HOUSE OF REPRESENTATIVES—*Wednesday, July 17, 1996*

The House met at 10 a.m.

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

Teach us to remember, O gracious God, that we communicate our messages through what we say or do or think and that how we say or do or think colors our perceptions and the attitude of those who hear us. Remind us of the words of the Book of Proverbs where it is written: "To get wisdom is better than gold; to get understanding is to be chosen rather than silver." May we use the gifts of communication that You have given us, O God, so that in the application of our ideas and thoughts we will gain wisdom and understanding and so speak and listen using the good gifts that are Your blessing to us. In Your name, we pray. 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.

Mr. KNOLLENBERG. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

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

The SPEAKER. Evidently a quorum is not present.

Pursuant to clause 5, rule I, further proceedings on this vote will be taken later today.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

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

Mr. HOLDEN led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 1114. An act to authorize minors who are under the child labor provisions of the Fair Labor Standards Act of 1938 and who are under 18 years of age to load materials into balers and compacters that meet appropriate American National Standards Institute design safety standards; and

H.R. 3107. An act to impose sanctions on persons making certain investments directly and significantly contributing to the enhancement of the ability of Iran or Libya to develop its petroleum resources, and on persons exporting certain items that enhance Libya's weapons or aviation capabilities or enhance Libya's ability to develop its petroleum resources, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 3107) "An Act to impose sanctions on persons making certain investments directly and significantly contributing to the enhancement of the ability of Iran or Libya to develop its petroleum resources, and on persons exporting certain items that enhance Libya's weapons or aviation capabilities or enhance Libya's ability to develop its petroleum resources, and for other purposes," requests a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and appoints from the Committee on Banking, Housing, and Urban Affairs: Mr. D'AMATO, Mr. MACK, and Mr. SARBANES; and from the Committee on Finance: Mr. ROTH and Mr. MOYNIHAN, to be the conferees on the part of the Senate.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will recognize ten 1-minute speeches on each side.

OLYMPIC LACK OF LEADERSHIP EMANATING FROM WHITE HOUSE ON CUBA POLICY

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

Ms. ROS-LEHTINEN. Mr. Speaker, in the week of the Olympic games it is fitting that the President rendered a decision filled with Olympic-size doublespeak essentially waiving the right of American citizens to sue foreign investors who traffic in their stolen property in Cuba. With the agility of a gymnast, President Clinton found a way to jump around the law to deny American citizens their day in court while scoring points with foreign investors who enrich themselves from stolen goods.

Once again we have a lack of leadership emanating from the White House in Cuba policy.

It is clear from yesterday's nondecision decision that a definite change in White House leadership and character is necessary if our foreign policy is to be based on principle and not on the next election.

Mr. Speaker, the President deserves a gold medal for his sorry performance in caving in to foreign interests, while lamentably he falls out of the medal count in standing up for freedom and democracy in Cuba and in defending American interests.

INTRODUCTION OF THE SOCIAL SECURITY BENEFITS FAIRNESS ACT OF 1996

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

Mr. HOLDEN. Mr. Speaker, I rise today to ask my colleagues to cosponsor a bill I am introducing today, the Social Security Benefits Fairness Act of 1996.

Under current law, no Social Security benefits are paid for the month of a death. When a person dies, their family is not entitled to the benefits and must send back the Social Security check, even if they lived to the end of the month. This happened to a family in my district.

Phyllis Strunk's husband, Royden, died on May 31, 1996, at 7:04 p.m. almost living the entire month and incurring living expenses. His wife was told she would not receive her husband's benefits for May because he did not live 4 hours and 56 minutes longer.

This is unfair and absurd.

My bill will put fairness and security back into Social Security. Under my bill, if a person dies before the 15th day of a month, the family will receive ½ of the month's benefits. If a person dies after the 15th, the family would receive the entire amount of the benefits.

It is simple and fair. Please join me in this effort and cosponsor the Social Security Benefits Fairness Act of 1996.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

CONGRATULATIONS TO RADIO STATION WBHF FOR 50 YEARS OF SERVICE

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

Mr. BARR of Georgia. Mr. Speaker, in 1946, World War II had ended. Thousands of young men were returning to their hometowns all across America, establishing families and seeking new opportunities. With their eyes on the future, they welcomed change and sought progress. On July 17, 1946, in Cartersville, GA, they first heard the voice that would champion the future of Bartow County: radio station WBHF went on the air, to begin its continuing commitment of service that has lasted for 50 years.

WBHF has become a valuable resource to its many listeners. As a news source, it has chronicled the years of change from the small southern town in 1946, to the thriving city Cartersville is today, recognized as one of the best communities in all of Georgia. In times of National disasters or local victories, the people of Cartersville can count on WBHF to be there, often as their only information source.

I am proud to extend congratulations today to radio station WBHF, and to Herschel Weisbram and Lee Burger who run this fine radio station, for 50 years of service to Cartersville and Bartow County, GA.

SWEATSHOP PRODUCT BAN ACT

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

Mr. UNDERWOOD. Mr. Speaker, today I plan on introducing the Sweatshop Product Ban Act, which I have dubbed the "No Sweatshops Where GI's Shop Act."

Through defense commissary and exchange stores, the Department of Defense exercises a purchasing power of well over $9 billion. However, there is nothing in law that prohibits one of the largest retailers in the Nation from purchasing goods manufactured under inhumane conditions. This bill would specifically prevent the commissary and exchange stores from inadvertently supporting child labor, prison labor, or goods produced under human rights violations. It would also come closer to insuring that our GI's around the world do not sport any products produced by children who work under deplorable conditions, 14 hours a day.

Congress can encourage private industry to police themselves by allowing companies to have access to these minimum labor standards. Corporations such as J.C. Penny and Levi Strauss have already agreed to monitor their contractors as publication of potential violations by these retailers pose a threat to sales. My bill would take it a step further: As consumers, the Defense commissary and exchange stores can take the lead and influence corporations to adopt better labor practices through the power of their purse.

I urge my colleagues to cosponsor the Sweatshop Product Ban Act.

DO WE REALLY NEED A SURGEON GENERAL?

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

Mr. KINGSTON. Mr. Speaker, all of us fondly recall President Clinton's first Surgeon General, Jocelyn Elders. She is the one whose valuable contribution to medicine was to suggest, and let me put this delicately, that schoolchildren quit playing with each other and—well, never mind. Now, for that bold contribution, which many of my colleagues remember, and I am not going to allude to it any more than that, but she was run out of office. So now the new Surgeon General has come out with a study, but she is playing it safe, daringly sticking right in the middle of the road. She has come out with a study paid for by thousands of tax dollars that comes out with this revelation:

"Exercise is good for you."

Yes, I promise, that is her study: Exercise is good for us. Imaging the possibilities. Next thing we know, the private sector will be coming out with health spa chains.

Next the Surgeon General plans to study does the sun cause suntan? Does the rain get things wet? Does climbing stairs get you higher?

I ask my colleagues this:

Do we really need a Surgeon General? Is this the way we should be spending tax dollars instead of pursuing real goals?

□ 1015

THE CIA AND THE FBI: BILLIONS OF DOLLARS FOR INEPTNESS

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

Mr. TRAFICANT. Mr. Speaker, the CIA and the FBI never found out who killed those two CIA employees outside of CIA headquarters 3 years ago. They did not find out who was responsible for the bombing of Pan American 1034. They never found out who carried out the recent Saudi Arabia bombings. But lo and behold, the Washington Post has uncovered that the anonymous author of the book, "Primary Colors," is Newsweek writer Joe Klein.

Let us check this out. The CIA and the FBI get billions of dollars from Congress every year and they cannot seem to find the restroom around here. I say something is drastically wrong when a newspaper can solve a national mystery and a TV network has to notify America that there is a military invasion in Kuwait, but the CIA and the FBI cannot even tell us who hired Craig Livingstone. Beam me up, Mr. Speaker. I yield back all the deceit, coverup, and lies in this FBI Filegate matter.

SUPPORT THE BONILLA DISCHARGE PETITION AND REFORM THE ENDANGERED SPECIES ACT

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

Mr. BONILLA. Mr. Speaker, the time is now for reform of the Endangered Species Act. Our people have waited long enough. Private property owners are sick and tired of the Federal Government taking their land because it cares more about bugs than people.

Today I am submitting a discharge petition to bring the Endangered Species Management and Conservation Act to a vote. The current ESA has failed the people and it has failed species.

This ESA reform bill works by providing incentives to encourage private property owners to conserve species. ESA reform establishes a cooperative framework for these landowners to work together with the Government to protect species.

The people of Texas want to conserve species and protect the environment. They also want to be able to live their lives and enjoy their property without the threat of Government seizure. Texans have been patient in waiting for ESA reform. The time for patience has passed and the time for action is now. Please join me and support the Bonilla discharge petition.

INTRODUCING THE HEALTHY FAMILIES ACT

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

Mr. DICKS. Mr. Speaker, today I am introducing the Healthy Families Act, a bill to help prevent child abuse. A 1994 survey of child welfare agencies reported more than 3 million cases of child abuse. Three children a day died.

My bill will make Justice Department funding available for local programs following the principles of the healthy families initiative, a pioneering child abuse prevention program. Communities adopting the healthy families model use their existing social service network to provide voluntary, culturally appropriate, intensive in-home visits to new mothers and their families by professional counselors to

teach them how to avoid child abuse. The counseling which healthy families provides those families who want help with the training and discipline needed to prevent child abuse are important for our children.

Because of the success of this program in Hawaii, Mr. Speaker, the healthy families approach has been adopted by communities across the country. Earlier this year I visited a program site in the Washington State district, which I represent. The effort to prevent child abuse that I saw during my visit encouraged me to introduce this legislation.

A BRIGHTER FUTURE FOR WELFARE RECIPIENTS IN THE REPUBLICAN PLAN FOR WELFARE REFORM

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

Mr. EWING. Mr. Speaker, the Republican plan for welfare reform has five pillars: Welfare reform should not be a way of life; we should have work, not welfare; we should not pay welfare to noncitizens and felons; we should return power and money to the States; and we should restore personal responsibility.

Unfortunately, the President's plan has no time limit as far as how long you can get welfare, no real work requirement. It continues to pay noncitizens and felons, and it has maximum Federal control, not States' rights.

Mr. Speaker, what we need to do is be concerned about the welfare recipient. Pass a good welfare reform bill that restores respect, increases initiative, and provides a brighter future for welfare recipients.

THE REPUBLICAN PRESCRIPTION FOR CAMPAIGN FINANCE REFORM: MORE MONEY, MORE MONEY, MORE MONEY

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

Mr. RICHARDSON. Mr. Speaker, with its candidate for President on the ropes, the Republican majority is trying to find another divisive wedge issue. Last week it was same-sex marriage. This week it is welfare. Next week it will probably be abortion. There are rumors that the Republican majority is about to abandon a bipartisan welfare reform. Is this indicative of a new strategy to resurrect the Willy Horton issues?

Mr. Speaker, let us talk about the Republican prescription for campaign finance reform: more money, more money, and more money. They see the control that they have of the Congress in jeopardy, and want their special interest buddies to rescue them. I cannot wait to hear what is next.

ENOUGH DOUBLETALK FROM THE PRESIDENT—WELFARE REFORM IS NEEDED NOW

(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, just this week, and in connection with what the previous speaker was talking about, where are we on this whole thing, where really is the President on all of this? He changed his mind about welfare again. He said in a speech to the Nation's Governors just 2 days ago that he is going to sign welfare reform. He also said he is committed to supporting Wisconsin's welfare reform plan. I can hear the White House spinmeisters now spinning their wheels and saying, "how do we explain this to the public?"

Who knows where the President is? Maybe he will sign the very same welfare reform he has vetoed twice. Perhaps he will okay Wisconsin's welfare waiver. Who knows?

My Democrat friends in the Congress have said if you do not like where the President stands, just wait a while. Enough of the doubletalk, I would say. Enough of the flips. It is time the President lived up to the 1992 promise to change welfare as we know it.

Our current welfare system has failed miserably over the last 30 years. It is time to get under the hood and fix the problem.

REPUBLICAN CAMPAIGN FINANCE BILL WILL BRING MASSIVE INFUSION OF MONEY TO FINANCE MEMBERS' CAMPAIGNS

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

Mr. PALLONE. Mr. Speaker, I am outraged that tomorrow the Republican leadership is going to bring up a campaign finance bill that will essentially allow a massive infusion of money from wealthy individuals and special interests to finance our congressional campaigns.

Speaker GINGRICH has said over and over again that there should be more money in politics, not less. He is quoted as saying that one of the greatest myths of modern politics is that "Campaigns are too expensive. The political process in fact is underfunded. It is not overfunded. I would emphasize far more money in the political process."

That is where we are. Under the guise of campaign finance reform, we are going to get a bill that allows the wealthy and the special interests to contribute even more. The public interest groups unanimously have come out opposed to this campaign finance bill tomorrow. The New York Times today says it is obscene, essentially, in their editorial.

Even my fellow Republicans, rational in some cases, have come forward with a Dear Colleague letter they sent to their other Republican colleagues saying this is a travesty, and that this campaign finance bill should not pass.

I hope we listen to that on both sides of the aisle.

HYPOCRITICAL CRITICISM OF SPEAKER GINGRICH BY THE WHITE HOUSE AND DEMOCRATS

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

Mr. STEARNS. Mr. Speaker, I want to read something. President Clinton and Vice President GORE said this in their book, "Putting People First": "We will scrap the Health Care Financing Administration and replace it with a health standard board made up of consumers, providers, business, labor, and government." No cry from the press about that.

But let us see what the Speaker is being criticized for when he talked about "wither on the vine." This is what he really said. The Democrats have taken it out of context. What did he say? "Okay, what do you think the Health Care Financing Administration is? It is a centralized bureaucracy. It's everything we are telling Boris Yeltsin to get rid of. Now, we don't want to get rid of it in round one * * * we want it to wither on the vine."

Speaker GINGRICH was not referring to the Medicare Program, but he was referring to the big government bureaucratic machine that processes it. That is the same thing President Clinton and AL GORE said in their book, "Putting People First."

So all this criticism on the Speaker, on his "withering on the vine," comment, is hypocritical. President Clinton said the same thing about the Health Care Financing Administration. In both cases, no one was talking about Medicare. Think about it.

SUPPORT THE CASTLE-TANNER WELFARE REFORM BILL

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

Mrs. CLAYTON. Mr. Speaker, some in Congress have demonized the poor, that they have become the poster children for all that is wrong in America. They have convinced the American people that the welfare mothers and their children have caused a great debt that our Nation has acquired. They have now made the new Joan of Arc out of the teenaged mothers.

Just last week, what do they want to do when they say teenaged children are having children? The President asks for $30 million, and they did not give one cent. They would rather spend $6.4 billion after the child has a child. Yet, this week, what do we do for children? If you have a child, we are going to make sure we take your children off of welfare. We will teach the teenaged mother you must not do this, but when we have a chance to make a difference in their lives we do absolutely nothing.

H.R. 3734 is a mean way to reform. Yes, we need reform, and certainly the Castle-Tanner bill is a better way to reform, not the bill that is going to be introduced. This is antichildren, anti the poor. We should do better in this Nation, rather than to demonize the most vulnerable of our Nation.

PRESIDENT SUCCUMBS TO INTERNATIONAL PRESSURE

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

Mr. DIAZ-BALART. Mr. Speaker, President Clinton yesterday once again succumbed to international pressure, this time by suspending part of the important sanctions on the Castro dictatorship that 80 percent of this Congress voted for just a few months ago after Castro killed four Americans over international waters. Incredibly, the President who vetoed tort reform, citing the rights of Americans to sue Americans, yesterday took away the right of Americans to sue foreigners who traffic in property stolen by those foreigners from Americans.

President Clinton showed once again what pressure can get you during this American presidency if you are an enemy of the United States. The North Koreans got billions of United States taxpayer dollars by saying that they would otherwise build nuclear powerplants. Iraq was allowed to sell billions of dollars of oil again. Iran was invited into Bosnia. Mr. Speaker, despite the collapse of the Soviet Union, a weak, indecisive White House such as the current one is hazardous to the safety of the Nation.

REPUBLICAN CAMPAIGN FINANCE REFORM MEASURE WILL WORSEN OUT-OF-CONTROL CAMPAIGN SPENDING

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

Mr. OLVER. Mr. Speaker, this week has been trumpeted as the great Republican reform week. But now, as we begin debate on these so-called reforms, what is the Republican leadership really thrusting on us this week?

The only bill the Republican leadership is offering is a so-called campaign finance bill—a measure designed to make out-of-control campaign spending even worse.

The Republican bill nearly triples the limits on both individual contributions and PAC contributions. And under the Republican plan, a wealthy family of four would now be able to contribute millions and millions of dollars during a 2-year election cycle.

Mr. Speaker, this is not reform. Instead of putting the brakes on this campaign spending train, the Republicans are finding new ways to add fuel to the fire.

The Republican leadership once again has ignored the pleas of the people and is focused on helping the fat cats and the special interests that own them.

The Republican leadership has once again gone too far. Extremism, not accomplishment, is the name of their game.

PRESIDENT MUST HONOR HIS COMMITMENT AND SIGN WELFARE REFORM MEASURE

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

Mrs. SEATRAND. Mr. Speaker, on May 18 during his weekly radio address, President Bill Clinton said the following: "There are bipartisan welfare reform plans sitting in the House and the Senate. They require welfare recipients to work, they limit the time people can stay on welfare, they toughen child support enforcement, and they protect our children. So I say to Congress, send me a bill that honors these fundamental principles. I will sign it right away."

Mr. Speaker, the time has come for President Clinton to keep the commitments he makes to this institution. He has repeatedly misled this body into believing he wants to reform welfare. The time has come to either put up or shut up. This week the House will consider the very same welfare reform measure President Clinton said he would sign. For the future of this country, for all the young men and women caught in the endless cycle of poverty and dependency, for all the children who need strong families and safe neighborhoods, I hope that the President honors his word.

URGING BIPARTISAN SUPPORT OF CASTLE-TANNER WELFARE REFORM BILL

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

Ms. McCARTHY. Mr. Speaker, the Speaker has proclaimed this week reform week, and primary among those reforms for all of us will be welfare reform. I urge my colleagues this morning to join in a bipartisan effort, and support the Castle-Tanner bill.

This is legislation that will successfully put people to work, will protect our children, and in particular, provide health care for those low-income children who are essential to our future growth. This bill will provide State flexibility. It will require maintenance of effort, but it will encourage and reward States that achieve that. In times of economic downturn, it will allow flexibility for States to meet those needs. Most important, Castle-Tanner does not raise taxes on low-income working people.

Mr. Speaker, I urge us to continue to work together to produce a bill the President can sign. I am proud to have worked on the Castle-Tanner bill. It does achieve needed reforms, and I urge my colleagues, all of them, to support this effort.

□ 1030

REFORM WEEK

(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, for months the Republican leadership has been heralding their upcoming reform week. Well—reform week is here but it's looking a lot more like weak reform. What was once a big buildup has become a quiet shutdown.

Not much talk about reform this week. Mostly because the Republican campaign finance reform legislation doesn't actually reform the system but makes it worse. But don't take my word for it—take the words of 10 of my Republican colleagues whose "Dear Colleague" letter reads—and I quote—"Instead of leveling the playing field in elections, this bill will result in greater incumbent protection. The bill actually increases the amounts that wealthy individuals can contribute in Federal elections."

That's right. Under current law an individual can give $25,000. Under the Republican campaign finance reform bill an individual will be able to give up to $3.1 million. As my Republican colleagues also said, "The average American will be left even further behind in the Washington money chase as they are frozen out of the political process." I urge my Republican colleagues to listen to their own caucus members and vote against this weak reform legislation.

PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TODAY DURING THE 5-MINUTE RULE

Mr. LIGHTFOOT. Mr. Speaker, I ask unanimous consent that the following

committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole House under the 5-minute rule: Committee on Agriculture, Committee on Commerce, Committee on Government Reform and Oversight, Committee on International Relations, Committee on the Judiciary, Committee on National Security, Committee on Resources, Committee on Small Business, Committee on Transportation and Infrastructure, and Permanent Select Committee on Intelligence.

It is my understanding that the minority has been consulted and that there is no objection to these requests.

The SPEAKER pro tempore (Mr. NEY). Is there objection to the request of the gentleman from Iowa?

There was no objection.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1997

The SPEAKER pro tempore. Pursuant to House Resolution 475 and rule XXIII the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3756.

□ 1033

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3756) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1997, and for other purposes, with Mr. DREIER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Tuesday, July 16, 1996, amendment No. 3 printed in part 2 of House Report 104–671 offered by the gentleman from Minnesota [Mr. GUTKNECHT] had been disposed of.

Pursuant to the order of the House of that day, the bill is considered as read.

The text of the remainder of the bill is as follows:

TITLE II—POSTAL SERVICE

PAYMENTS TO THE POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, $85,080,000: *Provided*, That mail for overseas voting and mail for the blind shall continue to be free: *Provided further*, That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: *Provided further*, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: *Provided further*, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in the fiscal year ending on September 30, 1997.

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

COMPENSATION OF THE PRESIDENT AND THE WHITE HOUSE OFFICE

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of $50,000 per annum as authorized by 3 U.S.C. 102, $250,000: *Provided*, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31, United States Code: *Provided further*, That none of the funds made available for official expenses shall be considered as taxable to the President.

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; including subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); not to exceed $19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President; $40,193,000: *Provided*, That $420,000 of the funds appropriated may not be obligated until the Director of the Office of Administration has submitted, and the Committees on Appropriations of the House and Senate have approved, a report that identifies, evaluates, and prioritizes all computer systems investments planned for fiscal year 1997, a milestone schedule for the development and implementation of all projects included in the systems investment plan, and a systems architecture plan.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President, $7,827,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109–110, 112–114.

SPECIAL ASSISTANCE TO THE PRESIDENT AND THE OFFICIAL RESIDENCE OF THE VICE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions, services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles; $3,280,000: *Provided*, That $150,000 of the funds appropriated may not be obligated until the Director of the Office of Administration has submitted, and the Committees on Appropriations of the House and Senate have approved, a report that identifies, evaluates, and prioritizes all computer systems investments planned for fiscal year 1997, a milestone schedule for the development and implementation of all projects included in the systems investment plan, and a systems architecture plan.

