) PUBLICATION.—The agency shall publish in the Federal Register, along with the final regulation, the certifications required by this subsection.

"(6) NOTICE.—Where the Secretary or the Commission, as the case may be, finds a conflict between the decision criteria of this subsection and the decision criteria of an otherwise applicable statute, the Secretary or the Commission, as the case may be, shall so notify the Congress in writing.

"(n) OFFICE OF MANAGEMENT AND BUDGET GUIDANCE.—The Office of Management and Budget shall issue guidance consistent with this section—

"(1) to assist the agencies, the public, and the regulated community in the implementation of this section, including any new requirements or procedures needed to supplement prior agency practice; and

"(2) governing the development and preparation of analyses of risk reduction benefits and costs.

"(o) PEER REVIEW.—

"(1) ESTABLISHMENT.—The Secretary and the Commission shall each develop a systematic program for independent and external peer review required by this section. Such program shall provide for peer review by the Waste Review Board, may provide specific and reasonable deadlines for the Board to submit reports under this subsection, and shall provide adequate protections for confidential business information and trade secrets, including requiring the Board to enter into confidentiality agreements.

"(2) REQUIREMENT FOR PEER REVIEW.—In connection with any rule under this Act that is likely to result in an annual increase in costs of $100,000,000 or more, the Secretary and the Commission shall each provide for peer review in accordance with this section of any risk assessment or cost analysis which forms the basis for such rule or of any analysis under this section. In addition, the Director of the Office of Management and Budget may order that peer review be provided for any major risk assessment or cost assessment that is likely to have a significant impact on public policy decisions of the Secretary and the Commission.

"(3) CONTENTS.—Each peer review under this subsection shall include a report to the Secretary or the Commission, as the case may be, with respect to the scientific and economic merit of data and methods used for the assessments and analyses.

"(4) RESPONSE TO PEER REVIEW.—The Secretary or the Commission, as the case may be, shall provide a written response to all significant peer review comments.

"(5) AVAILABILITY TO PUBLIC.—All peer review comments or conclusions and the Secretary's or the Commission's response shall be made available to the public and shall be made part of the administrative record.

"(6) PREVIOUSLY REVIEWED DATA AND ANALYSIS.—No peer review shall be required under this subsection for any data or method which has been previously subjected to peer review or for any component of any analysis or assessment previously subjected to peer review.

"(7) NATIONAL PANELS.—The President shall appoint National Peer Review Panels to annually review the risk assessment and cost assessment practices of the Secretary and the Commission under this Act. The Panel shall submit a report to the Congress no less frequently than annually containing the results of such review.

"(p) JUDICIAL REVIEW.—Compliance or noncompliance by the Secretary and the Commission with the requirements of this section shall be reviewable pursuant to this Act and chapter 7 of title 5, United States Code. The court with jurisdiction to review final agency action under this Act shall have jurisdiction to review, at the same time, compliance by the Secretary or the Commission, as the case may be, with the requirements of this section. When a significant risk assessment document or risk characterization document subject to this section is part of the administrative record in a final agency action, in addition to any other matters that

the court may consider in deciding whether the action was lawful, the court shall consider the action unlawful if such significant risk assessment document or significant risk characterization document does not substantially comply with the requirements of this section.

"(q) PLAN FOR ASSESSING NEW INFORMATION.—

"(1) PLAN.—Within 18 months after the date of enactment of this section, the Secretary and the Commission shall publish a plan to review and, where appropriate revise any significant risk assessment document or significant risk characterization document published prior to the expiration of such 18-month period if, based on information available at the time of such review, the Secretary or the Commission, as the case may be, head determines that the application of the principles set forth in this section would be likely to significantly alter the results of the prior risk assessment or risk characterization. The plan shall provide procedures for receiving and considering new information and risk assessments from the public. The plan may set priorities and procedures for review and, where appropriate, revision of such risk assessment documents and risk characterization documents and of health or environmental effects values. The plan may also set priorities and procedures for review, and, where appropriate, revision or repeal of major rules promulgated prior to the expiration of such period. Such priorities and procedures shall be based on the potential to more efficiently focus national economic resources within programs carried out under this Act on the most important priorities and on such other factors as the Secretary or the Commission considers appropriate.

"(2) PUBLIC COMMENT AND CONSULTATION.—The plan under this subsection, shall be developed after notice and opportunity for public comment, and after consultation with representatives of appropriate State, local, and tribal governments, and such other departments and agencies, offices, organizations, or persons as may be advisable.

"(r) PRIORITIES.—

"(1) IDENTIFICATION OF OPPORTUNITIES.—In order to assist in the public policy and regulation of risk to public health, the President shall identify opportunities to reflect priorities within programs under this Act in a cost-effective and cost-reasonable manner. The President shall identify each of the following:

"(A) The likelihood and severity of public health risks addressed by such programs.