OPERATING EXPENSES

For the care, operation, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the official residence of the Vice President, the hire of passenger motor vehicles, and not to exceed $90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate; $324,000: *Provided*, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities: *Provided further*, That $8,000 of the funds appropriated may not be obligated until the Director of the Office of Administration has submitted for approval to the Committees on Appropriations of the House and Senate a report that identifies, evaluates, and prioritizes all computer systems investments planned for fiscal year 1997, a milestone schedule for the development and implementation of all projects included in the systems investment plan, and a systems architecture plan.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021), $3,439,000.

OFFICE OF POLICY DEVELOPMENT

SALARIES AND EXPENSES

For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109, and 3 U.S.C. 107; $3,867,000: *Provided*, That $45,000 of the funds appropriated may not be obligated until the Director of the Office of Administration has submitted, and the Committees on Appropriations of the House and Senate have approved, a report that identifies, evaluates, and prioritizes all computer systems investments planned for fiscal year 1997, a milestone schedule for the development and implementation of all projects included in the systems investment plan, and a systems architecture plan.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109, $6,648,000: *Provided*, That $3,000 of the funds appropriated may not be obligated until the Director of the Office of Administration has submitted, and the Committees on Appropriations of the House and Senate have approved, a report that identifies, evaluates, and prioritizes all computer systems investments planned for fiscal year 1997, a milestone schedule for the development and implementation of all projects included in the systems investment plan, and a systems architecture plan.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, $26,100,000, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles: *Provided*, That $340,700 of the funds appropriated may not be obligated until the Director of the Office of Administration has submitted, and the Committees on Appropriations of the House and Senate have approved, a report that identifies, evaluates, and prioritizes all computer systems investments planned for fiscal year 1997, a milestone

schedule for the development and implementation of all projects included in the systems investment plan, and a systems architecture plan.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, $55,573,000, of which not to exceed $5,000,000 shall be available to carry out the provisions of 44 U.S.C. chapter 35: *Provided*, That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made except as otherwise provided by law: *Provided further*, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): *Provided further*, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the House and Senate Committees on Appropriations or the House and Senate Committees on Veterans' Affairs or their subcommittees: *Provided further*, That this proviso shall not apply to printed hearings released by the House and Senate Committees on Appropriations or the House and Senate Committees on Veterans' Affairs.

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to title I of Public Law 100-690; not to exceed $8,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement; $34,838,000, of which $18,000,000 shall remain available until expended, consisting of $1,000,000 for policy research and evaluation and $17,000,000 for the Counter-Drug Technology Assessment Center for counter-narcotics research and development projects, and of which $1,268,000 shall be obligated for drug prevention public service announcements, and of which $1,000,000 shall be obligated for State conferences on model State drug laws: *Provided*, That the $17,000,000 for the Counter-Drug Technology Assessment Center shall be available for transfer to other Federal departments or agencies: *Provided further*, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, for the purpose of aiding or facilitating the work of the Office: *Provided further*, That the Secretary of the Treasury is authorized to receive all unavailable collections transferred from the Special Forfeiture Fund established by section 6073 of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 1509) by the Director of the Office of Drug Control Policy as a deposit into the Treasury Forfeiture Fund (31 U.S.C. 9703(a)).

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, $113,000,000 for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas, of which $3,000,000 shall be used for a newly designated High Intensity Drug Trafficking Area in Lake County, Indiana; of which $2,000,000 shall be used for a newly designated High Intensity Drug Trafficking Area for the Gulf Coast States of Louisiana, Alabama, and Mississippi; of which $5,000,000 shall be used for a newly designated High Intensity Drug Trafficking Area dedicated to combating methamphetamine use, production and trafficking in a five State area including Iowa, Missouri, Nebraska, South Dakota, and Kansas; of which no less than $59,000,000 shall be transferred to State and local entities for drug control activities; and of which up to $54,000,000 may be transferred to Federal agencies and departments at a rate to be determined by the Director: *Provided*, That the funds made available under this head shall be obligated within 90 days of the date of enactment of this Act.

This title may be cited as the "Executive Office Appropriations Act, 1997".

TITLE IV—INDEPENDENT AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For necessary expenses of the Committee for Purchase From People Who Are Blind or Severely Disabled established by the Act of June 23, 1971, Public Law 92-28; $1,800,000.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended, $27,524,000, of which no less than $2,500,000 shall be available for internal automated data processing systems, and of which not to exceed $5,000 shall be available for reception and representation expenses.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, including hire of experts and consultants, hire of passenger motor vehicles, rental of conference rooms in the District of Columbia and elsewhere; $21,588,000: *Provided*, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: *Provided further*, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

For additional expenses necessary to carry out the purpose of the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), $209,193,000, to be deposited into said Fund. The revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of Federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of Federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, taxes, and any other obligations for public buildings acquired by installment purchase and purchase contract, in the aggregate amount of $5,364,392,000, of which (1) not to exceed $540,000,000 shall remain available until expended for construction of additional projects at locations as follows: Fresno, California, Federal Building and U.S. Courthouse; Denver, Colorado, U.S. Courthouse; District of Columbia, U.S. Courthouse Annex; Miami, Florida, U.S. Courthouse; Orlando, Florida, U.S. Courthouse; Covington, Kentucky, U.S. Courthouse; London, Kentucky, U.S. Courthouse; Babb, Montana, Piegan Border Station; Sweetgrass, Montana, Border Station; Las Vegas, Nevada, U.S. Courthouse; Brooklyn, New York, U.S. Courthouse; Cleveland, Ohio, U.S. Courthouse; Youngstown, Ohio, U.S. Courthouse; Portland, Oregon, Consolidated Law Enforcement Federal Office Building; Erie, Pennsylvania, U.S. Courthouse; Philadelphia, Pennsylvania, Department of Veterans Affairs—Federal Complex, phase II; Columbia, South Carolina, U.S. Courthouse; Corpus Christi, Texas, U.S. Courthouse; Salt Lake City, Utah, Moss Courthouse Annex and Alteration; Blaine, Washington, U.S. Border Station; Oroville, Washington, U.S. Border Station; Seattle, Washington, U.S. Courthouse; and, Sumas, Washington, U.S. Border Station, (Claim): *Provided*, That the total cost of the immediately foregoing United States Courthouse or United States Courthouse annex construction projects shall be reduced by no less than 10 percent from the prospectus level estimate by improving design efficiencies, curtailing planned interior finishes requiring more efficient use of courtroom and library space, and by otherwise limiting space requirements: *Provided further*, That each of the immediately foregoing construction projects may not exceed the original authorized level for site acquisition, design, or construction, unless advanced approval is obtained from the House and Senate Committees on Appropriations: *Provided further*, That from funds available in the Federal Buildings Fund, $20,000,000 shall be available until expended for environmental clean up activities at the Southeast Federal Center in the District of Columbia: *Provided further*, That all funds for direct construction projects shall expire on September 30, 1999, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided further*, That claims against the Government of less than $250,000 arising from direct construction projects, acquisitions of

buildings and purchase contract projects pursuant to Public Law 92-313, be liquidated with prior notification to the Committees on Appropriations of the House and Senate to the extent savings are effected in other such projects; (2) not to exceed $635,000,000 shall remain available until expended, for repairs and alterations which includes associated design and construction services, as follows: District of Columbia, Ariel Rios Building; District of Columbia, Department of Justice Building (Main), phase, 1; District of Columbia, Layfayette Building; District of Columbia, State Department Building; Honolulu, Hawaii, Prince Jonah Kuhio Kalanianaole Federal Building and U.S. Courthouse; Chicago, Illinois, Everett M. Dirksen Federal Building; Chicago, Illinois, John C. Kluczynski, Jr. Federal Building (IRS); Andover, Massachusetts, IRS Regional Service Center; Concord, New Hampshire, J.C. Cleveland Federal Building; Camden, New Jersey, U.S. Post Office-Courthouse; Albany, New York, James T. Foley Post Office-Courthouse; Brookhaven, New York, IRS Service Center; New York, New York, Jacob K. Javits Federal Building; Scranton, Pennsylvania, Federal Building-U.S. Courthouse; Providence, Rhode Island, Federal Building-U.S. Courthouse; Fort Worth, Texas, Federal Center; Nationwide repairs and alterations: Security Upgrades; Chlorofluorocarbons Program; Elevator Program; and, Energy Program: *Provided further*, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations of the House and Senate: *Provided further*, That the amounts provided in this or any prior Act for Repairs and Alterations may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: *Provided further*, That funds in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the originally authorized amount, except each project may be increased by an amount not to exceed 10 percent when advance approval is obtained from the Committees on Appropriations of the House and Senate of a greater amount: *Provided further*, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading "Repairs and Alterations", may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: *Provided further*, That such sums as may be necessary shall be made available for ongoing renovation and consolidation efforts at the National Veterinary Services Laboratory and a biocontainment facility at the National Animal Disease Center, as directed in Public Law 104-52: *Provided further*, That all funds for repairs and alterations prospectus projects shall expire on September 30, 1999, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided further*, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading "Repairs and Alterations" or used to fund authorized increases in prospectus projects: *Provided further*, That $5,700,000 of the funds provided under this heading in Public Law 103-329, for the IRS Service Center, Holtsville, New York, shall be available until September 30, 1998; (3) not to exceed $173,075,000 for installment acquisition payments including payments on purchase contracts which shall remain available until expended; (4) not to exceed $3,903,205,000, to remain available until expended, for building operations, leasing activities, and rental of space, of which up to $205,000,000 shall be available for security enhancements; and (5) not to exceed $4,800,000 for the development and acquisition of automatic data processing equipment, software, and services for the Public Buildings Service which shall remain available until September 30, 1999 for transfer to accounts and in amounts as necessary to satisfy the requiremens of the Public Buildings Service: *Provided further*, That funds available to the General Services Administration shall not be available for expenses in connection with any construction, repair, alteration, and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses in connection with the development of a proposed prospectus: *Provided further*, That the Administrator is authorized in fiscal year 1997 and thereafter, to enter into and perform such leases, contracts, or other transactions with any agency or instrumentality of the United States, the several States, or the District of Columbia, or with any person, firm, association, or corporation, as may be necessary to implement the trade center plan at the Federal Triangle Project and is hereby granted all the rights and authorities of the former Pennsylvania Avenue Development Corporation (PADC) with regards to property transferred from PADC to the General Services Administration in fiscal year 1996: *Provided further*, That for the purposes of this authorization, buildings constructed pursuant to the purchase contract authority of the Public Buildings Amendments of 1972 (40 U.S.C. 602a), buildings occupied pursuant to installment purchase contracts, and buildings under the control of another department or agency where alterations of such buildings are required in connection with the moving of such other department or agency from buildings then, or thereafter to be, under the control of the General Services Administration shall be considered to be federally owned buildings: *Provided further*, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations of the House and Senate: *Provided further*, That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)(6)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, as amended, shall be available from such revenues and collections: *Provided further*, That revenues and collections and any other sums accruing to this Fund during fiscal year 1997, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)) in excess of $5,364,392,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

POLICY AND OPERATIONS

For expenses authorized by law, not otherwise provided for, for Government-wide policy and oversight activities associated with asset management activities; utilization and donation of surplus personal property; transportation management activities; procurement and supply management activities; Government-wide and internal responsibilities relating to automated data management, telecommunications, information resources management, and related technology activities; utilization survey, deed compliance inspection, appraisal, environmental and cultural analysis, and land use planning functions pertaining to excess and surplus real property; agency-wide policy direction; Board of Contract Appeals; accounting, records management, and other support services incident to adjudication of Indian Tribal Claims by the United States Court of Federal Claims; services as authorized by 5 U.S.C. 3109; and not to exceed $5,000 for official reception and representation expenses; $109,091,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and services authorized by 5 U.S.C. 3109, $33,274,000: *Provided*, That not to exceed $5,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: *Provided further*, That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), and Public Law 95-138, $2,180,000: *Provided*, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

EXPENSES, PRESIDENTIAL TRANSITION

For expenses necessary to carry out the Presidential Transition Act of 1963, as amended (3 U.S.C. 102 note), $5,600,000.

GENERAL PROVISIONS—GENERAL SERVICES ADMINISTRATION

SECTION 401. The appropriate appropriation or fund available to the General Services Administration shall be credited with the cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129).

SEC. 402. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 403. Funds in the Federal Buildings Fund made available for fiscal year 1997 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: *Provided*, That any proposed transfers shall be approved in advance by the Committees on Appropriations of the House and Senate.

SEC. 404. Section 10 of the General Services Administration General Provisions, Public Law 100-440, dated September 22, 1988, is hereby repealed.

SEC. 405. No funds made available by this Act shall be used to transmit a fiscal year 1998 request for United States Courthouse construction that does not meet the design guide standards for construction as established by the General Services Administration, the Judicial Conference of the United

States, and the Office of Management and Budget and does not reflect the priorities of the Judicial Conference of the United States as set out in its approved 5-year construction plan: *Provided*, That the request must be accompanied by a standardized courtroom utilization study of each facility to be replaced or expanded.

SEC. 406. (a) Section 210 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490) is amended by adding at the end the following new subsection:

"(1)(1) The Administrator may establish, acquire space for, and equip flexiplace work telecommuting centers (in this subsection referred to as 'telecommuting centers') for use by employees of Federal agencies, State and local governments, and the private sector in accordance with this subsection.

"(2) The Administrator may make any telecommuting center available for use by individuals who are not Federal employees to the extent the center is not being fully utilized by Federal employees. The Administrator shall give Federal employees priority in using the telecommuting centers.

"(3)(A) The Administrator shall charge user fees for the use of any telecommuting center. The amount of the user fee shall approximate commercial charges for comparable space and services except that in no instance shall such fee be less than that necessary to pay the cost of establishing and operating the center, including the reasonable cost of renovation and replacement of furniture, fixtures, and equipment.

"(B) Amounts received by the Administrator after September 30, 1993, as user fees for use of any telecommuting center may be deposited into the Fund established under subsection (f) of this section and may be used by the Administrator to pay costs incurred in the establishment and operation of the center.

"(4) The Administrator may provide guidance, assistance, and oversight to any person regarding establishment and operation of alternative workplace arrangements, such as telecommuting, hoteling, virtual offices, and other distributive work arrangements.

"(5) In considering whether to acquire any space, quarters, buildings, or other facilities for use by employees of any executive agency, the head of that agency shall consider whether the need for the facilities can be met using alternative workplace arrangements referred to in paragraph (4).

(b) Section 13 of the Public Building Act of 1959, as amended, (107 Stat. 438; 40 U.S.C. 612) is amended—

(1) by striking "(xi)" and inserting in lieu thereof "(xii)"; and

(2) by striking "and (x)" and inserting in lieu thereof "(x) telecommuting centers and (xi)".

SEC. 407. None of the funds provided in this Act may be used to implement a plan for the Ronald Reagan Building (International Trade Center, Washington, D.C.) which would permit the Woodrow Wilson Center to pay the General Services Administration less than the rate per square foot assessment for space and services which is paid by other Federal entities.

SEC. 408. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency which does not pay the requested rate per square foot assessment for space and services as determined by the General Services Administration in compliance with the Public Buildings Amendments Act of 1972 (Public Law 92-313).

SEC. 409. The Administrator of the General Services is directed to ensure that the materials used for the facade on the United States Courthouse Annex, Savannah, Georgia project are compatible with the existing Savannah Federal Building-U.S. Courthouse fascade, in order to ensure compatibility of this new facility with the Savannah historic district and to ensure that the Annex will not endanger the National Landmark status of the Savannah historic district.

SEC. 410. Notwithstanding any other provision of this or any other Act, during the fiscal year ending September 30, 1997, and thereafter, the Administrator of General Services may sell or exchange real property, related assets or interests therein under the custody and control of the General Services Administration, whether or not such property or interests therein are excess to its needs, when the Administrator determines that such sale or exchange is consistent with economical management of the Federal real property portfolio, as such portfolio may be defined by the Administrator: *Provided*, That any proceeds from such sale or exchange remaining after reimbursing the Administrator for the costs of such sales or changes, including the costs of relocating Federal agencies occupying the property, shall be deposited in the Federal Buildings Fund and shall remain available until expended.

JOHN F. KENNEDY ASSASSINATION RECORDS REVIEW BOARD

For necessary expenses to carry out the John F. Kennedy Assassination Records Collection Act of 1992, $2,150,000.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and direct procurement of survey printing, $23,297,000, together with not to exceed $2,430,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives (including the Information Security Oversight Office) and records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, and for the hire of passenger motor vehicles, $195,109,000: *Provided*, That the Archivist of the United States is authorized to use any excess funds available from the amount borrowed for construction of the National Archives facility, for expenses necessary to move into the facility.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

(RESCISSION)

Of the funds made available under this heading in Public Law 104-52, $4,500,000 are rescinded.

ARCHIVES FACILITIES AND PRESIDENTIAL LIBRARIES

REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities and presidential libraries, $9,500,000 to remain available until expended.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

GRANTS PROGRAM

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, $4,000,000 to remain available until expended.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, as amended by Public Law 100-598, and the Ethics Reform Act of 1989, Public Law 101-194, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses; $8,078,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order 10422 of January 9, 1953, as amended; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty; $86,576,000; and in addition $93,486,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of printing materials for annuitants, for the retirement and insurance programs, of which $2,250,000 shall be transferred at such times as the Office of Personnel Management deems appropriate, and shall remain available until expended for the costs of automating the retirement recordkeeping systems, together with remaining amounts authorized in previous Acts for the recordkeeping systems: *Provided*, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by section 8348(a)(1)(B) of title 5, United States Code: *Provided further*, That, except as may be consistent with 5 U.S.C. 8902a(f)(1) and (i), no payment may be made from the Employees Health Benefits Fund to any physician, hospital, or other provider of health care services or supplies who is, at the time such services or supplies are provided to an individual covered under chapter 89 of title 5, United States Code, excluded, pursuant to section 1128 or 1128A of the Social Security Act (42 U.S.C. 1320a-7-1320a-7a), from participation in any program under title XVIII of the Social Security Act

(42 U.S.C. 1395 et seq.): *Provided further*, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order 9358 of July 1, 1943, or any successor unit of like purpose: *Provided further*, That the President's Commission on White House Fellows, established by Executive Order 11183 of October 3, 1964, may, during the fiscal year ending September 30, 1997, accept donations of money, property, and personal services in connection with the development of a publicity brochure to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

GENERAL PROVISIONS—OFFICE OF PERSONNEL MANAGEMENT

SEC. 421. The first sentence of section 1304(e)(1) of title 5, United States Code, is amended by inserting after "basis" the following ", including personnel management services performed at the request of individual agencies (which would otherwise be the responsibility of such agencies), or at the request of nonappropriated fund instrumentalities".

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act, as amended, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, $960,000; and in addition, not to exceed $8,645,000 for administrative expenses to audit the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: *Provided*, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

REVOLVING FUND

For reducing any accumulated deficit in the accounts of the revolving fund established under 5 U.S.C. 1304(e), $4,755,000.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), as amended, such sums as may be necessary.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, such sums as may be necessary.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: *Provided*, That annuities authorized by the Act of May 29, 1944, as amended, and the Act of August 19, 1950, as amended (33 U.S.C. 771–75), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95–454), the Whistleblower Protection Act of 1989 (Public Law 101–12), Public Law 103–424, and the Uniformed Services Employment and Reemployment Act of 1994 (Public Law 103–353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; $7,840,000.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, $33,269,000: *Provided*, That travel expenses of the judges shall be paid upon the written certificate of the judge.

This title may be cited as the "Independent Agencies Appropriations Act, 1997".

TITLE V—GENERAL PROVISIONS

THIS ACT

SECTION 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 503. None of the funds made available to the General Services Administration pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949 shall be obligated or expended after the date of enactment of this Act for the procurement by contract of any guard, elevator operator, messenger or custodial services if any permanent veterans preference employee of the General Services Administration at said date, would be terminated as a result of the procurement of such services, except that such funds may be obligated or expended for the procurement by contract of the covered services with sheltered workshops employing the severely handicapped under Public Law 92–28. Only if such workshops decline to contract for the provision of the covered services may the General Services Administration procure the services by competitive contract, for a period not to exceed 5 years. At such time as such competitive contract expires or is terminated for any reason, the General Services Administration shall again offer to contract for the services from a sheltered workshop prior to offering such services for competitive procurement.

SEC. 504. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930.

SEC. 505. None of the funds made available by this Act shall be available for the purpose of transferring control over the Federal Law Enforcement Training Center located at Glynco, Georgia, and Artesia, New Mexico, out of the Treasury Department.

SEC. 506. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. 507. No part of any appropriation contained in this Act shall be available for the payment of the salary of any officer or employee of the United States Postal Service, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any officer or employee of the United States Postal Service from having any direct oral or written communication or contact with any Member or committee of Congress in connection with any matter pertaining to the employment of such officer or employee or pertaining to the United States Postal Service in any way, irrespective of whether such communication or contact is at the initiative of such officer or employee or in response to the request or inquiry of such Member or committee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance of efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any officer or employee of the United States Postal Service, or attempts or threatens to commit any of the foregoing actions with respect to such officer or employee, by reason of any communication or contact of such officer or employee with any Member or committee of Congress as described in paragraph (1).

SEC. 508. The Office of Personnel Management may, during the fiscal year ending September 30, 1997, accept donations of supplies, services, land, and equipment for the Federal Executive Institute and Management Development Centers to assist in enhancing the quality of Federal management.

SEC. 509. The United States Secret Service may, during the fiscal year ending September 30, 1997, and hereafter, accept donations of money to off-set costs incurred while protecting former Presidents and spouses of former Presidents when the former President or spouse travels for the purpose of making an appearance or speech for a payment of money or any thing of value.

SEC. 510. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 511. None of the funds made available in this Act may be used to provide any nonpublic information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the House and Senate Committees on Appropriations.

SEC. 512. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

SEC. 513. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 514. If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 515. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 1997 from appropriations made available for salaries and expenses for fiscal year 1997 in this Act, shall remain available through September 30, 1998, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the House and Senate Committees on Appropriations for approval prior to the expenditure of such funds.

SEC. 516. Where appropriations in this Act are expendable for travel expenses of employees and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amount set forth in the budget estimates submitted for appropriations without the advance approval of the House and Senate Committees on Appropriations: *Provided*, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards in the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Department of Veterans Affairs; to travel of the Office of Personnel Management in carrying out its observation responsibilities of the Voting Rights Act; or to payments to interagency motor pools separately set forth in the budget schedules.

SEC. 517. Notwithstanding any other provision of law or regulation during the fiscal year ending September 30, 1997, and thereafter:

(1) The authority of the special police officers of the Bureau of Engraving and Printing, in the Washington, DC Metropolitan area, extends to buildings and land under the custody and control of the Bureau; to buildings and land acquired by or for the Bureau through lease, unless otherwise provided by the acquisition agency; to the streets, sidewalks and open areas immediately adjacent to the Bureau along Wallenberg Place (15th Street) and 14th Street between Independence and Maine Avenues and C and D Streets between 12th and 14th Streets; to areas which include surrounding parking facilities used by Bureau employees, including the lots at 12th and C Streets, SW, Maine Avenue and Water Streets, SW, Maiden Lane, the Tidal Basin and East Potomac Park; to the protection in transit of United States securities, plates and dies used in the production of United States securities, or other products or implements of the Bureau of Engraving and Printing which the Director of that agency so designates.

(2) The authority of the special police officers of the United States Mint extends to the buildings and land under the custody and control of the Mint; to the streets, sidewalks and open areas in the vicinity to such facilities; to surrounding parking facilities used by Mint employees; and to the protection in transit of bullion, coins, dies, and other property and assets of, or in the custody of, the Mint.

(3) The exercise of police authority by Bureau or Mint officers, with the exception of the exercise of authority upon property under the custody and control of the Bureau or the Mint, respectively, shall be deemed supplementary to the Federal police force with primary jurisdictional responsibility. This authority shall be in addition to any other law enforcement authority which has been provided to these officers under other provisions of law or regulations.

SEC. 518. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefit program which provides any benefits or coverage for abortions.

SEC. 519. The provision of section 518 shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

SEC. 520. No part of any appropriation made available in this Act shall be used to implement Bureau of Alcohol, Tobacco and Firearms Ruling TD ATF-360; Re: Notice Nos. 782, 780, 91F009P.

SEC. 521. Notwithstanding title 5, United States Code, Personal Service Contractors (PSC) employed by the Department of the Treasury for assignment in a country other than the United States, shall be considered as Federal Government employees for purposes of making available Federal employee health and life insurance.

SEC. 522. Section 5131 of title 31, United States Code, is amended by striking subsection (c); and by redesignating subsection (d) as subsection (c).

SEC. 523. Section 5112(i)(4) of title 31, United States Code, is amended by adding at the end the following new subparagraph:

"(C) The Secretary may continue to mint and issue coins in accordance with the specifications contained in paragraphs (7), (8), (9), and (10) of subsection (a) and paragraph (1)(A) of this subsection at the same time the Secretary in minting and issuing other bullion and proof gold coins under this subsection in accordance with such program procedures and coin specifications, designs, varieties, quantities, denominations, and inscriptions as the Secretary, in the Secretary's discretion, may prescribe from time to time.": *Provided*, That profits generated from the sale of gold to the United States Mint for this program shall be considered as a receipt to be deposited into the General Fund of the Treasury.

SEC. 524. Section 5112 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(k) The Secretary may mint and issue bullion and proof platinum coins in accordance with such specifications, designs, varieties, quantities, denominations, and inscriptions as the Secretary, in the Secretary's discretion, may prescribe from time to time.": *Provided*, That the Secretary is authorized to use Government platinum reserves stockpiled at the United States Mint as working inventory and shall ensure that reserves utilized are replaced by the Mint.

SEC. 525. VOLUNTARY SEPARATION INCENTIVES FOR EMPLOYEES OF CERTAIN FEDERAL AGENCIES.—(a) DEFINITIONS.—For the purposes of this section—

(1) the term "agency" means the Internal Revenue Service, the Bureau of Alcohol, Tobacco and Firearms, and the United States Customs Service;

(2) the term "employee" means an employee (as defined by section 2105 of title 5, United States Code) who is employed by an agency, is serving under an appointment without time limitation, and has been currently employed for a continuous period of at least 12 months, but does not include—

(A) any employee who, upon separation and application, would then be eligible for an immediate annuity under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system for employees of the agency;

(B) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system for employees of the agency;

(C) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under the applicable retirement system referred to in subparagraph (A);

(D) an employee who is in receipt of a specific notice of involuntary separation for misconduct or unacceptable performance;

(E) an employee who, upon completing an additional period of service is referred to in section 3(b)(2)(B)(ii) of the Federal Workforce Restructuring Act of 1994 (5 U.S.C. 5597 note), would qualify for a voluntary separation incentive payment under section 3 of such Act;

(F) an employee who has previously received any voluntary separation incentive payment by the Federal Government under this section or any other authority and has not repaid such payment;

(G) an employee covered by statutory reemployment rights who is on transfer to another organization; or

(H) any employee who, during the twenty four month period preceding the date of separation, has received a recruitment or relocation bonus under section 5753 of title 5, United States Code, or who, within the twelve month period preceding the date of separation, received a retention allowable under section 5754 of title 5, United States Code.

(b) AGENCY STRATEGIC PLAN.—

(1) IN GENERAL.—The head of each agency, prior to obligating any resources for voluntary separation incentive payments, shall submit to the House and Senate Committees on Appropriations and the Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight of the House of Representatives a strategic plan outlining the intended use of such incentive payments and a proposed organizational chart for the agency once such incentive payments have been completed.

(2) CONTENTS.—The agency's plan shall include—

(A) the positions and functions to be reduced or eliminated, identified by organizational unit, geographic location, occupational category and grade level;

(B) the number and amounts of voluntary separation incentive payments to be offered; and

(C) a description of how the agency will operate without the eliminated positions and functions.

(c) AUTHORITY TO PROVIDE VOLUNTARY SEPARATION INCENTIVE PAYMENTS.—

(1) IN GENERAL.—A voluntary separation incentive payment under this section may be paid by an agency to any employee only to the extent necessary to eliminate the positions and functions identified by the strategic plan.

(2) AMOUNT AND TREATMENT OF PAYMENTS.—A voluntary separation incentive payment—

(A) shall be paid in a lump sum after the employee's separation;

(B) shall be paid from appropriations or funds available for the payment of the basic pay of the employees;

(C) shall be equal to the lesser of—

(i) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, United States Code; or

(ii) an amount determined by the agency head not to exceed $25,000;

(D) may not be made except in the case of any qualifying employee who voluntarily separates (whether by retirement or resignation) before February 1, 1997;

(E) shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit; and

(F) shall not be taken into account in determining the amount of any severance pay to which the employee may be entitled under section 5595 of title 5, United States Code, based on any other separation.

(d) ADDITIONAL AGENCY CONTRIBUTIONS TO THE RETIREMENT FUND.—

(1) IN GENERAL.—In addition to any other payments which it is required to make under subchapter III of chapter 83 of title 5, United States Code, an agency shall remit to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund an amount equal to 15 percent of the final basic pay of each employee of the agency who is covered under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, to whom a voluntary separation incentive has been paid under this section.

(2) DEFINITION.—For the purpose of paragraph (1), the term "final basic pay", with respect to an employee, means the total amount of basic pay which would be payable for a year of service by such employee, computed using the employee's final rate of basic pay, and, if last serving on other than a full-time basis, with appropriate adjustment therefor.

(e) EFFECT OF SUBSEQUENT EMPLOYMENT WITH THE GOVERNMENT.—An individual who has received a voluntary separation incentive payment under this section and accepts any employment for compensation with the Government of the United States, or who works for any agency of the United States Government through a personal services contract, within 5 years after the date of the separation on which the payment is based shall be required to pay, prior to the individual's first day of employment, the entire amount of the incentive payment to the agency that paid the incentive payment.

(f) REDUCTION OF AGENCY EMPLOYMENT LEVELS.—

(1) IN GENERAL.—The total number of funded employee positions in the agency shall be reduced by one position for each vacancy created by the separation of any employee who has received, or is due to receive, a voluntary separation incentive payment under this section. For the purposes of this subsection, positions shall be counted on a full-time-equivalent basis.

(2) ENFORCEMENT.—The President, through the Office of Management and Budget, shall monitor the agency and take any action necessary to ensure that the requirements of this subsection are met.

(g) EFFECTIVE DATE.—This section shall take effect October 1, 1996.

SEC. 526. That provisions of law governing procurement or public contracts shall not be applicable to the procurement of goods or services necessary for carrying out Bureau of Engraving and Printing program and operation: *Provided*, That the authority contained in this provision shall expire on September 30, 1999.

SEC. 527. The United States Mint is hereby authorized to establish a demonstration project under the authorities of title V, U.S.C., chapter 47: *Provided*, That the Director of the United States Mint shall be appointed by the President, by and with the advice and consent of the Senate; the Director shall serve on the basis of a six-year contract, which may be renewed, so long as the Director's performance, as set forth in an annual performance agreement with the Secretary of the Treasury, is satisfactory; and the Director shall receive as basic compensation for a calendar year an amount equal to the annual rate of basic pay for level I of the Executive Schedule under section 5312 of title 5 and, in addition, may receive an annual bonus awarded by the Secretary, based upon the Secretary's evaluation of the Director's performance in accordance with the performance agreement.

SEC. 528. (a) REIMBURSEMENT OF CERTAIN ATTORNEY FEES AND COSTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall pay from amounts appropriated in title I of this Act under the heading, "Departmental Offices, Salaries and Expenses", up to $500,000 to reimburse former employees of the White House Travel Office whose employment in that Office was terminated on May 19, 1993, for any attorney fees and costs they incurred with respect to that termination.

(2) VERIFICATION REQUIRED.—The Secretary shall pay an individual in full under paragraph (1) upon submission by the individual of documentation verifying the attorney fees and costs.

(3) NO INFERENCE OF LIABILITY.—Liability of the United States shall not be inferred from enactment of or payment under this subsection.

(b) LIMITATION ON FILING OF CLAIMS.—The Secretary of the Treasury shall not pay any claim filed under this section that is filed later than 120 days after the date of the enactment of this Act.

(c) REDUCTION.—The amount paid pursuant to this section to an individual for attorney fees and costs described in subsection (a) shall be reduced by any amount received before the date of the enactment of this Act, without obligation for repayment by the individual, for payment of such attorney fees and costs (including any amount received from the funds appropriated for the individual in the matter relating to the "Office of the General Counsel" under the heading "Office of the Secretary" in title I of the Department of Transportation and Related Agencies Appropriations Act, 1994).

(d) PAYMENT IN FULL SETTLEMENT OF CLAIMS AGAINST THE UNITED STATES.—Payment under this section, when accepted by an individual described in subsection (a), shall be in full satisfaction of all claims of, or on behalf of, the individual against the United States that arose out of the termination of the White House Travel Office employment of that individual on May 19, 1993.

SEC. 529. None of the funds made available in this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official background investigation report on any individual, except when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) such individual has given his or her express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

(2) such request is required due to extraordinary circumstances involving national security.

TITLE VI—GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SECTION 601. Funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

SEC. 602. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 1997 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such department, agency, or instrumentality.

SEC. 603. Notwithstanding 31 U.S.C. 1345, any agency, department or instrumentality of the United States which provides or proposes to provide child care services for Federal employees may reimburse any Federal employee or any person employed to provide such services for travel, transportation, and subsistence expenses incurred for training classes, conferences or other meetings in connection with the provision of such services: *Provided*, That any per diem allowance made pursuant to this section shall not exceed the rate specified in regulations prescribed pursuant to section 5707 of title 5, United States Code.

SEC. 604. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at $8,100 except station wagons for which the maximum shall be $9,100: *Provided*, That these limits may be exceeded by not to exceed $3,700 for police-type vehicles, and by not to exceed $4,000 for special heavy-duty vehicles: *Provided further*, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: *Provided further*, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101-549 over the cost of comparable conventionally fueled vehicles.

SEC. 605. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922-24.

SEC. 606. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person (1) is a citizen of the United States, (2) is a person in the service of the United States on the date of enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States, (3) is a person who owes allegiance to the United States, (4) is an alien from Cuba, Poland, South Vietnam, the countries of the former Soviet Union, or the Baltic countries lawfully admitted to the United States for permanent residence, (5) is a South Vietnamese, Cambodian, or Laotian refugee paroled in the United States after January 1, 1975, or (6) is a national of the People's Republic of China who qualifys for adjustment of status pursuant to the Chinese Student Protection Act of 1992: *Provided*, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: *Provided further*, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than 1 year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, or the Republic of the Philippines, or to nationals of those countries allied with the United States in the current defense effort, or to international broadcasters employed by the United States Information Agency, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies.

SEC. 607. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (87 Stat. 216), or other applicable law.

SEC. 608. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order 12873 (October 20, 1993), including any such programs adopted prior to the effective date of the Executive Order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 609. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided*, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 610. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

SEC. 611. For the fiscal year ending September 30, 1997, and thereafter, any department or agency to which the Administrator of General Services has delegated the authority to operate, maintain or repair any building or facility pursuant to section 205(d) of the Federal Property and Administrative Services Act of 1949, as amended, shall retain that portion of the GSA rental payment available for operation, maintenance or repair of the building or facility, as determined by the Administrator, and expend such funds directly for the operation, maintenance or repair of the building or facility. Any funds retained under this section shall remain available until expended for such purposes.

SEC. 612. (a) IN GENERAL.—Section 1306 of title 31, United States Code, is amended to read as follows:

"§ 1306. Use of foreign credits

"(a) IN GENERAL.—Foreign credits (including currencies) owed to or owned by the United States may be used by any agency for any purpose for which appropriations are made for the agency for the current fiscal year (including the carrying out of Acts requiring or authorizing the use of such credits), but only when reimbursement therefor is made to the Treasury from applicable appropriations of the agency.

"(b) EXCEPTION TO REIMBURSEMENT REQUIREMENT.—Credits described in subsection (a) that are received as exchanged allowances, or as the proceeds of the sale of personal property, may be used in whole or partial payment for the acquisition of similar items, to the extent and in the manner authorized by law, without reimbursement to the Treasury.".

(b) APPLICABILITY.—The amendment made by this section shall take effect on the date of the enactment of this Act and shall apply thereafter.

SEC. 613. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards, commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 614. Funds made available by this or any other Act to the "Postal Service Fund" (39 U.S.C. 2003) shall be available for employment of guards for all buildings and areas owned or occupied by the Postal Service and under the charge and control of the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318), and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318a, 318b), attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318c).

SEC. 615. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 616. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for the fiscal year ending on September 30, 1997, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by section 616 of the Treasury, Postal Service and General Government Appropriations Act, 1996, until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 1997, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section 616; and

(2) during the period consisting of the remainder of fiscal year 1997, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

(A) the percentage adjustment taking effect in fiscal year 1997 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 1997 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in fiscal year 1996 under such section.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 1996, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 1996, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, 1996.

(f) For the purpose of administering any provision of law (including section 8431 of title 5, United States Code, and any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. 617. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is expressly approved by the Committees on Appropriations of the House and Senate. For the purposes of this section, the word "office" shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 618. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the House and Senate Committees on Appropriations.

SEC. 619. Notwithstanding section 1346 of title 31, United States Code, or section 613 of this Act, funds made available for fiscal year 1997 by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order Numbered 12472 (April 3, 1984).

SEC. 620. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(7) the Director of Central Intelligence.

SEC. 621. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 1997 shall obligate or expend any such funds, unless such department, agency or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment and that all of its workplaces are not in violation of title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1967, and the Rehabilitation Act of 1973.

SEC. 622. No part of any appropriation contained in this Act may be used to pay for the expenses of travel of employees, including employees of the Executive Office of the President, not directly responsible for the discharge of official governmental tasks and duties: *Provided*, That this restriction shall not apply to the family of the President, Members of Congress or their spouses, Heads of State of a foreign country or their designees, persons providing assistance to the President for official purposes, or other individuals so designated by the President.

SEC. 623. Notwithstanding any provision of law, the President, or his designee, must certify to Congress, annually, that no person or persons with direct or indirect responsibility for administering the Executive Office of the President's Drug-Free Workplace Plan are themselves subject to a program of individual random drug testing.

SEC. 624. (a) None of the funds made available in this Act or any other Act may be obligated or expended for any employee training when it is made known to the Federal official having authority to obligate or expend such funds that such employee training—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N-915.022, dated September 2, 1988;

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace; or

(6) includes content related to human immunodeficiency virus/acquired immune deficiency syndrome (HIV/AIDS) other than that necessary to make employees more aware of the medical ramifications of HIV/AIDS and the workplace rights of HIV-positive employees.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 625. No funds appropriated in this or any other Act for fiscal year 1997 may be used to implement or enforce the agreements in Standard Forms 312 and 4355 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: "These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order 12356; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. section 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive Order and listed statutes are incorporated into this agreement and are controlling.": *Provided*, That notwithstanding the preceding paragraph, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.

SEC. 626. (a) None of the funds appropriated by this or any other Act may be expended by any Federal Agency to procure any product or service subject to section 5124 of Public Law 104–106 and that will be available under the procurement by the Administrator of General Services known as "FTS2000" unless—

(1) such product or service is procured by the Administrator of General Services as part of the procurement known as "FTS2000"; or

(2) that agency establishes to the satisfaction of the Administrator of General Services that—

(A) that agency's requirements for such procurement are unique and cannot be satisfied by property and service procured by the Administrator of General Services as part of the procurement known as "FTS2000"; and

(B) the agency procurement, pursuant to such delegation, would be cost-effective and would not adversely affect the cost-effectiveness of the FTS2000 procurement.

(b) After July 31, 1997, subsection (a) shall apply only if the Administrator of General

Services has reported that the FTS2000 procurement is producing prices that allow the Government to satisfy its requirements for such procurement in the most cost-effective manner.

SEC. 627. Subsection (f) of section 403 of Public Law 103-356 is amended by deleting "October 1, 1999" and inserting "October 1, 2001".

SEC. 628. (a) IN GENERAL.—Notwithstanding any other provision of law, none of the funds made available by this Act for the Department of the Treasury shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would permit the Secretary of the Treasury to make any loan or extension of credit under section 5302 of title 31, United States Code, with respect to a single foreign entity or government of a foreign country (including agencies or other entities of that government)—

(1) with respect to a loan or extension of credit for more than 60 days, unless the President certifies to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking and Financial Services of the House of Representatives that—

(A) there is no projected cost (as that term is defined in section 502 of the Federal Credit Reform Act of 1990) to the United States from the proposed loan or extension of credit; and

(B) any proposed obligation or expenditure of United States funds to or on behalf of the foreign government is adequately backed by an assured source of repayment to ensure that all United States funds will be repaid; and

(2) other than as provided by an Act of Congress, if that loan or extension of credit would result in expenditures and obligations, including contingent obligations, aggregating more than $1,000,000,000 with respect to that foreign country for more than 180 days during the 12-month period beginning on the date on which the first such action is taken.

(b) WAIVER OF LIMITATIONS.—The President may exceed the dollar and time limitations in subsection (a)(2) if he certifies in writing to the Congress that a financial crisis in that foreign country poses a threat to vital United States economic interests or to the stability of the international financial system.

(c) EXPEDITED PROCEDURES IN THE SENATE FOR A RESOLUTION OF DISAPPROVAL.—A presidential certification pursuant to subsection (b) shall not take effect, if the Congress, within 30 calendar days after receiving such certification, enacts a joint resolution of disapproval, as described in paragraph (5) of this subsection.

(1) REFERENCE TO COMMITTEES.—All joint resolutions introduced in the Senate to disapprove the certification shall be referred to the Committee on Banking, Housing, and Urban Affairs.

(2) DISCHARGE OF COMMITTEES.—(A) If the committee of the Senate to which a joint resolution has been referred has not reported it at the end of 15 days after its introduction, it is in order to move either to discharge the committee from further consideration of the joint resolution or to discharge the committee from further consideration of any other joint resolution introduced with respect to the same matter, except no motion to discharge shall be in order after the committee has reported a joint resolution with respect to the same matter.

(B) In the Senate a motion to discharge may be made only by an individual favoring the joint resolution, and is privileged; and debate thereon shall be limited to not more than 1 hour, the time to be divided equally between, and controlled by, the majority leader and the minority leader or their designees.

(3) FLOOR CONSIDERATION.—(A) A motion in the Senate to proceed to the consideration of a joint resolution shall be privileged.

(B) Debate in the Senate on a joint resolution, and all debatable motions and appeals in connection therewith, shall be limited to not more than 4 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(C) Debate in the Senate on any debatable motion or appeal in connection with a joint resolution shall be limited to not more than 20 minutes, to be equally divided between, and controlled by, the mover and the manager of the joint resolution, except that in the event the manager of the joint resolution is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of a joint resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(D) A motion in the Senate to further limit debate on a joint resolution, debatable motion, or appeal is not debatable. No amendment to, or motion to recommit, a resolution is in order.

(4) If prior to the passage by the Senate of a resolution, the Senate receives a joint resolution with respect to the same matter from the House of Representatives, then—

(A) the procedure in the Seante shall be the same as if no resolution had been received from the House; but

(B) the vote on final passage shall be on the resolution of the House.

(5) For purposes of this subsection, the term "joint resolution" means only a joint resolution of the 2 Houses of Congress, the matter after the resolving clause of which is as follows: "That the Congress disapproves the action of the President under section 628(c) of the Treasury, Postal Service, and General Government Appropriations Act, 1997, notice of which was submitted to the Congress on _____.", with the blank space being filled with the appropriate date.

(d) APPLICABILITY.—This section—

(1) shall not apply to any action taken as part of the program of assistance to Mexico announced by the President on January 31, 1995; and

(2) shall remain in effect through fiscal year 1997.

SEC. 629. (a) TECHNICAL AMENDMENT.—Section 640 of Public Law 104-52 (109 Stat. 513) is amended by striking "Service performed" and inserting "Hereafter, service performed".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in Public Law 104-52 on the date of its enactment.

SEC. 630. Notwithstanding any other provision of law, no part of any appropriation contained in this Act for any fiscal year shall be available for paying Sunday premium or differential pay to any employee unless such employee actually performed work during the time corresponding to such premium or differential pay.

SEC. 631. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 632. (a) FEDERAL EMPLOYEE REPRESENTATION IMPROVEMENT.—Subsection (d) of section 205 of title 18, United States Code, is amended to read as follows:

"(d)(1) Nothing in subsection (a) or (b) prevents an officer or employee, if not inconsistent with the faithful performance of that officer's or employee's duties, from acting without compensation as agent or attorney for, or otherwise representing—

"(A) any person who is the subject of disciplinary, loyalty, or other personnel administration proceedings in connection with those proceedings; or

"(B) except as provided in paragraph (2), any cooperative, voluntary, professional, recreational, or similar organization or group not established or operated for profit, if a majority of the organization's or group's members are current officers or employees of the United States or of the District of Columbia, or their spouses or dependent children.