"(B) The number of individuals affected.

"(C) The incremental costs and risk reduction benefits associated with regulatory or other strategies.

"(D) The cost-effectiveness of regulatory or other strategies to reduce risks to public health.

"(E) Intergovernmental relationships among Federal, State, and local governments among program designed to protect public health.

"(F) Statutory, regulatory, or administrative obstacles to allocating national economic resources based on the most cost-effective, cost-reasonable priorities considering Federal, State, and local programs.

"(2) STATE, LOCAL, AND TRIBAL PRIORITIES.—In identifying national priorities, the President shall consider priorities developed and submitted by State, local, and tribal governments.

"(3) BIENNIAL REPORTS.—The President shall issue biennial reports to Congress, after notice and opportunity for public comment, to recommend priorities for modifications to, elimination of, or strategies for existing programs under this Act. Within 6 months after the issuance of the report, the President shall notify the Congress in writing of the recommendations which can be implemented without further legislative changes and the agency shall consider the priorities set forth in the report and priorities developed and submitted by State, local, and tribal governments when preparing a budget or strategic plan for any such program.

H.R. 1020

OFFERED BY: MRS. VUCANOVICH

AMENDMENT NO. 20: Page 24, insert after the period in line 9 the following: "The interim storage facility shall be located at the Savannah River Nuclear site and the Hanford Nuclear site.

H.R. 1745

OFFERED BY: MRS. WALDHOLTZ

AMENDMENT NO. 1: Page 2, line 14 (section 2(a)(1)) (relating to Desolation Canyon), strike "254,478" and insert "291,598".

Page 2, line 16 (section 2(a)(1)), strike "dated " and insert "dated December 3, 1995".

Page 2, line 19 (section 2(a)(2)) (relating to San Rafael Reef), strike "47,786" and insert "57,955".

Page 3, line 1 (section 2(a)(2)), strike "dated " and insert "dated December 12, 1995."

Page 3, line 23 (section 2(a)(6)) (relating to Sids Mountain), strike "41,154" and insert "46,589".

Page 3, beginning on line 25 (section 2(a)(6)), strike "dated " and insert "dated December 12, 1995".

Page 7, line 18 (section 2(a)(22)) (relating to Flume Canyon), strike "37,506" and insert "47,236".

Page 7, line 20 (section 2(a)(22)), strike "dated " and insert "dated December 12, 1995".

Page 7, line 25 (section 2(a)(23)) (relating to Westwater Canyon), strike "25,383" and insert "26,658".

Page 8, line 2 (section 2(a)(23)), strike "dated " and insert "dated December 12, 1995".

Page 9, line 11 (section 2(a)(29)) (relating to Paria-Hackberry), strike "57,641" and insert "94,805".

Page 9, beginning on line 12 (section 2(a)(29)), strike "dated " and insert "December 3, 1995".

Page 14, after line 13 (at the end of section 2(a)), add the following:

(50) Certain lands in the Road Canyon Wilderness Study Area comprised of approximately 34,460 acres, as generally depicted on a map entitled "Grand Gulch Proposed Wilderness" and dated December 8, 1995, and which shall be known as the Road Canyon Wilderness.

(51) Certain lands in the Fish & Owl Creek Wilderness Study Area comprised of approximately 20,925 acres, as generally depicted on a map entitled "Grand Gulch Proposed Wilderness" and dated December 8, 1995, and which shall be known as the Fish & Owl Creek Wilderness.

(52) Certain lands in the Mule Canyon Wilderness Study Area comprised of approximately 5,940 acres, as generally depicted on a map entitled "Mule Canyon Proposed Wilderness" and dated December 8, 1995, and which shall be known as the Mule Canyon Wilderness.

(53) Certain lands in the Turtle Canyon Wilderness Study Area comprised of approximately 27,480 acres, as generally depicted on a map entitled "Desolation Canyon Proposed Wilderness" and dated December 3, 1995, and which shall be known as the Turtle Canyon Wilderness.

(54) Certain lands in the The Watchman Wilderness Study Area comprised of approximately 664 acres, as generally depicted on a map entitled "The Watchman Proposed Wilderness" and dated December 8, 1995, and which shall be known as The Watchman Wilderness.

Page 26, line 18 (section 11(a)(1)), strike "142,041" and insert "242,000".

Page 28, line 2 (section 11(c)(1)), strike "dated " and insert "dated December 6, 1995,".

Page 31, line 7, add the following: "The Secretary shall have the authority to extend any existing leases on such Federal lands prior to consummation of the exchange.".