"(2) Paragraph (1)(B) does not apply with respect to a covered matter that—

"(A) is a claim under subsection (a)(1) or (b)(1);

"(B) is a judicial or administrative proceeding where the organization or group is a party; or

"(C) involves a grant, contract, or other agreement (including a request for any such grant, contract, or agreement) providing for the disbursement of Federal funds to the organization or group.".

(b) APPLICATION TO LABOR-MANAGEMENT RELATIONS.—Section 205 of title 18, United States Code, is amended by adding at the end the following:

"(i) Nothing in this section prevents an employee from acting pursuant to—

"(1) chapter 71 of title 5;

"(2) section 1004 or chapter 12 of title 39;

"(3) section 3 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831b);

"(4) chapter 10 of title I of the Foreign Service Act of 1980 (22 U.S.C. 4104 et seq.); or

"(5) any provision of any other Federal or District of Columbia law that authorizes labor-management relations between an agency or instrumentality of the United States or the District of Columbia and any labor organization that represents its employees.".

(c) APPLICABILITY.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply thereafter.

SEC. 633. SURVIVOR ANNUITY RESUMPTION UPON TERMINATION OF MARRIAGE.—(a) AMENDMENTS.—

(1) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8341(e) of title 5, United States Code, is amended by adding at the end the following:

"(4) If the annuity of a child under this subchapter terminates under paragraph (3)(E) because of marriage, then, if such marriage ends, such annuity shall resume on the first day of the month in which it ends, but only if—

"(A) any lump sum paid is returned to the Fund; and

"(B) that individual is not otherwise ineligible for such annuity.".

(2) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8443(b) of such title is amended by adding at the end the following: "If the annuity of a child under this subchapter terminates under subparagraph (E) because of marriage, then, if such marriage ends, such annuity shall resume on the first day of the month in which it ends, but only if any lump sum paid is returned to the Fund, and that individual is not otherwise ineligible for such annuity.".

(b) APPLICABILITY.—The amendments made by section 1 shall apply with respect to any termination of marriage taking effect on or after November 1, 1993, except that any recomputation of benefits shall be payable only with respect to amounts accruing for periods beginning on or after the date of the enactment of this Act.

SEC. 634. AVAILABILITY OF ANNUAL LEAVE TO MEET MINIMUM AGE AND SERVICE REQUIREMENTS FOR TITLE TO AN IMMEDIATE ANNUITY.—(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8336 of title 5, United States Code, is amended by adding at the end the following:

"(o)(1) An employee involuntarily separated from service due to a reduction in force shall, upon written election, be given credit for days of unused annual leave standing to such employee's credit under a formal leave system as of the date of separation, if and to the extent necessary in order to meet the minimum age and service requirements for title to an annuity under this section.

"(2) The Office shall prescribe any regulations which may be necessary to carry out this subsection, including regulations under which contributions to the Fund shall, with respect to the days of leave for which credit is given under this subsection, be made—

"(A) by the employee, equal to the employee contributions which would have been required for those days if separation had not occurred; and

"(B) by the agency from which separated, equal to the Government contributions which would have been required if separation had not occurred.

Contributions under the preceding sentence shall be determined based on the rate of basic pay last in effect before separation.

"(3) Nothing in this subsection shall be considered—

"(A) to allow credit to be given for any leave standing to the credit of the employee (other than by restoration) pursuant to subchapter III or IV of chapter 63 or other similar authority;

"(B) to permit or require the making of any contributions to the Thrift Savings Fund with respect to any period after the date of separation; or

"(C) to make any days of annual leave creditable for purposes of section 8333, any determination of average pay, or any computation of annuity.

"(4)(A) The taking of a lump-sum payment under section 5551 or other similar authority shall not make any of the leave to which such payment relates unavailable for purposes of this subsection.

"(B) The use of any leave for purposes of this subsection shall not reduce the amount of leave for which a lump-sum payment is payable under section 5551 or other similar authority.

"(5) This subsection shall apply with respect to separations occurring on or after the date of the enactment of this subsection and before July 1, 2002.".

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8412 of title 5, United States Code, is amended by adding at the end the following:

"(i)(1) An employee involuntarily separated from service due to a reduction in force shall, upon written election, be given credit for days of unused annual leave standing to such employee's credit under a formal leave system as of the date of separation, if and to the extent necessary in order to meet the minimum age and service requirements for title to an annuity under this section or section 8414.

"(2) The Office shall prescribe any regulations which may be necessary to carry out this subsection, including regulations under which contributions to the Fund shall, with respect to the days of leave for which credit is given under this subsection, be made—

"(A) by the employee, equal to the employee contributions which would have been required for those days if separation had not occurred; and

"(B) by the agency from which separated, equal to the Government contributions which would have been required if separation had not occurred.

Contributions under the preceding sentence shall be determined based on the rate of basic pay last in effect before separation.

"(3) Nothing in this subsection shall be considered—

"(A) to allow credit to be given for any leave standing to the credit of the employee (other than by restoration) pursuant to subchapter III or IV of chapter 63 or other similar authority;

"(B) to permit or require the making of any contributions to the Thrift Savings Fund with respect to any period after the date of separation; or

"(C) to make any days of annual leave creditable for purposes of section 8410, any determination of average pay, or any computation of annuity.

"(4)(A) The taking of a lump-sum payment under section 5551 or other similar authority shall not make any of the leave to which such payment relates unavailable for purposes of this subsection.

"(B) The use of any leave for purposes of this subsection shall not reduce the amount of leave for which a lump-sum payment is payable under section 5551 or other similar authority.

"(5) This subsection shall apply with respect to separations occurring on or after the date of the enactment of this subsection and before July 1, 2002.".

SEC. 635. Section 207(e)(6)(B) of title 18, United States Code, is amended by striking "level V of the Executive Schedule" and inserting "level 5 of the Senior Executive Service".

SEC. 636. REIMBURSEMENTS RELATING TO PROFESSIONAL LIABILITY INSURANCE.—(a) AUTHORITY.—Notwithstanding any other provision of law, amounts appropriated by this Act (or any other Act for fiscal year 1997 or any fiscal year thereafter) for salaries and expenses may be used to reimburse any qualified employee for not to exceed one-half the costs incurred by such employee for professional liability insurance. A payment under this section shall be contingent upon the submission of such information or documentation as the employing agency may require.

(b) QUALIFIED EMPLOYEE.—For purposes of this section, the term "qualified employee" means an agency employee whose position is that of—

(1) a law enforcement officer; or

(2) a supervisor or management official.

(c) DEFINITIONS.—For purposes of this section—

(1) the term "agency" means an Executive agency, as defined by section 105 of title 5, United States Code;

(2) the term "law enforcement officer" means an employee, the duties of whose position are primarily the investigation, apprehension, prosecution, or detention of individuals suspected or convicted of offenses against the criminal laws of the United States, including any law enforcement officer under section 8331(20) or 8401(17) of such title 5;

(3) the terms "supervisor" and "management official" have the respective meanings given them by section 7103(a) of such title 5, and

(4) the term "professional liability insurance" means insurance which provides coverage for—

(A) legal liability for damages due to injuries to other persons, damage to their property, or other damage or loss to such other persons (including the expenses of litigation and settlement) resulting from or arising out of any tortious act, error, or omission of the covered individual (whether common law, statutory, or constitutional) while in the performance of such individual's official duties as a qualified employee; and

(B) the cost of legal representation for the covered individual in connection with any administrative or judicial proceeding (including any investigation or disciplinary proceeding) relating to any act, error, or omission of the covered individual while in the performance of such individual's official duties as a qualified employee, and other legal costs and fees relating to any such administrative or judicial proceeding.

(d) APPLICABILITY.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply thereafter.

TITLE VII—SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1996

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" to be used in connection with investigations of arson at religious institutions, $12,011,000, available upon enactment of this Act and to remain available until expended.

INTERNAL REVENUE SERVICE

INFORMATION SYSTEMS

(RESCISSION)

Of the funds made available under this heading for Tax Systems Modernization in Public Law 104–52, $12,011,000 are rescinded.

This Act may be cited as the "Treasury, Postal Service, and General Government Appropriations Act, 1997".

The CHAIRMAN. Are there any points of order against provisions in the bill?

POINT OF ORDER

Mrs. SEASTRAND. Mr. Chairman, I make a point of order against section 406 beginning on page 53, line 15 through page 55, line 12, which authorizes the establishment of telecommuting centers, on the ground that it is legislation on an appropriation bill in violation of rule XXI, clause 2(b) of the rules of the House.

The CHAIRMAN. Are there any Members who wish to be heard on the point of order?

If not, for the reasons stated by the gentlewoman from California, the point of order is sustained. The section is stricken. Are there any other points of order?

POINT OF ORDER

Mrs. SEASTRAND. Mr. Chairman, I make a point of order against section 410 beginning on page 56, line 13 through page 57, line 3, which authorizes the administrator of GSA to sell or exchange real property whether or not it is excess to the needs of the United States, on the ground that it is legislation on an appropriation bill in violation of rule XXI, clause 2(b) of the rules of the House.

The CHAIRMAN. Are there any Members who wish to be heard on the point of order?

Mr. HOYER. Mr. Chairman, on the point of order, is it appropriate for me from a parliamentary standpoint to ask the chairman of the subcommittee for a clarification of the facts while I make my point of order?

The CHAIRMAN. The chairman of the subcommittee can also be heard on the point of order, and if the gentleman from Maryland wishes to defer to the gentleman from Iowa, he certainly may.

Mr. HOYER. Mr. Chairman, is it my understanding that the rule does not protect this provision but does protect all other provisions in the bill which would have been subject to a similar point of order, that that is why this is in order; is that correct?

Mr. LIGHTFOOT. Mr. Chairman, the gentleman is correct, with the exception of section 406 which she has already raised a point of order against.

Mr. HOYER. Mr. Chairman, in light of the fact that the Ways and Means Committee, as I understand it, did not contact the Rules Committee but that the committee which the gentlewoman from California is representing now did, my understanding is the Rules Committee did not protect it, I will not contest the point of order.

The CHAIRMAN. The point of order is sustained for the reasons stated by the gentlewoman from California. The section is stricken.

Pursuant to the order of the House of Tuesday, July 16, 1996, no further amendments shall be in order except the following amendments, not necessarily in any prescribed order, which shall be considered read, shall not be subject to amendment or to a demand for division of the question, and shall be debatable for the time specified, equally divided and controlled by the proponent and a member opposed: An amendment by the gentleman from Massachusetts [Mr. KENNEDY] regarding the Customs Service, for 10 minutes.

Mr. HOYER. Mr. Chairman, is unanimous consent in order so that I might have a colloquy prior to the consideration of the amendments with the chairman of the subcommittee?

The CHAIRMAN. The gentleman can, of course, move to strike the last word by unanimous consent. The Chair would like to proceed with outlining the agreement that was struck yesterday.

Mr. HOYER. Mr. Chairman, as a practical matter, we have some Members that are just getting word that we are going forward. We need to do this colloquy. I thought it might be helpful to do this colloquy first while Members are coming to the floor.

The CHAIRMAN. To encourage Members to come to the floor, the 3-page statement which the Chair is about to proceed with would help in the shared goal.

An amendment by the gentleman from Massachusetts [Mr. KENNEDY] regarding the Customs Service, for 10 minutes; an amendment by the gentleman from Illinois [Mr. DURBIN] regarding firearms disabilities, for 30 minutes; an amendment by the gentlewoman from Connecticut [Mrs. JOHNSON] regarding IRS funding, for 10 minutes; an amendment by the gentleman from Ohio [Mr. TRAFICANT], for 10 minutes; an amendment by the gentleman from Maryland [Mr. HOYER] or the gentlewoman from New York [Mrs. LOWEY] to strike sections 518 and 519, for 30 minutes; an amendment by the gentleman from Maryland [Mr. HOYER] regarding buyouts, for 10 minutes; an amendment by the gentleman from Virginia [Mr. WOLF] regarding buyouts, for 10 minutes; an amendment by the gentleman from Georgia [Mr. KINGSTON] regarding customs ports of entry, for 9 minutes; an amendment by the gentleman from Minnesota [Mr. GUTKNECHT] regarding an across-the-board cut, for 20 minutes; an amendment by the gentleman from Vermont [Mr. SANDERS] regarding health maintenance organizations, for 20 minutes; an amendment by the gentlewoman from Ohio [Mr. KAPTUR] regarding China tariffs, for 10 minutes; an amendment by the gentleman from New York [Mr. SOLOMON] regarding a limitation on the comptroller of the currency, for 10 minutes; an amendment by the gentleman from Arizona [Mr. SALMON] regarding the White House travel office, for 10 minutes; an amendment by the gentleman from Maryland [Mr. HOYER], for 10 minutes; and an amendment by the gentleman from Pennsylvania [Mr. GEKAS], for 10 minutes .

AMENDMENT OFFERED BY MR. KENNEDY OF MASSACHUSETTS

Mr. KENNEDY of Massachusetts. Mr. Chairman, I offered an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KENNEDY of Massachusetts: Page 16, line 19, strike the second semicolon and insert the following: "(increased by $500,000) (reduced by $500,000);".

The CHAIRMAN. Pursuant to the order of the House of Tuesday, July 16, 1996, the gentleman from Massachusetts [Mr. KENNEDY] and a Member opposed each will control 5 minutes.

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

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I offer this amendment with the gentleman from New Jersey [Mr. SMITH], and I appreciate the willingness of the chairman of the committee to work with us in supporting this amendment as he indicated last evening.

I think the chairman of this committee ought to be commended for the initiatives that he has established in terms of trying to make certain that unfair labor practices that go on in countries that we regularly trade with, specifically China and other countries, have made it a course of their nation's national policy to utilize terribly, terribly, not only unfair but really despicable practices in terms of the kinds of labor use that takes place in these countries.

In China, we know of people who are forced into labor in terms of the kinds of actions that take place in the prison systems. In other countries, such as Pakistan and India, we are all too cruelly aware of the fact that there are millions of soccer balls, for instance, that come from Pakistan; 25 percent of the world's soccer balls come from Pakistan where child labor is utilized. Children are forced to work 8 or 10 hours a day at the ages of as young as 3 and 4 and 5 years old. They work for 15, 16, 17 cents an hour.

Mr. Chairman, we are about to establish the Olympics right down the street at RFK Stadium, and the soccer balls used by the Olympics this year in many cases will be balls that were made with child slave labor. Kids all over America are playing with soccer balls that are made with child labor. Kids that are forced into labor without any of their personal consent, working in dark, dingy conditions, 8 or 10 hours a day, no proper food or nutrition, no proper health care or any kind of reasonable hourly wage.

In Pakistan, we also know of kids, like Iqbal Masih, who are chained to rug looms and forced over and over each and every day to work 10, 12, 15 hours a day, and are sold by their families to individuals that then have whole factories of kids that are making products which we then import into the United States. It not only is unconscionable, and millions of American consumers that buy these goods on a regular basis have no idea that these kinds of conditions are actually taking place in terms of the work force that are making the goods.

Mr. Chairman, we sometimes wonder why we can buy goods these days at such cheap prices. I remember CHRIS SMITH telling me that his family ran a sporting goods store in New Jersey and that 15 years ago or so a soccer ball used to cost $35. Today it costs $15 or

$18. He says the reason why the price has dropped so significantly is because the cost of labor in terms of the child slave wages that are being paid has dropped so significantly.

What this amendment will do is take a few dollars out of the general fund that is appropriated and use those moneys specifically for the purposes of hiring an individual who will work for the Department of Commerce to inspect the goods that are made in both India and Pakistan, one employee per country, to make sure that child slave labor is not involved in the manufacture of those products that we import from those countries.

I just want to thank the gentleman from New Jersey [Mr. SMITH], and I want to thank in particular the gentleman from Iowa [Mr. LIGHTFOOT]. I know in talking with his staff that there have been difficulties in the past in terms of working out these arrangements with the Department of State, but I think we have put enough funds into this legislation to make certain that we have the necessary wherewithal to reimburse the State Department.

Mr. Chairman, I also want to thank the gentleman from Maryland [Mr. HOYER], my good friend, who has been a very outspoken critic of the kinds of unfair labor practices that take place in so many foreign countries and who has been a great supporter of this legislation.

Mr. Chairman, I have an amendment at the desk, and I ask unanimous consent that it be considered as read. I appreciate the willingness of Chairman LIGHTFOOT and Mr. HOYER to accept this amendment, and I would like to thank Mr. SMITH for his strong support on behalf of this amendment.

I think the chairman of this committee should be commended for the initiatives that he has established trying to end unfair labor practices in all countries—especially countries which utilize forced labor and child labor, and I thank him again for his support of my amendment.

The purpose of my amendment is to fund two additional overseas positions for customs service investigators. The bill already funds three overseas positions—in Singapore, Hong Kong, and Beijing. My amendment will fund a criminal investigator in New Delhi, India, and in the Sialkot region of Pakistan.

These are two areas in the world where child labor is a particularly significant problem.

We know that there are factories where children, who were sold into slavery by their families, are making products which then are imported into the United States. This is unconscionable. Millions of American consumers who buy these goods on a regular basis have no idea that these goods are being produced using child labor.

These children are forced into labor, without their consent, working in dark, dingy conditions, without proper food or nutrition, without proper health care, without any kind of reasonable hourly wage.

In Pakistan and in India children are chained to rug looms for 10 to 12 hours at a time, being forced to tie tiny knots with their small fingers.

Children in Pakistan help produce 35m soccer balls annually—25 percent of these balls are stitched by children being paid only 5 cents an hour. Each child earns an average of $.70 per ball—and an average daily wage of $1.20. These children work 80 hours a week in near total darkness and total silence.

I have long fought to end the forced labor of children. I have heard the sad testimony of children like Iqbal Masih, enslaved in a rug making factory in Pakistan for 6 long years, only to be killed a year after he managed to escape and after he had started to fight for the rights of children in forced labor.

I have heard the stories of the children of Broadmeadow School in Quincy, MA, who raised over $100,000 to build a school in Iqbal's home town, because the children there didn't have access to a basic education.

And I have heard firsthand the stories of witnesses who have observed children as young as 3 and 4 struggling to stitch soccer balls to be exported around the world. In some instances the needles being used to stitch the balls are longer than the fingers of the children doing the stitching. One 3-year-old was able to manage the needle but couldn't handle the scissors, and had to have another small coworker help her.

Mr. Chairman, Washington DC, will soon be hosting Olympic soccer games just down the street from the U.S. Capitol, and the soccer balls being used by the Olympics this year in many cases will be balls stitched with child slave labor.

We sometimes wonder why we can buy goods these days at such cheap prices. I remember Chris Smith telling me that his family ran a sporting goods store in New Jersey and that 15 years ago a soccer ball used to cost $35. Today it costs $15 or $18. He says the reason why the price has dropped so significantly is because the cost of labor has dropped significantly. Why? Because child labor is being employed.

Adding these two overseas investigator positions will also be an important step in executing the FoulBall Campaign. The FoulBall Campaign is a coordinated international effort using both the power of legislation and consumer action to end the use of child labor in the soccer ball industry.

Lauched on June 28 by Representative KENNEDY, Labor Secretary Robert Reich, and others, the Campaign strives to increase awareness of the widespread use of child workers by soccer ball manufacturers and to encourage the public and soccer organizations in every city and town across America to reject balls stitched by child workers.

I hope we all see the day where child slavery no longer exists, and I applaud initiatives such as Rugmark, which seeks to educate consumers about the exploitation of children, and to mobilize consumers to support products not made with child labor.

Consumers have a right to know that the products they are purchasing were not made with child slave labor. They have a right to know that their children are not learning to walk on rugs knotted by young children, and that their sons and daughters are not playing with a soccer ball that was stitched by little hands.

By adding two inspectors positions overseas, we will be better able to identify the goods being manufactured with child labor, and keep those items from being shipped to the United States and from being placed on the shelves of stores across this country.

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

□ 1045

Mr. LIGHTFOOT. Mr. Chairman, I ask unanimous consent to control the other 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. LIGHTFOOT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am willing to accept the amendment of the gentleman from Massachusetts and would like to briefly address some concerns we have with it. I think it is something we can work on. We obviously need to very carefully target our overseas personnel, where we put them, why we put them there. The concern with the amendment is we are putting people in the locations where we have not passed any legislation yet here in the House that addresses that.

As the gentleman knows, the bill includes additional Customs people to go into China. That was not done in a vacuum. We did not include that provision without first talking with Commissioner Weise and the Secretary of State, Mr. Christopher, as well, to get sign-off on it.

If the gentleman is willing to work with me as we go to conference with the Senate on my concern as well as any that the administration may have to be sure that everyone is signed off on this, I really do not see why they should not be, I would be very happy, pleased, to accept the amendment because I think he is trying to do the right thing.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. LIGHTFOOT. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I rise in strong support of this amendment and am very pleased that the chairman saw fit to accept it. I am one of those who believes that our policy, whether it deals with trade or any other facet of international relations, ought to reflect our commitment to human rights. Of course our commitment to human rights ought to be particularly keen when it comes to the most vulnerable people in our world, and that is our children.

America itself suffered and from time to time still suffers from the abuse of children. We talk about child abuse, this is child abuse. This is the utilization of children for economic gain, while substantially damaging their health and robbing them of their childhood and ruining their lives. America,

among the nations, ought to stand tallest and most strongly raise the issue that we will not be complicit in this treatment or maltreatment of children.

I congratulate the gentleman from Massachusetts. No voice has been stronger in this Congress or in this country on behalf of the rights of those who have been disenfranchised and discriminated against and undermined in this health and in their quality of living than has the voice of the gentleman from Massachusetts, JOE KENNEDY, and I am pleased to be allied with him in this amendment and thank him for his leadership and offering of this amendment.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. LIGHTFOOT. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I very much appreciate the gentleman's cautions with regard to the State Department's willingness to work some of these issues out in terms of the local countries. I do believe that it is important, and I appreciate your willingness to accept this amendment because I think that it is important for the Congress of the United States to let the executive branch know and particularly the State Department know that we are very interested in human rights, as the gentleman from Maryland [Mr. HOYER] indicated, being a major portion of this country's foreign policy.

I do not think we should stand for having other countries export into the United States when they are being abusive of their own citizens, particularly of young children that they are forcing into these kinds of labor situations.

So I think that we ought to take the stand, and I appreciate the gentleman's willingness to fight for it when we get into conference. I would hope that the administration would be supportive. They have given us indications of their support, but I know that with the gentleman out there leading the fight, Mr. Chairman, that we will fare well.

Mr. LIGHTFOOT. Reclaiming my time, Mr. Chairman, let me quickly respond to my friend, the gentleman from Massachusetts [Mr. KENNEDY]. I appreciate the kind words and I think, as I said earlier, I think this is the right thing to do.

A lot of things we cannot settle around here legislatively, but this is one I think we can. It would be very important that we do get the sign-off, I think, from the administration and obviously the gentleman can help us a great deal in that measure. So I appreciate his bringing this amendment forward. I think it is timely and hopefully it will solve a problem we are all very concerned with.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. KENNEDY].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TRAFICANT: Page 24, after line 3, insert the following new section:

SEC. 105. The Internal Revenue Service shall contract with an independent accounting firm to determine the revenue losses (if any) which would result from implementing H.R. 2450, as introduced in the 104th Congress.

The CHAIRMAN. The gentleman from Ohio [Mr. TRAFICANT] will be recognized for 5 minutes in support of his amendment, and a Member in opposition will be recognized for 5 minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment is straightforward. It says that there shall be an outside objective study performed on H.R. 2450, which would in fact change the burden of proof in a civil tax case and require judicial consent before the Internal Revenue Service can lien on our property or take our assets.

To all the members of this committee, right now in a civil tax case proceeding, a taxpayer is deemed guilty in the eyes of the law and must prove themselves innocent. Now, the IRS keeps telling us that this is going to break the bank if we treat taxpayers like anybody else in our country, subject to the basic judicial tenet that you are innocent until proven guilty. I guess that works everywhere except for the taxpayer who pays the freight on this train coming down the track.

The Traficant amendment simply says let us get an outside group. It is not that I do not trust anybody. Contract with an outside group, tell us what the cost is going to be and, by God, let us get the facts on it and see if we can bring the taxpayer under the realm of protection the Constitution affords in the Bill of Rights for everybody.

Finally, Mr. Chairman, this business about cost in the first place. Could you see the Founders in Philadelphia debating the Bill of Rights, saying this is great, Mr. Chairman, but my God, what is it going to cost? I am asking for an affirmative vote.

Mr. Chairman, with that, I yield to the distinguished chairman of the committee.

Mr. LIGHTFOOT. I thank the gentleman for yielding.

PARLIAMENTARY INQUIRY

Mr. HOYER. Mr. Chairman, it may be too late to reserve a parliamentary objection.

Mr. TRAFICANT. Parliamentary procedure, Mr. Chairman.

Mr. HOYER. Mr. Chairman, it is my understanding the Ways and Means Committee, I am just informed, was going to raise a point of order.

Mr. TRAFICANT. Parliamentary procedure, Mr. Chairman.

The CHAIRMAN. The Chair will state that that opportunity was posed when the gentleman from Ohio offered the amendment and no Member chose to raise a point of order at that time.

Mr. HOYER. I thank the Chair for his advice.

The CHAIRMAN. The gentleman from Ohio [Mr. TRAFICANT] has yielded to the gentleman from Iowa [Mr. LIGHTFOOT].

Mr. LIGHTFOOT. Mr. Chairman, I thank the gentleman for yielding to me.

I would like to say the gentleman from Ohio [Mr. TRAFICANT] has done a tremendous job in protecting U.S. taxpayers from overaggressive IRS auditors and inspectors. I think H.R. 2450, which was introduced by the gentleman from Ohio [Mr. TRAFICANT], changes the burden of proof from the taxpayer to the IRS, it is just that simple. In other words, it requires the IRS to prove that the taxpayer is wrong, rather than the taxpayer having to prove that they are right. I think with tax collection, it is the only thing in our country where we have upset the judicial system which has the idea that you are innocent until proven guilty. On taxpaying matters, you are considered guilty until you can prove yourself innocent. In essence, this just brings us into step with what everyone else does in the country.

As the gentleman from Ohio [Mr. TRAFICANT] has mentioned, the Committee on Ways and Means has said that it is going to reduce the amount of revenue generated by the IRS. However, there are no specific estimates of that total cost of lost revenue. Basically the amendment requires the IRS to contract with an independent accounting firm to determine the level of revenue loss that would result from his bill, H.R. 2450.

Therefore, I would be more than willing to work with the Committee on Ways and Means, work in conference to find whatever small amount of money it might take to do or pay for this particular study because, in essence as I understand it, the amendment calls for a study of this process. I think that it is a timely thing to do and support the gentleman's initiative and would do what I could to help him forward it.

Mr. TRAFICANT. Mr. Chairman, I want to thank the gentleman with the little bit of time I have.

Mr. Chairman, I also want to say I want to commend my good friend, the gentleman from Iowa [Mr. LIGHTFOOT], on the distinguished career he has had here in the House. I want to wish him the very best in the future.

Let me also say in closing that I do not rule out as assessment, and objective review by the Joint Taxation Committee, but it does require an outside objective review, as well.

With that, I urge an "aye" vote and yield back the balance of my time.

The CHAIRMAN. Is there any Member who seeks time in opposition to the amendment?

If not, the question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. DURBIN

Mr. DURBIN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DURBIN: Page 15, beginning on line 10, strike "for felons convicted of a violent crime, firearms violations, or drug-related crimes".

POINT OF ORDER

Mr. PARKER. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state his point of order against the amendment.

Mr. PARKER. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill and therefore violates clause 2 of rule XXI.

The rule states in pertinent part: "No amendment to a general appropriation bill shall be in order if changing existing law."

The amendment gives affirmative direction in effect, modifies existing powers and duties, and does not apply solely to the appropriations under consideration.

Mr. DURBIN. Mr. Chairman, may I be heard?

The CHAIRMAN. Does the gentleman from Illinois wish to be heard in opposition to the point of order?

Mr. DURBIN. Yes, I do.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. DURBIN. Mr. Chairman, I oppose the position of the gentleman from Mississippi and I would like to make it clear to the Chair what is at issue here with this amendment.

Several years ago, this Congress adopted legislation which allows people who have been convicted of a felony, once released from prison, to apply to the Department of the Treasury, the Bureau of Alcohol, Tobacco and Firearms, for permission to be rearmed. People across America remember the bumper sticker which said: "firearms do not commit crimes, criminals commit crimes." But this provision in law currently existing allows convicted felons to be rearmed with firearms.

It is a provision pushed for and supported by the National Rifle Association. It defies logic and good sense. What I am attempting to do is to make it abundantly clear that once a person is convicted of a felony, that person is disqualified from owning a firearm in America.

We have ample evidence that convicted felons have applied to the Federal Government, have cost the taxpayers $10,000 per application to be rearmed with a firearm. If I might be allowed to continue.

The CHAIRMAN. The gentleman must address the point of order.

Mr. DURBIN. I am about to address it.

What this amendment addresses is a provision in the appropriations bill which says that no court can overcome what we have done by the appropriation language, which basically eliminates the right of the bureau to grant these new applications to give convicted felons firearms. With my motion to strike, we will in fact say to the courts, you can consider no applications from convicted felons. It is in fact lessening the responsibility of the courts that is presently in the bill. It does not broaden the scope or jurisdiction of the bill.

Now those on the other side, my friend, the gentleman from Mississippi, frankly believe that some convicted felons ought to have firearms. I do not think any should. My language will make it clear that a court cannot give a convicted felon a firearm. I think it is not only sensible, it is parliamentarily acceptable and I think the gentleman's point of order should be ruled down.

The CHAIRMAN. The Chair is prepared to rule. Are there other Members who wish to be heard on the point of order?

Mr. OBEY. Mr. Chairman, I wish to be heard on the point of order.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I had not known that this point of order was going to be raised, and I think that it is on sound grounds for the gentleman to raise the point of order.

I would simply say that I do not think the point of order should be determined on the basis of a judgment that the Durbin amendment would in fact narrow the scope of what is happening here. In fact, the language in the committee bill would keep us closer to the court decision which was produced some time ago. It makes some exceptions for felons who are not convicted of a violent crime, who were not convicted of firearms violations or drug-related crimes.

□ 1100

And it seems to me, therefore, that the Durbin amendment would go further than the language in the bill in overturning existing law.

I would simply state that if any Member of this House feels that there are no people in this society who committed a nonviolent crime 20 years ago, who have lived an exemplary life since that time, that they are not entitled to have the slate eventually wiped clean, I think most people would happen to disagree with that. And I think that the grounds the gentleman has cited for the point of order are correct.

Mr. PARKER. Mr. Chairman, I ask for a ruling of the Chair.

The CHAIRMAN. The Chair is prepared to rule based on the arguments propounded by the gentleman from Wisconsin and the gentleman from Mississippi.

The pending portion of the bill includes several provisions relating to applications for relief from firearms disabilities under the Federal criminal code. Among those provisions is the proviso that begins on page 15 at line 5. That proviso includes two features. The first is a limitation prohibiting the use of funds in the bill to investigate or act upon disabilities relief applications. The second is a legislative prescription that the inability of the Bureau of Alcohol, Tobacco and Firearms to process or act upon specified subsets of all disability-relief applications shall not be subject to judicial review.

The amendment offered by the gentleman from Illinois proposes to strike from the second feature of the proviso the language specifying subsets.

Under settled precedent, where legislative language is permitted to remain in a general appropriation bill, a germane amendment merely perfecting that language and not adding further legislation is in order, but an amendment effecting further legislation is not in order even in the form of a motion to strike.

The precedent of November 15, 1989, recorded on page 641 of the House Rules and Manual is pertinent. In that situation, a legislative provision applicable to Federal funds was permitted to remain in the general appropriation bill for the District of Columbia. An amendment striking the word Federal was held to broaden the provision to address District of Columbia funds as well.

The amendment offered by the gentleman from Illinois would expand the sweep of a legislative prescription in the bill from some disability-relief applications to all disability-relief applications. Rather than merely perfecting the legislation in the bill, the amendment effects further legislation.

The point of order is sustained.

Are there further amendments to the bill?

PARLIAMENTARY INQUIRY

Mr. DURBIN. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. DURBIN. Mr. Chairman, I would like a clarification on that, because under the existing language of the bill,

the courts are only restricted in granting these applications for rearming felons for three specific categories. With my amendment we would eliminate all convicted felons in their right to be rearmed; their right to have another firearm.

I would say to the gentleman, from the Chair's ruling, that that gives to the courts a much clearer mandate to eliminate the Al Capone's and John Gotti's and those who did not commit those three specific crimes.

Mr. PARKER. Regular order, Mr. Chairman.

Mr. DURBIN. And I would say that the Chair's ruling suggesting that I am broadening——

Mr. PARKER. Mr. Chairman, regular order.

The CHAIRMAN. The gentleman may be correct in his statement, but the Chair has ruled that the amendment of the gentleman does go further in broadening the legislative intent here, and so that is the ruling of the Chair.

Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. HOYER

Mr. HOYER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HOYER. Page 73, strike lines 1 through 9 (sections 518 and 519).

The CHAIRMAN. Pursuant to the order of the House of Tuesday, July 16, 1996, the gentleman from Maryland [Mr. HOYER] will be recognized for 15 minutes in support of the amendment, and a Member opposed will be recognized for 15 minutes.

The Chair recognizes the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, I yield myself 3½ minutes.

Mr. Chairman, for some years we carried language which said that the Federal employee health benefit plan purchased by Federal employees with both their own funds and the part of the pay package which they received from the Federal Government would be restricted in terms of what coverage could be purchased. Mr. Chairman, this language was reincluded last year and in this year's bill. I rise to strike the restrictive language.

This issue has been a contentious one, and I understand there are strong feelings on all sides. It is my belief and contention, Mr. Chairman, that as is the case in the private sector, in the public sector, with respect to Federal employees, their compensation package is composed of three elements: their pay, which they are getting in their paycheck less deductions on a biweekly or monthly basis; their health benefits, reflected by a partial deduction from their paychecks and a contribution by the Federal Government which is 72 percent of the average cost of health insurance for Federal employees; and their retirement benefit. They also get a life insurance benefit as well.

Those four items compose their compensation package. It is my contention that that is their compensation. They own it. Just as this Congress would not deem it appropriate to pass an amendment which said that you may not spend your salary on X, Y, or Z, nobody in the House would contend that that was an appropriate action for the House of Representatives to take.

It is my belief and contention and suggestion to the House that we ought not to do that with respect to what kind of health insurance they deem it appropriate to purchase, not Big Brother telling them what to purchase but what they choose to purchase.

Now, with respect to the Federal employee health benefit plan, in this area there are some 25 to 35 plans available to Federal employees. They have a great choice. The Federal Government, as the employer, does not make a determination that we will spend X, if you buy this policy; or Y, if you buy this policy. They contribute 72 percent of the average premium cost to whatever purchase the employee decides to make.

In that context, therefore, it is inappropriate because it is not our money. It is the employee's money that they are applying. It is the employee's compensation, some in salary, some in benefit payments, but their compensation package. It has been historically my contention, and it is today, that we ought not to interject our judgment in place of our employees' judgment for what policies they themselves, individually, want to purchase.

That is what this amendment is all about. It is not whether we can condone abortion, whether we believe that it ought to be precluded altogether. The fact of the matter is the employees in the private sector and the public sector ought to be able to choose what policies they want to buy.

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

The CHAIRMAN. Is there a Member who rises in opposition to the amendment offered by the gentleman from Maryland [Mr. HOYER]?

Mr. SMITH of New Jersey. Mr. Chairman, I rise in opposition to the amendment, and I reserve the balance of my time.

The CHAIRMAN. The gentleman from New Jersey [Mr. SMITH] is recognized for 15 minutes in opposition to the amendment and reserves the balance of his time.

Mr. HOYER. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York [Mrs. LOWEY], the cosponsor of this amendment.

Mrs. LOWEY. Mr. Chairman, as my colleague made it very clear, last year the anti-choice majority included a ban in this bill that prevents the FEHBP from offering insurance that covers abortion services.

The ban does not make any sense. What it does is relegate Federal employees to second class status. American women should not have their constitutional right taken away by Congress simply because they work for the Federal Government.

The issue before us today is very simple. Should women be allowed the freedom to choose a private health insurance plan that includes coverage of abortion, or should Congress dictate their choices to them? Federal employees, like other American workers, should be able to choose a health plan that covers the full range of reproductive health services, including abortion. Like other workers, Federal employees pay for their insurance with their own funds. It is simply not right that the Congress would bar women from purchasing the reproductive services they need with their own money.

Before this ban was put in place, Federal employees had many options. Of the 345 plans, just about half, 178, covered abortion. If women wanted to participate in the plan that covered abortions, they could. If they found abortion objectionable, they could belong to a plan that did not cover abortion. The choice was theirs, not mine, not this institution's.

When we passed the bill last year, we took health care choices away from Federal employees. There are 1.2 million women of reproductive age who rely on FEHBP for their medical care, 1.2 million American women who lost the right to choose when this bill was enacted.

The bill was wrong last year, it is still wrong, and I urge my colleagues to support this amendment. Let us return the choice to the people that deserve it, the women who work for this Government.

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

First of all, I want to thank the gentleman from Iowa, Chairman LIGHTFOOT, for his humane and courageous leadership in ensuring in this legislation that taxpayers are not forced to subsidize the killing of unborn baby boys and girls by abortion.

Let me make it very clear that the taxpayers pay into this program approximately more than 70 percent of the total funding. The premium payers, all of us who are part of the Federal employees health benefits program, pick up the remaining 30 percent of the cost of our health insurance, but the taxpayers of the United States of America are paying for 70 percent of the cost associated with this program. So this is very much akin to the Hyde amendment because the taxpayers are indeed paying for abortion on demand if the Hoyer amendment is enacted into law.

Let me just say, Mr. Chairman, that I have always been struck by the considerable lengths some people will go to sanitize and to deny realities that are unflattering to their cause, inconvenient and messy to face. The plain fact of the matter is that abortion methods either dismember an unborn child's fragile body or burn her alive in a poison solution, while some babies are killed by the partial birth abortion method. Those victim babies are stabbed in the back of the neck with scissors and have their brains sucked out. Yet all of this cruelty is euphemistically referred to as choice and vigorously defended as an expression of freedom rather than the child abuse that it is.

Whole societies, Mr. Chairman, have at times bought into gross evils dressed up as legitimate and good. The abomination of slavery was vigorously defended by the best and the brightest of its day. Just read Roger Taney's Dred Scott decision—an apologetic that looks and sounds remarkably like Roe versus Wade.

□ 1115

The subjugation of whole nations, bride burning, female genital mutilation, and even human sacrifice have had their sincere and sophisticated apologists. Of course, they were and are dead wrong, but these human rights abuses have their apologists. In the past three decades, the abortion rights movement, a multimillion-dollar industry, takes the prize for intellectual dishonesty, the art of the skillful dodge, and the clever manipulation of euphemisms designed to conceal an utterly gruesome reality.

All of the arguments marched out to justify the slaughter of unborn babies used in today's debate and used in other debates that we have had on this floor were first conceived, tested, and marketed by public opinion specialists, pollsters, and focus groups. Those talking points that routinely find their way into our offices from NARAL and Planned Parenthood are the best that market research can buy.

Still, it is amazing to me that in 1996, with all of the breathtaking advances in fetology, the use of the ultrasound technology and microsurgery for the baby in the womb, that some can still stand here with straight faces and argue that the taxpayers and the premium payers should pay millions of dollars to dismember and to poison these precious little kids. The sanitizing of these child killings has so insulated some from the cruelty of abortion that they somehow believe that they are enlightened to take that point of view.

Way back in 1976, Mr. Chairman, I asked my predecessor, then Congressman Frank Thompson, who swore he was personally opposed to abortion, and I kept saying to him, why are you personally opposed? He just came back and said, well, I am personally opposed. Well, I asked him if he thought that a baby was involved in abortion. Was a baby killed? He said, and I quote, "You can't have an abortion unless there is a baby involved." Then he became a little bit red-faced, after he saw what he had just admitted. And a reporter who was on the scene at the time, and my wife, were frankly shocked, but pleased with his candor. He at least admitted that a human baby was killed as a result of abortion.

Recently I read in the Weekly Standard an article by Tucker Carlson entitled, "What Pro-choice Republicans Believe." I frankly was absolutely amazed by the answers given by some of my good friends and colleagues on our side of the aisle, and it was a kind of deja vu of the conversation that I had some 20 years ago with my predecessor, then Congressman Frank Thompson. One prominent lawmaker was asked why he was personally opposed to abortion. The article described it this way. Senator SPECTER stopped cold. Eighteen seconds of uncomfortable silence pass. The Senator has spent much of the past year talking incessantly about abortion, and yet he seems baffled by the question, as if it has never been asked before or even imagined that it could be asked.

When Senator SPECTER finally replies, his tone has changed. He speaks through clenched teeth: "Well, it is something I would not choose to do, and I would just leave it at that." And Senator SPECTER does leave it at that.

Asked to elaborate on his views, he angrily refuses. "I think it says all there is to say that I'm opposed to it. Now, do you have another question?"

Mr. Chairman, I would like to ask that question of the Members that are arguing for abortion funding today. I especially want to ask this of my colleague from Illinois [Mr. DURBIN]. And again let me remind you, 70 percent of the funding used for the Federal Employees Health Benefits Program is taxpayers' dollars. So Mr. LIGHTFOOT'S language is very much a parallel to the Hyde amendment. Yes, there is some money that you and I and others kick in. It is only 30 percent in terms of premium payers, and even many of those, like myself, a premium payer, do not want that money as well to be bundled and used to pay for abortions on demand. That is what the Hoyer amendment would do.

It is abortion on demand, abortion for birth control reasons. And if the Hoyer amendment is passed, if his amendment becomes law, the U.S. Government will subsidize the slaying of children. Back in 1983, before the pro-life rider was in effect, some 17,000 babies were killed each year, facilitated and subsidized by the Federal Employees Health Benefits Program and by the taxpayers.

I would like to ask my friend from Illinois, Mr. DURBIN, who is standing here waiting to speak, do you believe that an unborn child is a human being? Perhaps you would like to answer. On your time, I hope you will.

Mr. Chairman, I reserve the balance of my time. I do hope the gentleman will answer that when he takes the podium, whether or not there is a human life destroyed by abortion.

Mr. HOYER. Mr. Chairman, I yield 2 minutes to my distinguished colleague, the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I rise in strong support of the Lowey-Hoyer-Morella amendment. Please do not be misled by the highly charged emotional rhetoric, because this amendment is not about that. This amendment is to avert discrimination against Federal employees.

Last year, Congress voted to deny Federal employees coverage for abortions that had been provided to most of the rest of this country's workforce through their health insurance plans. This decision was discriminatory and is just another example of Congress chipping away at the benefits of Federal employees and their opportunity to choose an insurance plan that best meets their own health care needs.

The coverage of abortion services in Federal health plans would not mean that abortions are being subsidized by the Federal Government. Currently, the Government simply contributes to the premiums of Federal employees in order to allow them to purchase private health insurance. The many participating plans in the FEHBP may or may not choose to include coverage for abortion services—and, prior to last year's decision, about half of the participating plans provided this coverage. Thus, an employee who did not wish to choose a plan with abortion coverage could do just that.

Unfortunately, Congress denied Federal employees their access to abortion coverage, thereby discriminating against them and treating them differently than the vast majority of private sector employees. Currently, two-thirds of private fee-for-service plans and 70 percent of HMO's provide abortion coverage. It is insulting to Federal employees that they are being told that part of their own compensation package is not under their control.

Thousands of Federal employees struggle to make ends meet. Many Federal employees are single parents or the sole wage earners in their families. For these workers, the cost of an abortion would be a significant hardship, interfering with a woman's constitutionally protected right to choose. For these women, the lack of this health coverage could result in delayed abortions occurring later in the pregnancy, an outcome no one here wants to see.

Mr. Chairman, this amendment simply restores the rights of Federal employees to the same health care services covered by most private sector health plans. I urge my colleagues to support this amendment and to reverse last year's unwise decision.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Chairman, I rise in opposition to the Hoyer amendment, which would allow, as brought out here before, abortion on demand under the Federal employee health insurance plan. The question I pose to my colleagues is, should the American taxpayers have an interest in the health care coverage of Federal employees? Of course, they should. Why not. They pay for it.

They are the employers of the Federal workers. OK, so if the people who pay for it have an interest, why do we not ask them?

Well, we have done that. The CBS news poll done this year, the end of March, 72 percent of the people who are polled say they do not want their tax dollars going toward abortion on demand. Another poll was done by the Journal of American Medical Association; 69 percent said the same thing. The American taxpayers do not want their tax dollars going for abortion on demand.

This amendment goes way beyond the bounds of the pro-life/pro-choice debate. This issue involves providing abortions for anyone enrolled in the Federal Employee Health Benefits Program, regardless of income level. The concept of the anyone subsidizing abortion is difficult enough, but asking the American taxpayers to pay for abortions for Federal employees under this plan is wrong, realizing that this is abortion on demands, even into the third trimester.

Supporters of this amendment claim that the Federal benefits health program should pay for all the medical procedures. However, in agreement with a 1980 Supreme Court decision, I say that an abortion cannot be considered as part of these procedures. It is, in fact, the termination of a life we are talking about here, Mr. Chairman, not a simple health care procedure. So when the Members on this side, perhaps some on this side of the aisle, would say this is a simple health care procedure, we just have to go to the 1980 Supreme Court decision. It clearly says this is not a simple health care procedure we are talking about. So do not be confused.

So I ask my colleagues to think about what the majority of American taxpayers, roughly 70 percent in two separate polls have said. They do not want to pay for abortion on demand for Federal employees. So, truly, let us defeat the Hoyer amendment, regardless of your stance on abortion on this debate. You must recognize what this amendment does. I ask all of my colleagues to defeat this amendment today.

Mr. HOYER. Mr. Chairman, I yield 45 seconds to my friend, the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Chairman, over a million women rely on the Federal Employee Health Benefit Program for their health insurance. These women work for the American people, for us. They are not children. They are perfectly capable of making decisions about their own health insurance.

By what right does this House make it more difficult and dangerous for these citizens to exercise their constitutional rights about abortion?

By what right does this House limit the medical procedures available in what are the most difficult and trying circumstances anyone woman can face?

Treat these public servants like other American workers. They should be allowed to choose health care insurance without the interference of the heavy ideological hands of Congress. Vote "yes" on the Hoyer amendment.

Mr. Chairman, I rise in support of the gentleman from Maryland's amendment and in opposition to the continuing efforts of many on the majority side to interfere with a woman's privacy rights and freedom of choice about abortion.

In this bill as written, the compensation of Federal employees is manipulated to serve the ideological purposes of those who disagree with the U.S. Supreme Court about a woman's right to choose. Simply because they happen to work for the Federal Government, Federal employees are prohibited from selecting a health insurance carrier through their employer health plan that provides coverage for abortion services in most cases.

Over a million American women rely on the Federal Employee Health Benefit Program for their health insurance. These women work for the American people; they work for you. Look around you, look around your offices. These women aren't children. They are adults capable of making their own health care decisions. By what right does this House make it more difficult and dangerous for these women to exercise their constitutional right to choose about abortion? By what right does this House limit the medical procedures available in what is one of the most difficult and trying circumstances a woman can encounter? The answer is simple. It suits some Members' political ideology—never mind the rights and needs of the women who work for the Government.

The U.S. Constitution guarantees women a right to privacy and choice about abortion. Without the Hoyer amendment, the bill before us diminishes that right for those who work for this country, for us.

Treat these public servants like other American workers. They should be allowed to choose health care insurance without interference from the heavy ideological hand of Congress.

Vote "yes" on the Hoyer amendment.

The CHAIRMAN. The Committee will rise informally.

The SPEAKER pro tempore (Mr. STEARNS) assumed the chair.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Edwin Thomas, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1997

The Committee resumed its sitting.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Missouri [Mr. TALENT].

Mr. TALENT. Mr. Chairman, I thank the gentleman for yielding me the time.

I rise in opposition to the Hoyer amendment. I want to say right up front that I appreciate, as always, the very gracious style of the gentleman who is offering the amendment and his attempts to keep this debate squarely on the merits and not let it get personal. I want to proceed in that vein as well. Let me speak from the heart about why I am opposing his amendment.

Mr. Chairman, when I look at abortion, I cannot get past looking first and foremost at what the status of an unborn child really is. The scientific facts, and these are scientific facts, is that we are dealing with a life, no question, an unborn child is alive. It is a member of the human species. Not anything else. Has a genetic code, is completely separate from its parents. It seems to me that makes the unborn child a person, a human being. To say otherwise is to make personhood turn on standards of development, how developed a person is, which is a dangerous principle going into the law.

I know the argument on the other side, an argument based on choice. It is a good argument when you are dealing with one person. But it just seems to me it is very circular, when you have to address the question how many people are involved in here. How many people's choices should be taken into account.

That is why I am opposed to abortion and why I believe that as time goes on and as we present these facts to the American people, we will persuade them, and that is what we have to do, we have to persuade them. We cannot now, the Supreme Court has said, we cannot now prohibit this procedure, but we can still try and persuade. One of the ways that we can persuade is say, look, we do not want taxpayers

funding the programs to have anything to do with this procedure. Whatever people can or cannot do under the Supreme Court decision is for themselves. We do not want to participate in this with Federal taxpayer dollars. That is all that the bill says, and I do not want the Hoyer amendment to take that out.

You can argue fine questions about whose money this is. I would just say, Mr. Chairman, with the greatest respect to my friend, the gentleman from Maryland, when you get down to fine questions, let us err on the side of life. Let us err on the side of saying, we do not want to have anything to do with this procedure and continue persuading the American people.

Mr. HOYER. Mr. Chairman, I yield 30 seconds to the distinguished gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Chairman. I rise in strong support of the Hoyer amendment to strike the language that prohibits Federal employees from choosing health care plans that include abortion services.

Let's be perfectly clear: the issue here is not Federal funding for abortions. It's about this Congress forcing its social agenda on the American people, and in this case a specific group of individuals: Federal workers. What's at stake here is the right of Federal employees to use their own money, compensation they have earned, to purchase the health plan of their choice. Congress has no business obstructing private insurance companies from offering services that are necessary for women's health. At least two-thirds of private health insurance plans currently include coverage for abortions. Those private sector employees who object to abortion have the freedom to purchase plans that do not cover such procedures. Federal employees should have the same right to make these personal decisions, and until Congress imposed this policy last year, they did.

Mr. Chairman, this unreasonable restriction of the rights of Federal employees is just one more example of this Congress' fixation on divisive social issues. There are a host of real problems facing America today, from the threat of terrorism to the deteriorating quality of our public schools, which Congress can and should address immediately. Instead, we have met time and again to clash over the right of women to obtain legal abortions with their own funds.

Mr. Chairman, this mother of four urges strong support for the Hoyer amendment to restore the freedom of Federal workers to purchase the health care policy of their choice. Let's shift the focus away from divisive social issues and onto the real problems facing our Nation.

□ 1130

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself 15 seconds just to respond briefly, just to say to my good friend and just to point out that this is indeed a Federal funding, U.S. taxpayer funding issue. I am dismayed at attempts to suggest otherwise.

In 1995, 73 percent of the money that was expended toward the purchase of health insurance for the Federal employees came directly from the U.S. taxpayers. The remainder was picked up by the premium payers.

Mr. HOYER. Mr. Chairman, what is the time remaining?

The CHAIRMAN. The gentleman from Maryland [Mr. HOYER] has 6¼ minutes remaining, and the gentleman from New Jersey has 3¾ minutes remaining.

Mr. HOYER. Mr. Chairman, I yield 30 seconds to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Chairman, I predict that historians will write books on this Congress. They will do that by writing about the majority's assault on reproductive choice. Twenty-one votes to compromise a woman's right to choose in just 1 year, that is why passage of this amendment is so important.

Women in the Federal Government work very hard every day for our constituents. Indeed, they are our constituents. But they have had their reproductive health care options taken away from them for political posturing. That is wrong, that is unfair, and it undermines the fundamental protections of Roe versus Wade.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 1 minute to my good friend, the gentleman from Indiana [Mr. HOSTETTLER].

Mr. HOSTETTLER. Mr. Chairman, I rise in opposition to this amendment.

Aruments are routinely raised on this floor that the so-called right to choose is infringed any time the Government refuses to facilitate the practice of abortion on demand—even when, like today—we are only talking about the Government's refusing to: fund, pay for, provide, however you want to say it—the practice of abortion on demand.

At stake today is whether a Government-funded health care plan—that is health insurance for Government employees—must provide coverage for abortion when the life of the mother, rape, or incest are not at issue.

Roe versus Wade extra-constitutionally prohibits the complete prohibition of abortion. I contend, however, that neither Roe versus Wade, nor its erroneous progeny, require Americans to use taxpayer-provided funds for this terrible procedure.

This is not health care and it does not have to be funded I urge my colleagues to oppose this amendment.

Mr. HOYER. Mr. Chairman, I yield 30 seconds to the distinguished gentleman from Massachusetts [Mr. OLVER].

Mr. OLVER. Mr. Chairman, I rise in strong support of the Hoyer-Lowey amendment. The right to choose is constitutionally protected and has been so protected for over 23 years.

Last year, Congress singled out one group of women, those who worked for the Federal Government, and denied them access to a health insurance plan that implements their constitutional right to choose. So what the majority is accomplishing in denying such health insurance coverage is to relegate a particular group of women, women who work for American, to a second-class status.

That is discrimination, pure and simple. I urge my colleague to support the amendment.

Mr. HOYER. Mr. Chairman, I yield 30 seconds to the distinguished gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Chairman, women serving the Federal Government deserve the same civil rights as all American women, but with this bill the extreme antichoice Members of Congress want to deny the more than 1 million women the right to comprehensive insurance coverage.

I urge the House: Reverse this sad and unfair decision. This is a decision in this bill which harms women. I urge the support of the Hoyer amendment.

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself just 10 seconds to respond.

Cheap shots like calling us extreme just do not have any place on this floor. If opposition to taxpayer funding of abortion is extreme then 72 percent of the American public, according to the CBS poll who are against Federal funding for abortion, our extremists. Virtually every poll where it is asked, people overwhelmingly say they do not want their tax dollars used to kill unborn babies.

Mr. HOYER. Mr. Chairman, I yield 30 seconds to the distinguished gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY. Mr. Chairman, last winter I received a notice in the mail that my health insurance coverage, by law, would no longer cover abortion. It was one small notice in the mail but a giant step backwards for a woman's right to choose.

As a Member of the other side of the aisle has said repeatedly, "We intend to repeal choice procedure by procedure, little by little," and they are doing it. In this Congress they have passed 23 antichoice bills.

With the Hoyer amendment, we are attempting to correct one. Support the Hoyer amendment.

As a member of the new majority said, "We intend to outlaw choice procedure by procedure." And they are doing it—so far, they've passed 16 antichoice measures.

We are trying, with the Hoyer amendment, to correct one tonight.

Last winter, I received a notice in the mail that my health insurance coverage, by law, would no longer cover abortion. It was one

small notice in the mail, but one giant step backward for a woman's right to choose.

Federal employees can no longer purchase, with their own money, insurance coverage for abortion services.

The Hoyer amendment, the Supreme Court, and the majority of the American people support choice—and they support Federal employees' right to choose—with their own money.

Defeat this assault on personal freedom, Support the Hoyer amendment.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 1¾ minutes to the gentlewoman from Washington [Mrs. SMITH].

Mrs. SMITH of Washington. Mr. Chairman, I think what is important is we clarify what is being talked about. We have had the issue of conscience on this floor before from civil rights to war protesting. Choices are not being challenged here. Every woman still has a choice.

But we take away the choice of the taxpayers when we make them pay for abortions. That is the issue: Should taxpayers subsidize abortions?

The Supreme Court has said that government can distinguish amongst health care procedures, especially abortion because it is different. Other procedures protect life. Abortion terminates life.

This bill does not challenge a woman's right to an abortion. It just says if she makes that choice, if I choose to terminate my child's life, that I have to pay for that and not those that do not agree with that choice pay for it.

Mr. SMITH of New Jersey. Mr. Chairman, we reserve the balance of our time. We only have one speaker remaining.

The CHAIRMAN. The Chair will inform the Committee that the gentleman from Maryland [Mr. HOYER] is entitled to close debate as the gentleman from the New Jersey is not on the committee.

Mr. HOYER. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I rise in support of the Hoyer amendment striking provisions which restrict funding for abortion coverage for the Federal employee health benefit plan. This language in the bill makes second class citizens of our Federal employees.

I am going to submit my original statement for the record and address a couple of the points made by our colleagues in the course of the debate.

This debate is not about abortion on demand. I do not know one Member of this body who supports abortion on demand.

Second, when our colleagues on the other side say that this is about stopping a taxpayer subsidy of abortion because of the contribution that the Federal Government makes to the health care plan, I want to remind our colleagues that the Federal Government subsidizes every employer basic health care plan in America because it is a business expense for private employers.

What is next? Do we move next from preventing Federal employees from having a right to full reproductive freedoms in their health care plan to preventing every working woman in America from having access to reproductive freedom because the argument will be made that the Federal Government is subsidizing it by giving a tax deduction to her employer.

I urge my colleagues to support the Hoyer amendment.

Mr. HOYER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Chairman, Members on both sides have strongly held feelings about this issue, but consider this simple fact situation: A Federal employee who is a woman works late, goes to her car at night, is attacked and brutally raped. She goes home to her family and learns to her dismay several weeks later that she is pregnant. She, here doctor, her husband, and her family decide that terminating that pregnancy from that rape is the right thing to do.

Because she is a Federal employee, the gentleman from New Jersey [Mr. SMITH] would deny her hospitalization insurance coverage for that abortion service.

What the gentleman goes on to say is that virtually every other incident involved in abortion, rape, incest, he wants to make the decision. He wants to make the decision. He says this is about respect.

I say to the gentleman from New Jersey, I do not believe that he is respecting the rights of these families to make the right decisions for their families. This is a decision that should be made by Federal employees, by their families and their doctors, not by their government.

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself 10 seconds.

The gentleman from Illinois [Mr. DURBIN] has not obviously read the bill. On page 73, section 519, the text stipulates exceptions for the life of the mother, or the pregnancy is the result of an act of "rape or incest."

So the argument Mr. DURBIN is making isn't at issue and misses the mark by a mile. Please, next time read the bill.

The CHAIRMAN. The time of the gentleman from New Jersey [Mr. SMITH] has expired.

Mr. HOYER. Mr. Chairman, I yield 30 seconds to the distinguished gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I just want to follow up on the previous exchange.

Why should this women who is a Federal employee have to document that the pregnancy was a product of a rape?

This is an invasion of the privacy of women; it is an attempt to limit a woman's access to reproductive freedom. That is the issue that is before the House today. Anything else is just a diversion. Reducing a woman's right to choose is the reality: Cutting back on a woman's right to choose. A women should not have to document the cause of the pregnancy.

Mr. Chairman, our colleagues have never really caught on to that point as an invasion of privacy.

Mr. HOYER. Mr. Chairman, I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Chairman, I yield the remainder of our time to the gentleman from California [Mr. DORNAN].

The CHAIRMAN. The gentleman from California [Mr. DORNAN] is recognized for 1 minute and 20 seconds.

Mr. DORNAN. Mr. Chairman, my friend, the hero of freedom in China, the gentlewoman from California [Ms. PELOSI], has just contradicted herself inadvertently. She just described abortion on demand, and although we say there is no Member in this House that believes in abortion on demand, they all defend abortion on demand and want other people to pay for it.

I can be dispassionate today because the vote on this last year without rape, incest was 188 to 235. So we will win today. But what amazes me is a simple little quote from scripture: "What does it profit a man or a woman to gain the whole world or political power and suffer the loss of their soul?"

I am looking at a list of 17 Catholics, at least in their bios, who called the Pope and Mother Teresa extremists, who call Billy Graham, who got our Congressional Gold Medal, who said we are a nation on the brink of self-destruction, they will vote for sodomy marriage and infanticide abortion and still put the word "Catholic" in their bio. Seventeen. And on this issue, it expands to about 30. Thank God, no Republicans.

It is unbelievable the way we twist this issue on this debate. This Nation is opposed to most abortions, and they do not want Federal dollars to pay for something that although it has been constitutional on a phony decision based on a gang rape that never happened, most Americans see this as 32 million dead Americans in their mother's wombs.

□ 1145

Mr. HOYER. Mr. Chairman, I yield 15 seconds to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, since the gentleman from California accused me of contradicting myself, I want to make the point that he did not clarify. That point is, yes, abortion on demand is not something we support in this House. Abortion on demand is not what is before the body today. Abortion on demand is abortion up until the ninth month. We are not talking about or

supporting that. The gentleman knows it.

Mr. HOYER. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Maryland [Mr. HOYER] is recognized for 1¾ minutes.

Mr. HOYER. Mr. Chairman, clearly the issue that has been the focus of the debate is one of the most wrenching confronting America. Contrary to a representation made by the gentleman from California just now, the majority of Americans, as everybody on this floor knows, support the right to choose, even though they do not choose abortion themselves. The bottom line is they do not want the Government to interject itself in this issue between a woman and her doctor.

Furthermore, everybody knows that almost every State does in fact control abortion on demand, as the Supreme Court allowed, and says in the second trimester and third trimester there will be constraints to protect both the life of the mother and the prospective child who is born. I support that.

But the fact of the matter is, which the opponents of this amendment have not responded to and cannot respond to, that the salaries we pay to Federal employees are 100 percent Federal dollars, as is the 72 percent, which is 100 percent of our contribution to the Federal Employee Health Benefit Plan.

There is no difference between those dollars, except the opponents to my amendment try to make the point that somehow these are Federal dollars, while the salary dollars somehow are converted. I believe they are converted, but the next step clearly is to tell you you cannot spend your Federal salary, which, after all, comes 100 percent from the taxpayer, on the items that you choose. That is wrong. That is Big Brother. Support this amendment.

Ms. DELAURO. Mr. Chairman, I rise to urge all my colleagues to support the Hoyer Lowey Morella amendment to strike this bill's provision that bans abortion services under Federal Employee Health Plans.

Federal workers—like private sector employees—share the cost of health insurance coverage with their employer. It is an earned benefit—compensation for service delivered through hard work. By denying the full range of reproductive health care services, Federal workers and their dependents, are subjected to second-rate health care—inferior health care that could place the health of women in jeopardy.

The bill before us represents the continuation of the majority's outrageous attack on women in this country.

I say to opponents of this amendment, "women are not the enemy". I urge my colleagues to protect the health of the 1.2 million women who are covered under Federal health plans. Vote for the Hoyer-Lowey-Morella amendment.

Mr. NADLER. Mr. Chairman, I rise in support of this amendment which would remove from this bill dangerous language that once again strikes out at women. The language we are seeking to remove today says that women who work for the Federal Government—women who have made a commitment to public service—should not have the same rights afforded to women working elsewhere.

Mr. Chairman, women in this Nation have a constitutionally protected right to choose whether to have an abortion. This is the law of the land.

But some members of this House realizing that the vast majority of the American people support a woman's constitutionally protected right to choose, are trying to do away with this fundamental right bit by bit, woman by woman.

We must not allow this to happen.

Because abortion is a legal medical procedure, most major health plans provide coverage for women who choose to have an abortion. Private insurance companies recognize that their female customers are perfectly capable of making this deeply personal choice without interference.

Do we think that our moral judgement is superior to that of the thousands of women serving our communities and our Nation? What do we know that major insurance companies, U.S. corporations, and the majority of our constituents don't know?

It's time to get off the high horse, to quit playing games with the rights of women and to respect the moral judgement of the women we represent. I urge the adoption of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland [Mr. HOYER].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SMITH of New Jersey. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the provisions of House Resolution 475, further proceedings on the amendment offered by the gentleman from Maryland [Mr. HOYER] will be postponed.

AMENDMENT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SOLOMON: Page 119, after line 8, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to pay, draw, or transfer amounts out of accounts numbered 20X8413, 20X6822.56, 20X6822.57, and 20X1099 at the Financial Management Service, or pay the salary or expenses of any officer or employee of the Department of the Treasury approving or processing any such payment, drawing, or transfer when it is made known to the Federal officer having authority to obligate or expend such fund that—

(1) the amounts are being paid, transferred, or otherwise disbursed, directly or indirectly, to or for the benefit of the Comptroller of the Currency or any officer or employee of the Office of the Comptroller of the Currency or to meet expenses of the Office of the Comptroller of the Currency; and

(2) revisions to part V of title 12 of the Code of Federal Regulations, pursuant to the notice of proposed rulemaking published by the Comptroller of the Currency in the Federal Register or November 29, 1994, have, directly or indirectly, taken affect or the Comptroller of the Currency is otherwise permitting national banks or operating subsidiaries of national banks to engage in activities in which national banks are not permitted to engage as of July 16, 1996.

Mr. HOYER. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, July 16, 1996, the gentleman from New York [Mr. SOLOMON] will be recognized for 5 minutes in support of his amendment, and a Member in opposition to the amendment will be recognized for 5 minutes.

The Chair recognizes the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. That is a fiscally responsible amendment, Mr. Chairman, to limit the funds of the Department of the Treasury's Financial Management Service for the purposes of processing funds through certain accounts. The Financial Management Service is the U.S. financial manager, central disburser, and collection agent.

Many agencies process funds through accounts at the Treasury in this manner. The amount seeks to limit the ability of the controller of the currency to implement a rule for which there is no basis in current law. The amendment would limit funds in the bill from being used to draw further from the OCC's account at the Treasury if the OCC implements this proposed rule, which drastically exceeds its authority in the law. That is what this is all about.

The 104th Congress has taken several important steps to curb the abuses of Federal regulators in Washington. That is really what this 104th Congress has been all about. Our efforts have empowered the private sector and lessened the bureaucratic chokehold that unelected regulators have held over business for years.

The amendment is in keeping with our efforts to curb overzealous regulators from abusing their powers. It stands to reason that the financial services sector of our vast economy deserves relief from such regulators as well. The amendment I offered would halt a proposed rule which financial experts on a bipartisan basis agree could potentially be disastrous for the health and safety of the Nation's financial services sector. Members better keep that in mind.

Need I remind my colleagues on both sides of the aisle of the enormous costs associated with the S&L debacle, which we are still grappling with today? Do we want to get ourselves back in another situation like that and have it bailed out by the taxpayer? The answer is no, no, no.

No agency of the Government, through promulgating creative regulations, can eviscerate Congress' responsibility to act. The law in this area

has, unfortunately, been written by the courts and by the regulators. This amendment represents a serious legislative solution to a complicated problem that the Congress has a responsibility to act on.

This amendment, Mr. Chairman, is supported by the NFIB, the National Federation of Independent Businesses, by the American Farm Bureau, by the National Homebuilders, and a whole slew of small businessmen across this country who do not want to be intimidated by banks, no matter how fairminded they are. That is what this debate is all about. It is no cost to the taxpayer. I would urge my colleagues to support this amendment when it comes to a vote.

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

The CHAIRMAN. Is there a Member who seeks to control time in opposition?

Mr. HOYER. Mr. Chairman, I do.

The CHAIRMAN. Does the gentleman from Maryland insist on his point of order?

POINT OF ORDER

Mr. HOYER. Mr. Chairman, I do insist on my point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. HOYER. Mr. Chairman, I rise on a point of order that the amendment offered here is in violation of rule XXI, clause C of the rules, in that it is legislation on an appropriation bill. I would like to be heard on that.

The CHAIRMAN. The Chair recognizes the gentleman from Maryland [Mr. HOYER] to speak on his point of order.

Mr. HOYER. Mr. Chairman, this amendment I will substantively oppose as well, but on the rule itself, this is what is referred to as a "made known" amendment. I suggest to the Chair that an amendment that changes legislation requiring a public officer to take some action is in fact legislation on an appropriation bill.

There has been a ruling in 1809 on a similar amendment referencing "made known" that that was in order because it was a simple limitation; that is, that none of the funds could be expended. But that ruling is that once it is made known to the Secretary, the simplistic, frankly, determination, in my opinion, is that the Secretary or the Comptroller of the Currency or any other official to whom such a limitation is directed will then have to make no judgment.

The premise underlying the ruling is that irrespective of the truth or falsity of the fact being made known, which is, of course, the premise of the amendment, which says if something is the fact and is made known, that clearly is what this means, because to rule otherwise is to rule that no matter how specious the representation to the public official, that they will be therefore bound not to expend the funds because of having it made known, however irresponsible the source of the information might be.

Therefore, I suggest to the Chair that this amendment and other amendments like it which seek to overcome the rule which precludes the legislation on an appropriations bill by I believe the specious representation, not in this amendment alone, I tell my friend, the gentleman from New York, and I am talking here to the process, not the substance of the gentleman's amendment, the specious representation that any responsible public official will not have to take any action subsequent to that fact being made known to them, is to adopt a premise which is untrue, and if true, would not be supported by anybody in this House or the Senate, or by the taxpayers of America.

The reason I say the premise underlying the initial 1809 judgment is incorrect is that because of the 1809 judgment, any competitor could have called up the Secretary of the Treasury and lied flat out and said "I make it known to you that the facts included in this amendment are true."

Unless we are all crazy and want to simply devolve the responsibility to any citizen who may want to make known to somebody, the Director of FBI or the Attorney General or whoever, unless we want to adopt that premise, then this ruling should not be supported. I raise it on this issue simply because this is one of the famous "made known" amendments, not because of the substance.

Mr. Chairman, I would urge the chairman and those with whom he counsels to adopt the much more reasonable premise that if you make known something to an elected official, or an appointed official who has responsibility for policy and responsibility for the administration of the public's money, that that official has it incumbent upon them, underlying the premise of this amendment, to determine the veracity, the substance, of that which is made known to them.

As a result, it is an inevitable conclusion that that public official must take further action as a result of this amendment or they will act totally irresponsibility, which I suggest to the Members is a conclusion we ought not to draw.

Therefore, once having adopted the premise that they do have to take some action to determine whether or not there is veracity in the fact being made known to them, that this amendment and others like it would fail as legislation on an appropriation bill, contrary to rule XXI.

The CHAIRMAN. Does the gentleman from New York [Mr. SOLOMON] wish to be heard in opposition to the point of order?

Mr. SOLOMON. Yes, indeed, Mr. Chairman.

The CHAIRMAN. The gentleman from New York [Mr. SOLOMON] is recognized on the point of order.

Mr. SOLOMON. Mr. Chairman, let me say to my very good friend, and he is a very good friend, he and I have stood on this floor and defended the Federal workers of this Nation time and time again, and so I admire and respect him for it, but let me just say to him the "made known" doctrine has been ruled in order in this Chamber for as long as I can remember, and I have been here for 18 years; as long as the gentleman from Michigan, JOHN DINGELL, has been here, which is 30-some odd years we have made in order the "made known" doctrine.

Mr. HOYER. Only STROM THURMOND has been here long enough to remember when this was ruled on.

Mr. SOLOMON. Let me just say to the Members and to the chairman of the committee and the Chair, we have the power in this body and we have the responsibility in this body to limit the expenditure of taxpayer dollars. That is our constitutional right in this House of Representatives.

This amendment does not require action, it prohibits action. Therefore, it is a limitation amendment which is allowed under this rule. The bill before the House contains funds for the Financial Management Service within the Department of the Treasury. The Financial Management Service is the U.S. Government's financial manager, central disburser, and collection agent, as well as its accountant and reporter of financial information.

The Financial Management Service processes checks through certain numbered accounts which are listed in the amendment for the Government regulatory office the amendment addresses. Therefore, the limitation amendment I offer directly restricts the expenditure of funds in the bill. That is what the amendment does.

Mr. Chairman, the amendment is drafted as a proper limitation amendment. It conforms with the rules and the procedures of this House. The amendment clearly states that no part of the appropriation under consideration here by the House shall be used for a certain designated purpose. The purpose is explicit in this amendment.

The amendment also does not impose additional duties on executive branch officials. That is where the gentleman is wrong. The amendment does not change existing law. The rules and precedents of the House indicate that as long as a limitation restricts the expenditure of Federal funds in the bill debated without changing existing law, the limitation, Mr. Chairman, is in order.

Therefore, Mr. Chairman, I would ask a favorable ruling on this point of order.

□ 1200

The CHAIRMAN. Are there any other Members who wish to be heard on the point of order?

Mr. HOYER. Mr. Chairman, I understand what the gentleman has said. I also understand that the gentleman refers to previous rulings. The 1809 ruling I referred to myself in my comments. My point, I tell my friend from New York, and again I reiterate, I am not talking about the substance of this amendment. I am talking about the procedure, which I have always opposed—this is nothing new for the gentleman from Maryland [Mr. HOYER]— is that the gentleman proposes it is a simple limitation and that is in fact what the ruling has been. But it defies logic and good policy which is why I suggest that the ruling be reflected upon by those making the ruling.

The logic that it defies, I tell my friend from New York, is that the official to whom a fact is made know has no responsibility before effecting the limitation to determine the accuracy of the fact being represented. It is my suggestion that therein lies the error of the 1809 precedent and the judgments flowing from that precedent. As a result, Mr. Chairman, I would urge that the chairman find that this amendment is not consistent with rule XXI and that the previous precedents to the contrary should be specifically overruled.

The CHAIRMAN. Does the gentleman from New York [Mr. SOLOMON] wish to be heard further on the point of order?

Mr. SOLOMON. Just briefly, Mr. Chairman, in rebuttal. Again the gentleman's argument is about the made know doctrine. This Chair has ruled for as long as JOHN DINGELL has been a Congressman in this body, as I said before, in favor of making in order the made known doctrine. I ask for the similar ruling that has been ruled on so many times on this floor and ask for a ruling.

The CHAIRMAN. It appears that the gentleman from Michigan is seeking to be recognized on the point of order but before he proceeds, the Chair wishes to inform the Committee that the precedent which has been mentioned was on March 21, 1908 and while a number of Members have pointed to the longevity of service of our colleagues, Members currently serving were not here in either 1809 or 1908.

With that, the Chair recognizes the gentleman from Michigan [Mr. DINGELL] to speak to the point of order.

Mr. DINGELL. Mr. Chairman, I would observe that neither I nor STROM THURMOND were in this work at the time that the precedent was established.

It is clear to me, however, this is a sound precedent by reason of the duration of its existence and the fact that it has been unchallenged during those periods of time.

So having established that we have a sound and long-lived precedent that has served this body well, I believe it would be useful for us to adhere to that precedent. I would observe that the requirement here is that we are discussing a limitation on expenditures. The limitation comes into play not because the individual who must function under the limitation is required to do anything but simply because he has had matters brought to his attention. It imposes no duty on him other than to behave in conformity with the limitation when certain matters have been brought to his attention. The only requirement is that when information is brought to the attention of the officers who would be responsible for implementing the expenditure of these public moneys that they cannot then spend the money, a very sensible limitation and one which makes an extraordinary amount of sense. If the Chair will permit, I intend to yield to my distinguished friend from Maryland for whom I have enormous respect and affection.

The CHAIRMAN. The gentleman from Michigan may not yield. If there are other Members seeking to address the point of order, it is at the discretion of the Chair to recognize them.

The Chair recognizes the gentleman from New York [Mr. LAFALCE].

PARLIAMENTARY INQUIRY

Mr. SOLOMON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SOLOMON. Mr. Chairman, when arguing a point of order, we cannot debate the amendment, and we have to debate the point of order; is that correct?

The CHAIRMAN. The Members who are speaking are addressing the point of order. The gentleman is correct.

Mr. SOLOMON. Let us make sure they stick to it. I thank the Chair.

Mr. LAFALCE. Mr. Chairman, on the point of order, I believe this will be a close call and it is a discretionary issue. I would hope that the manner in which the issue has been brought to the floor could have some weight in the Chair's determination.

It is my understanding that in order to bring this amendment to the floor, it was necessary for, I believe the gentleman from New York, perhaps someone else, to come to the floor of the House of Representatives last night to seek unanimous consent to bring this up and that unanimous consent was given.

First of all, is that understanding correct? Was unanimous consent given last night? I think it bears on the point of order.

Mr. SOLOMON. The gentleman is incorrect.

Mr. LAFALCE. No unanimous consent was given?

The CHAIRMAN. Points of order were not waived under the unanimous-consent request that was granted last evening.

Mr. LAFALCE. The issue is not whether points of order were waived under the unanimous-consent request. The issue that I am posing to the Chair is, is this amendment on the floor now only because unanimous consent was granted last night?

Mr. SOLOMON. No.

The CHAIRMAN. The amendment could have been offered under the rule at the appropriate time whether unanimous consent had been requested or not.

Mr. LAFALCE. I thank the Chair.

The CHAIRMAN. Are there any other Members seeking to be recognized on the point of order?

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

Mr. VENTO. Mr. Chairman, I support the point of order that my colleague from Maryland raises. Under the precedents of the House, obviously the limitation on appropriation is a very substantial power and a responsibility of Congress in terms of the purse strings. But the fact is that this amendment goes well beyond simply limiting funds. It intends to try to go into directly or indirectly controlling the Comptroller of the Currency's office with regard to activities that are ongoing and in place. I think there are constitutional questions with regard to the powers of the executive agencies and departments and there are questions of whether or not in fact the ongoing responsibilities can be exercised. So this is more than just simply a limitation in terms of new activities as it is being portrayed. I think that the ruling needs to differentiate and define the differences that exist here between a simple limitation and the breadth of activities that are expected to go on on an ongoing basis in terms of the discharge of the responsibilities of this regulator and this Comptroller's responsibility. I think that this amendment certainly is very expansive in terms of its use of this particular limitation.

Mr. Chairman, I would join my colleague in asking the Chair to review this in light of the 1908 ruling.

The CHAIRMAN. The Chair is prepared to rule.

The gentleman from Maryland [Mr. HOYER] makes a point of order against the amendment offered by the gentleman from New York on the ground that it constitutes legislation in a general appropriation bill in violation of clause 2 of rule XXI.

The amendment is in the form of a limitation. It imposes a negative restriction on funds in the pending bill. This restriction is operative when it is made known to the pertinent official that certain conditions exist.

The precedents recognize the distinction between language that puts an official in the role of a passive recipient

of information, on one hand, and language that puts an official in the role of a gatherer, developer, or judge of information, on the other. Two precedents illuminate this distinction.

The first may be found in "Deschler's Precedents" at volume 8, chapter 26, section 53.5. It records that on June 17, 1977, the Chair ruled out as legislation an abortion-limitation amendment on the basis that it would require officials to make affirmative judgments about endangerment of a mother's life that were not required of them by law regardless of whether they might routinely make such judgments on their own initiative.

The second precedent—one more analogous to the passive approach in the amendment offered by the gentleman from New York—is noted on page 631 of the House Rules and Manual. This second precedent may be found in "Cannon's Precedents" at volume 7, section 1695. It records again as the Chair stated, that on March 21, 1908, an amendment denying the availability of funds in a general appropriation bill when it shall be made known that certain conditions exist was held in order as a proper limitation.

A third, more recent ruling also is instructive. On August 1, 1989, the House was considering a general appropriation bill providing funds for the Department of Commerce. A motion to recommit the bill proposed an amendment prohibiting the expenditure of funds in the bill for census data where it is made known to the Secretary that such data includes a count of illegal aliens. The motion to recommit was ruled out on the ground that it proposed a limitation not specifically contained in existing law. In light of the distinction illuminated by the precedents of 1908 and 1977, this 1989 ruling properly turned on the form of the amendment rather than on an assertion that it changed existing law. This was again illustrated in the ruling of June 22, 1995, on a proposed motion to recommit the legislative branch appropriations bill.

Indeed, this acceptance of the earlier precedents is evident in a Parliamentarian's note published in "Deschler's Precedents" at volume 8, chapter 26, section 59.19. That note records the events of December 9, 1982, when the Committee of the Whole was considering a general appropriation bill. After a limitation reported in the bill was stricken as legislation because it imposed on Federal officials an ongoing responsibility to ascertain certain information, the manager of the bill offered an amendment to achieve the same result by language that, on its face, operated on a merely passive condition. In light of the earlier precedents, the amendment went unchallenged by point of order.

Thus, under this recorded line of precedent, language restricting the availability of funds in a general appropriation bill may be a valid limitation if, rather than imposing new duties on an official or requiring new determinations of that official, the language simply and passively addresses the state of knowledge of the official.

In the opinion of the Chair, the limitation posed by the amendment offered by the gentleman from New York—"when it is made known" to the pertinent official that certain conditions exist—merely places the Federal official in the role of a passive recipient of information. Thus, to construe the amendment offered by the gentleman from New York as a proper limitation is consistent with both the precedent cited on page 631 of the manual and the ruling of June 17, 1977.

The limitation in the amendment offered by the gentleman from New York applies solely to the appropriations covered by the bill and merely restricts their availability. It does not impose additional duties on—or require new determinations of—officials of the Government. Rather, it only passively addresses the state of their knowledge.

The limitation therefore cannot be construed to change existing law.

Accordingly, the Chair overrules the point of order.

Who seeks time in opposition to the amendment?

PARLIAMENTAR INQUIRY

Mr. VENTO. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. VENTO. Mr. Chairman, the parliamentary inquiry is this is a limitation on an appropriation. Under the rules, would the committee have to defeat the motion to rise in order to offer this particular amendment?

The CHAIRMAN. The bill has been considered read under the order of the House. Only the majority leader or his designee may move to rise and report, in order to foreclose a limitation amendment.

Mr. VENTO. Mr. Chairman, my parliamentary inquiry, persisting, is whether or not the motion in order to be offered on this particular subject matter, a limitation on appropriation, would require the committee to defeat the motion to rise to offer such limitation.

The CHAIRMAN. If the motion to rise and report is not offered by the majority leader or his designee, then the limitation amendment can be offered.

Who seeks time in opposition to the Solomon amendment?

Mr. LAFALCE. Mr. Chairman, I seek time in opposition, but I also rise for a unanimous-consent request.

The CHAIRMAN. The gentleman from New York [Mr. LAFALCE] will be recognized for 5 minutes in opposition to the Solomon amendment.

□ 1215

Mr. LAFALCE. Mr. Chairman, on the unanimous consent request first.

The CHAIRMAN. The gentleman will state his unanimous consent.

Mr. LAFALCE. I wonder if we can extend the debate a bit. It was my understanding the unanimous consent agreed to last night was the unanimous consent with respect to three things: A, the specific amendments that could be offered; B, agreement that no amendments could be offered to those amendments; and C, time constraints.

The time constraints, as I understand it, are simply 10 minutes, 5 on each side. Given the fact that this issue did not come to my attention until about 11:00 this morning and because it is a momentous issue, I would seek unanimous consent to at least have 20 minutes of debate, 10 minutes on each side.

Mr. SOLOMON. Reserving the right to object, Mr. Chairman. On their reservation I would just say to the gentleman we are under tremendous time constraints on this legislation. We must move this bill. We must move the other appropriation bills. We have 85 singular pieces of legislation to come before this body by October 4. We will not even have time to deal with half of them and that is not doing the work of the body. We have discussed this and we took into consideration time limitations on all of the amendments, all of them, but others are limited to 10 minutes and I would have to object to the gentleman's request.

The CHAIRMAN. Does the gentleman from New York object to the request?

Mr. SOLOMON. I object to the unanimous consent request.

The CHAIRMAN. The gentleman from New York objects to the unanimous consent of the gentleman from New York.

Mr. LaFALCE. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I rise in strong opposition to this amendment.

Mr. Chairman, this limitation on the Comptroller is both a significant risk to the safety and soundness of our financial institutions and economic system in this country. For 15 months, it would dictate and hamstring the Comptroller of the Currency, someone that has primary responsibility of the regulation of national banks in this country, literally responsible for what is a dynamic and growing economic system in this country of extending credit and economic vitality.

The only thing that the Comptroller of the Currency has been guilty of in this process is doing his job and being successful in terms of advocating before the courts of this Nation for his regulatory authority in a number of definitive decisions which in fact have provided for the national banks to continue the business of serving the needs of our Nation is consumers and commerce.

As a matter of fact, Mr. Chairman, the duplicity of this particular type of amendment is that the dual banking system would permit States to continue, State-regulated institutions would continue to, in fact, offer the same kind of power to State financial institutions.

This amendment runs the risk of causing great harm to our economy for 15 months when the Comptroller would be frozen in place unable to respond to a dynamic market and financial marketplace that can with literally days, spin out of control. This is a deeply flawed amendment foisted upon this House inappropriately without consultation and deliberation.

I urge my colleagues to reject this measure.

Mr. SOLOMON. Mr. Chairman, how much time is remaining on both sides?

The CHAIRMAN. The gentleman from New York [Mr. SOLOMON] has 2½ minutes remaining, and the gentleman from New York [Mr. LAFALCE] has 4 minutes remaining.

PREFERENTIAL MOTION OFFERED BY MR. WISE

Mr. WISE. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. WISE moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

The CHAIRMAN. The gentleman from West Virginia [Mr. WISE] is recognized for 5 minutes.

PARLIAMENTARY INQUIRY

Mr. DINGELL. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. DINGELL. The gentleman has been recognized for 5 minutes on the preferential motion. I believe that there will be 5 minutes made available to the other side for a rebuttal to whatever statements might be made?

The CHAIRMAN. The gentleman is correct. One Member who wishes to speak in opposition to the preferential motion will be recognized.

Mr. DINGELL. Mr. Chairman, I would like to indicate strong interest in that matter.

The CHAIRMAN. The Chair will determine who will be controlling that time after the gentleman from West Virginia [Mr. WISE] completes his 5 minutes.

The Chair recognizes the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Chairman, this motion to strike the enacting clause is an important motion.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. WISE. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Chairman, I would like for the gentleman from New York [Mr. SOLOMON], who is the sponsor of the amendment to the bill, to please pay attention because this basically is addressed to him. If the gentleman from New York, will pay attention.

Mr. WISE. This motion to strike the enacting clause is important because, as this bill is very important, there is a bill coming right after this welfare reform that is even more important. The concern that many of us have on this side of the aisle, and probably on both sides, is that an important area of welfare reform, the bipartisan alternative, the Castle-Tanner alternative may not be permitted to be offered as structured. Republicans and Democrats both recognize the importance of welfare reform and both sides want to get this bill to the floor today and tomorrow and to have it debated and voted on. The country demands it.

But it should be pointed out, that the Republican budget resolution says that there should be 53 billion dollars' worth of savings from welfare reform. The Castle-Tanner alternative has 53 billion dollars' worth of savings. It meets that target. However, it is our understanding or perhaps lack of understanding that it may not be permitted to be offered at the $53 billion figure, that $60 billion or more may be required. That is moving the target, Mr. Chairman.

So I have to take this motion to strike the enacting clause to alert members that many of us who are genuinely concerned may have to delay proceedings on this bill and other bills to make sure that the Castle-Tanner alternative has that opportunity to be offered. It should be pointed out this is not to delay welfare reform, and in fact if we could get a clear, unequivocal statement from the Republican leadership that Castle-Tanner and the $53 billion target will be permitted to be offered as an alternative, we do not need to do these kinds of motions. But this is so important because we are talking here about a bipartisan alternative, Republicans and Democrats alike that have worked it out.

Mr. Chairman, we are talking about offering an alternative that supports work over welfare. We are talking about wanting to offer an alternative that supports children much more than the leadership proposal. We are talking about moving welfare reform forward and, most significantly, we are talking about offering an alternative that meets the Republican budget conference report that passed this House that says $53 billion shall be achieved.

So yes, we are going to vote today on striking the enacting clause. Our hope is, to the leadership, to the chairman of the Committee on Rules and to the Speaker and to the majority leader and others, our hope is that Members will send that clear, give us that clear, unequivocal statement now that Castle-Tanner will be in order in its form present, that $53 billion will be that figure and that we do not have to seek to delay.

Let there be no mistake about it, this is not to delay the moving forward of welfare reform. Democrats, Republicans and the White House want that. It is about whether we are going to be permitted to offer an alternative that meets the Republican budget targets and yet at the same time has better work-to-welfare, work over welfare provisions, has better provisions for children, permits States to have more flexibility and permits States in case of recession to be able to deal with that.

So Members should be alerted this is a one-time motion we hope, but if we do not receive that message then we will have to seek that delay, not to delay welfare reform but to delay until we are guaranteed that there will be a true bipartisan alternative permitted to be offered that meets the budget targets.

Mr. VOLKMER. Mr. Chairman, I know the gentleman from California, who is a member of the Committee on Rules, is paying some attention. I am sorry the gentleman from New York [Mr. SOLOMON] is not, because what we are trying to advise, not only the gentlemen, but all members of this House, that if we are not given a substitute for the welfare bill, then I think they can see that things are going to slow down up here a little bit until we are able to offer our substitute for their welfare bill.

Mr. WISE. I think it should be pointed out, as the gentleman says, that the delay is only so that we can offer a substitute that meets the Republican budget targets and has complied with every one of the Republican budget rules and we feel is a bipartisan alternative that is superior to the leadership proposal.

Mr. VOLKMER. And we would not even have any more delay if the gentleman from New York [Mr. SOLOMON] will just stand up and say as chairman of the Committee on Rules he would give it to us.

Mr. WISE. We could probably skip this vote we are about to have on this basis alone.

My hope is when Members are voting we will have a chance to talk about it some so we can move this welfare reform bill quickly to the floor, understanding that everyone wants to be able to vote on welfare reform. But we want to offer the Castle-Tanner bipartisan alternative that is far preferential to the leadership one.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Is there a Member seeking time in opposition to the preferential motion?

Mr. DINGELL. I rise in opposition to the preferential motion.

The CHAIRMAN. The gentleman from Michigan is recognized for 5 minutes.

Mr. DINGELL. Mr. Chairman, normally I would be very supportive of

motions to strike the enacting clause and things of that sort. At this particular time, however, I am compelled reluctantly to rise against it in sprite of the vast respect I have for the offerer, the distinguished gentleman from West Virginia.

I would like to devote my attention to the question of the motion to strike the enacting clause. One of the reasons that adopting the motion to strike the enacting clause would be very bad is simply that that would leave us in the awkward position of being unable to devote our attention to the Solomon amendment, and I would like to address now the reasons that the Solomon amendment is so important to the business in which we are now engaged.

I would like to address first what has been going on, Mr. Chairman. What Mr. SOLOMON seeks to do is to see to it that the status quo remains in place, because what is contemplated by the Office of the Comptroller of the Currency is an illegal act wherein the Comptroller of the Currency proposes to go beyond the authority which he has under law. And I would like to quote a letter written in 1995 by the present chairman of the Banking Committee to the OCC in which the chairman had this observation to make:

> There is not a shred of statutory support for the notion that a national bank is authorized to conduct activities in a subsidiary that are not permissible for the national bank itself.

Now, at the appropriate time I will insert the whole of this letter in the RECORD, and what I am saying is that the chairman of the Banking Committee warned the Comptroller of the Currency that his action is illegal, in excess of his authority and beyond the powers that he is vested in under law. It is an act of some arrogance then on the part of the Comptroller to move forward.

Now, what is the action of which my good friend from New York complains? That is that the Comptroller proposes to permit national bank operating subsidiaries to move forward into areas which are forbidden under the law, most specifically into stock underwriting and the sale of insurance. Now, I happen to think that banks and subsidiaries should have the authority to do certain other actions, including the sale of securities, including other activities which go beyond banking authority. But that should be defined by the statutory enactment of the Congress of the United States and not by the arrogance of the Comptroller of the United States.

The practical effect of what he seeks to do is simply to allow a situation to go forward where a bank would find a citizen coming in for a mortgage or something of that kind and the banker, not all of them but some of them, would put their arm around the applicant and say now that we have agreed that we are going to give you your loan, but before you sign the papers, go down to the end of the hall and see Mr. Jones who handles our securities sales, or insurance sales, and all of the other activities. because we are a full-financial service firm. And the individual then would either go down there and agree to turn the entirety of his financial affairs over to the bank, or he would not get the loan.

Mr. Chairman, this is an experience which the Congress has had before. It was in the 1920's, indeed in 1929, the crash, which was in good part brought about by the fact that banks were engaging in all kinds of financial activities without any sort of constraint.

The purpose that the gentleman seeks to do is to simply see that if we are going to take the action of permitting the Comptroller of the Currency to get into the business of doing other things other than regulating banks and banks to do other than doing banking business, that the Congress will have a chance to look at it to see to it that it conforms with law and that it conforms with good public policy and that it does not upset some of the long-established precedents which have precluded banks from doing these kinds of things, for the very good reason that we found that serious abuses occur.

I would tell my colleagues that banks are now moving into mutual funds and other things, and it has been found by inquiry after inquiry that banks are not telling the purchasers of these securities that these securities are not guaranteed by the Federal Government. Indeed, they are letting the purchasers of these securities walk out of the bank with the mutual fund operating under the assumption that in fact that mutual fund is guaranteed by Federal moneys.

HOUSE OF REPRESENTATIVES, COMMITTEE ON BANKING AND FINANCIAL SERVICES,
Washington, DC, April 5, 1995.

Mr. EUGENE A. LUDWIG,
Comptroller of the Currency,
Washington, DC.

DEAR COMPTROLLER LUDWIG: I am writing to express grave concerns concerning your recent proposal to allow bank subsidiaries to engage in activities legally impermissible for banks themselves. Such an approach is not only highly imprudent but contrary to existing law. There is not a shred of statutory support for the notion that a national bank is authorized to conduct activities in a subsidiary that are not permissible for the national bank itself. If fact, it appears that the OCC's new interpretation of the authority of subsidiaries to conduct impermissible activities does not comport with longstanding OCC practice and policy. (*See* 31 Fed. Reg. 11459 (Aug. 31, 1966), 48 Fed. Reg. 1732 (Jan. 14, 1983))

Allowing a national bank or its subsidiary to engage in risky non-banking activities would jeopardize the deposit insurance system. Indeed, the news of the past weeks—the failure of Barings, one of Britain's oldest financial institutions—demonstrates the problematic nature of conducting activities in a bank subsidiary and shows how quickly an operating subsidiary can bring down a parent. Likewise, from the perspective of recent American experience, the OCC proposal would appear analogous to the direct investment authority granted S&Ls in certain states in the 1980s, which had the effect of placing significant uncontemplated liabilities on the deposit insurance system.

In sum, I object to the OCC's judgement as well as its legal interpretation. The latter concern is particularly telling. No agency of government has the right through promulgation of regulations to obviate law.

Sincerely,

JAMES A. LEACH,
Chairman.

□ 1230

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from West Virginia [Mr. WISE].

The question was taken; and the chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LIGHTFOOT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 182, noes 233, not voting 18, as follows:

[Roll No. 319]

AYES—182

Abercrombie	Farr	McCarthy
Ackerman	Fattah	McHale
Andrews	Fazio	McKinney
Baesler	Fields (LA)	McNulty
Baldacci	Filner	Meek
Barcia	Flake	Menendez
Barrett (WI)	Foglietta	Millender-McDonald
Becerra	Frank (MA)	Minge
Beilenson	Frost	Mink
Bentsen	Furse	Moakley
Bevill	Gejdenson	Mollohan
Bishop	Geren	Montgomery
Blumenauer	Gibbons	Moran
Bonior	Green (TX)	Murtha
Borski	Gutierrez	Nadler
Boucher	Harman	Neal
Brewster	Hastings (FL)	Oberstar
Brown (CA)	Hefner	Obey
Brown (FL)	Hilliard	Olver
Brown (OH)	Hinchey	Ortiz
Bryant (TX)	Holden	Orton
Bunn	Hoyer	Owens
Cardin	Jackson (IL)	Pallone
Chapman	Jackson-Lee (TX)	Pastor
Clay	Jacobs	Payne (NJ)
Clayton	Jefferson	Payne (VA)
Clement	Johnson (SD)	Pelosi
Clyburn	Johnson, E.B.	Peterson (FL)
Coleman	Johnston	Peterson (MN)
Collins (IL)	Kanjorski	Pickett
Collins (MI)	Kaptur	Pomeroy
Condit	Kennedy (MA)	Poshard
Conyers	Kennedy (RI)	Rahall
Costello	Kennelly	Rangel
Coyne	Kildee	Reed
Cramer	Kleczka	Richardson
Cummings	Klink	Rivers
Danner	LaFalce	Roemer
DeFazio	Lantos	Rose
DeLauro	Levin	Roybal-Allard
Dellums	Lewis (GA)	Rush
Deutsch	Lipinski	Sabo
Dicks	Lofgren	Sanders
Dixon	Lowey	Sawyer
Doggett	Luther	Schroeder
Dooley	Maloney	Schumer
Doyle	Manton	Scott
Durbin	Markey	Serrano
Edwards	Martinez	Sisisky
Engel	Mascara	Skaggs
Eshoo	Matsui	Skelton
Evans		

Spratt	Thurman	Waters
Stark	Torres	Watt (NC)
Stokes	Torricelli	Waxman
Studds	Towns	Williams
Stupak	Traficant	Wise
Tanner	Velazquez	Woolsey
Taylor (MS)	Vento	Wynn
Tejeda	Visclosky	Yates
Thompson	Volkmer	
Thornton	Ward	

NOES—233

Allard	Funderburk	Morella
Archer	Gallegly	Myers
Armey	Ganske	Myrick
Bachus	Gekas	Nethercutt
Baker (CA)	Gilchrest	Neumann
Baker (LA)	Gillmor	Ney
Ballenger	Gilman	Norwood
Barr	Gonzalez	Nussle
Barrett (NE)	Goodlatte	Oxley
Bartlett	Gordon	Packard
Barton	Goss	Parker
Bass	Graham	Paxon
Bateman	Greene (UT)	Petri
Bilbray	Greenwood	Pombo
Bilirakis	Gunderson	Porter
Bliley	Gutknecht	Portman
Blute	Hall (TX)	Pryce
Boehlert	Hamilton	Quillen
Boehner	Hancock	Quinn
Bonilla	Hansen	Radanovich
Bono	Hastert	Ramstad
Brownback	Hastings (WA)	Regula
Bryant (TN)	Hayworth	Riggs
Bunning	Hefley	Roberts
Burr	Heineman	Rogers
Burton	Herger	Rohrabacher
Buyer	Hilleary	Ros-Lehtinen
Callahan	Hobson	Roth
Calvert	Hoekstra	Roukema
Camp	Hoke	Royce
Campbell	Horn	Salmon
Canady	Hostettler	Sanford
Castle	Houghton	Saxton
Chabot	Hunter	Scarborough
Chambliss	Hutchinson	Schaefer
Chenoweth	Hyde	Schiff
Christensen	Inglis	Seastrand
Chrysler	Istook	Sensenbrenner
Clinger	Johnson (CT)	Shadegg
Coble	Johnson, Sam	Shaw
Coburn	Jones	Shays
Collins (GA)	Kasich	Shuster
Combest	Kelly	Skeen
Cooley	Kim	Smith (MI)
Cox	King	Smith (NJ)
Crane	Kingston	Smith (TX)
Crapo	Klug	Smith (WA)
Cremeans	Knollenberg	Solomon
Cubin	Kolbe	Souder
Cunningham	LaHood	Spence
Davis	Largent	Stearns
Deal	Latham	Stenholm
DeLay	LaTourette	Stockman
Diaz-Balart	Laughlin	Stump
Dickey	Lazio	Talent
Dingell	Leach	Tate
Doolittle	Lewis (CA)	Tauzin
Dornan	Lewis (KY)	Taylor (NC)
Dreier	Lightfoot	Thomas
Duncan	Linder	Thornberry
Dunn	Livingston	Tiahrt
Ehlers	LoBiondo	Torkildsen
Ehrlich	Longley	Upton
English	Lucas	Vucanovich
Ensign	Manzullo	Walker
Everett	Martini	Walsh
Ewing	McCollum	Wamp
Fawell	McCrery	Watts (OK)
Fields (TX)	McHugh	Weldon (FL)
Flanagan	McInnis	Weldon (PA)
Foley	McIntosh	Weller
Forbes	McKeon	Whitfield
Fowler	Metcalf	Wicker
Fox	Meyers	Wolf
Franks (CT)	Mica	Young (AK)
Franks (NJ)	Miller (FL)	Zeliff
Frelinghuysen	Molinari	Zimmer
Frisa	Moorhead	

NOT VOTING—18

Bereuter	de la Garza	Goodling
Berman	Ford	Hall (OH)
Browder	Gephardt	Hayes
Lincoln	Meehan	White
McDade	Miller (CA)	Wilson
McDermott	Slaughter	Young (FL)

□ 1249

The Clerk announced the following pair:

On this vote:

Mr. Berman for, with Mr. Bereuter against.

Mr. PETRI and Mr. GORDON changed their vote from "aye" to "no."

Mrs. SCHROEDER changed her vote from "no" to "aye."

So the motion was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. GOODLING. Mr. Speaker, this morning I was attending the funeral of a close friend. Regrettably, I missed the first rollcall vote of the day which was a procedural vote.

Had I been present, I would have voted "no."

The CHAIRMAN pro tempore (Mr. LAHOOD). The gentleman from New York [Mr. SOLOMON] has 2½ minutes remaining, and the gentleman from New York [Mr. LAFALCE], has 4 minutes remaining.

PARLIAMENTARY INQUIRY

Mr. SOLOMON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. SOLOMON. Mr. Chairman, is it not true under the rule that the Chair has the right to roll votes and that there probably will not be a vote for another hour on the floor?

The CHAIRMAN pro tempore. The Chair would advise all Members that recorded votes can be asked for but then postponed to a subsequent time.

The gentleman from New York [Mr. SOLOMON] has 2½ minutes remaining, and the gentleman from New York [Mr. LAFALCE] has 4 minutes remaining. The gentleman from New York [Mr. SOLOMON] has the right to close.

Mr. LAFALCE. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. CREMEANS], a member of the Committee on Banking and Financial Services.

Mr. CREMEANS. Mr. Chairman, I rise in strong opposition to the Solomon amendment. I have spent the past year and a half on the Committee on Banking and Financial Services making tough decisions and working tirelessly to hammer out a compromise on this powers issue. Unfortunately, that effort failed. Much-needed reforms of 40-year-old laws that govern the financial services industry were stopped by turf battle between banks and insurance agents.

While I am disappointed, we were unable to reach a suitable compromise in this Congress; I accepted that fact. However, some do not accept that defeat and are trying to sneak legislation that limits the power of the office of the Comptroller of the Currency into this appropriations bill.

I urge my colleagues to defeat this amendment. There have been no hearings on this amendment. I did not hear about it until just a few hours ago as in the case with many other members of the Committee on Banking and Financial Services. The Committee on Banking and Financial Services as a committee of jurisdiction has met with all the parties interested in this legislation, including banks and insurance groups.

MODIFICATION OF AMENDMENT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Chairman, I ask unanimous consent to offer a modification.

The CHAIRMAN pro tempore. The Clerk will report the modification:

The Clerk read as follows:

Modification to amendment offered by Mr. SOLOMON's Modification

In the proposed paragraph (2) after "engage in" "insurance".

The CHAIRMAN pro tempore. Is there objection to request of the gentleman from New York?

Mr. LAFALCE. Mr. Chairman, I object.

The CHAIRMAN pro tempore. Objection is heard.

Mr. SOLOMON. Mr. Chairman, I reserve the balance of my time.

PARLIAMENTARY INQUIRY

Mr. LAFALCE. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. LAFALCE. Mr. Chairman, is the gentleman going to reserve the entire 2½ minutes for one person in his closing argument, or are there going to be 5 individuals speaking subsequent? It is my understanding that only one person could speak and close; is that correct? If so, who would that person be?

Mr. SOLOMON. Mr. Chairman, if the gentleman will yield, I will tell him that we have three speakers at this time.

Mr. LAFALCE. Mr. Chairman, then if there are three speakers, I do not believe that he can reserve all his time.

The CHAIRMAN pro tempore. The gentleman is not stating a parliamentary inquiry.

Mr. LAFALCE. Mr. Chairman, is it permissible for somebody to say, all your speakers go first and then all my speakers will go last, or should there not be some rotation? That is why I said, while he has the right to close, he has the right to close with one speaker, not to have three Members speaking in closing.

The CHAIRMAN pro tempore. The gentleman is correct.

Mr. LAFALCE. Mr. Chairman, I yield myself 1 minute and 30 seconds.

Mr. Chairman, there are many reasons to oppose this amendment, both procedurally and substantively. Procedurally, for the past year and a half and for the past several decades, an attempt has been made to work out the

controversy that has existed among different financial services players. The chairman of our committee has spent most of the past year and a half attempting to do that.

This amendment, which did not come to my attention until about an hour and a half or so ago, just wipes away all those efforts to accommodate these competing concerns. It just sides with one special interest group without deliberation by the authorizing committee, without notice to the Members, without notice to the groups whatsoever. It is in the worst tradition of this Congress. It should be opposed, if for no other reason than for procedural grounds alone.

Mr. BAKER of Louisiana. Mr. Chairman, will the gentleman yield?

Mr. LAFALCE. I yield to the gentleman from Louisiana.

Mr. BAKER of Louisiana. Mr. Chairman, my concern, beyond the procedural elements that have been referred to here just a moment ago, is the perceived effect of the amendment as I have read it.

Although I understand the author's intention is to only limit the appropriation of funds from a particular area by Treasury to the Comptroller with regard to prohibition of new activities in insurance, the construction of the amendment, as I view it today, is to prohibit any new product, regardless of insurance or other wise, if it were not otherwise permitted by July 16 of this year. That was the reason for the unanimous consent request to modify.

□ 1300

Mr. SOLOMON. I yield myself 15 seconds just to say that the unanimous-consent request would have added the world "insurance" would have brought it down to that specific issue, which should have satisfied the gentleman on the Committee on Banking and Financial Services. It does all of the Committee on Banking and Financial Services' members on this side of the aisle. And in conference we would move to do that if the gentleman continues to insist on his objection.

Mr. Chairman, I yield 30 seconds to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Chairman, I thank the gentleman from New York [Mr. SOLOMON] very much for yielding this time to me.

As my colleagues know, the OCC takes the position that under the National Bank Act that it will trump all existing State laws in terms of what consumer protections are given to those who are dealing with banks that are now selling insurance. Meanwhile, the insurance agents at the State level will still be under State law. So we have no guarantee, in other words, that we will have that national body of law State by State which has been put on the books in order to protect consumers.

We must support the Solomon amendment to protect the consumers of this country.

Mr. LAFALCE. Mr. Chairman, I yield myself the balance of the time.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from New York is recognized for 1½ minutes.

Mr. LAFALCE. Mr. Chairman, this is an anticonsumer amendment, this is an antisafety and soundness amendment, and that is why the administration opposes it so vigorous.

I read from a letter dated today, July 17, 1996, from the Secretary of the Treasury, Robert Rubin:

> I write to express in the strongest terms the Administration's opposition to this proposed amendment. Under this amendment the OCC would not be able to continue its essential function of overseeing the safety and soundness of nearly 3,000 federally insured national banks as well as administering anti-discrimination and fair lending laws applicable to these institutions. If you are concerned about safety and soundness, if you are concerned about our antidiscrimination laws, if you are concerned about our fair lending laws, you must oppose this amendment, as the Administration strongly opposes it also.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. LAFALCE. Mr. Chairman, I yield the balance of the time to the gentleman from Minnesota.

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. VENTO] is recognized for 30 seconds.

Mr. VENTO. Mr. Chairman, this is brought before us as a contest between the insurance agents and the banks. The truth of the matter is, of course, even if we could define the word insurance, which is, of course, itself a monumental task today, we would not, in essence, limit. In fact, the States will continue to be able to bribe State institutions with that particular power. And so the issue here goes well beyond, in fact, in terms of limiting the very activities that the Comptroller has to be able to accomplish.

I understand the frustration, but this is the wrong answer. This amendment should be defeated.

MODIFICATION TO AMENDMENT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Chairman, I ask unanimous consent to offer a modification, which is at the desk, to solve the concerns of the previous speaker.

The CHAIRMAN pro tempore. The Clerk will report the modification.

The Clerk read as follows:

> Modification to amendment offered by Mr. SOLOMON: In the proposed paragraph (2) after "engage in" insert "insurance".

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

Mr. LAFALCE. Reserving the right to object, Mr. Chairman, I earlier asked the gentleman from New York [Mr. SOLOMON] for a very simple request, the right to debate this important issue not for 10 minutes, but for 20 minutes. He objected to what I thought was a most reasonable request. There are a million and one imperfections with this amendment that have been offered, but I would like to offer amendments, too. The unanimous consent of yesterday would not have permitted any amendments, and now my colleague simply wants one that he thinks, as my colleagues know, would cosmetically improve it because of the fact he will only offer the one amendment, not countless others, because of the fact he objected to reasonable time for debate.

I must object to this now.

The CHAIRMAN pro tempore. Objection is heard.

Mr. SOLOMON. Mr. Chairman, I yield 1 minute to the gentleman from North Dakota [Mr. POMEROY], a very, very respected Member of this body from the other side of the aisle.

Mr. POMEROY. Mr. Chairman, I thank the gentleman for yielding this time to me.

This question has been posed to the body in the debate as an issue between banks and insurance. I see it quite differently, and I think there are two driving issues at stake, legislative versus executive branch, Federal Government versus State government. First, legislative versus executive.

We actually had a speaker on the other side of the aisle saying that in light of the inability of this body to resolve this question, what the heck, let a Federal bureaucrat do it, let the Office of Comptroller of the Currency singly decide what this body has been unable to resolve.

That is not the way for us to walk away from the critical policy issues before this country. This is a very consequential policy issue. It must be decided in the legislative branch.

Second, State versus Federal regulation.

If the OCC would decide it, it would do so in a fashion preemptive of State laws. I used to administer State law in this area as the insurance Commissioner from North Dakota and the president of the National Association of State Insurance Commissioners. They deserve better than to be singly wiped out and preempted by the unchecked action of the Office of Comptroller of the Currency. The Office of the Comptroller of the Currency has made it clear that his intention is to go in this area. That is why this amendment is so important.

Mr. SOLOMON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am sorry we have taken up so much time on this issue. On behalf of the gentleman from Michigan [Mr. DINGELL] and myself, we would urge a "yes" vote on this amendment. This is a States' rights issue. We want to protect the rights of States. We want to be able to move other bank

regulatory relief legislation later on that is going to give badly needed relief to the banking institutions. It ought to be concentrating on the lending concepts as opposed to getting into other areas. I would urge support of the amendment.

Mr. LAFALCE. Mr. Chairman, this amendment seeks to terminate all funding for the Office of Comptroller of the Currency [OCC] if the OCC permits national banks to engage in any type of new activity, or if proposed revisions to OCC regulations are finalized. This amendment represents an effort by some in the Republican leadership to achieve through an appropriations bill what they have failed to achieve through the normal legislative process. And there are very good reasons why all previous efforts to restrict the current authority of the Comptroller of the Currency have failed.

This amendment should be seen as an effort by some Members of Congress to meet the demands of certain groups who want protection from the competitive forces of the financial services marketplace. Because national banks sell insurance—in competition with the insurance industry—some insurance interests see national banks as a threat and want to restrict their activities and thereby lessen competition.

To achieve their aim, insurance interests are asking Members of Congress to cut off funding for the OCC when it exercises its authority under existing law. This would have the direct effect of terminating the OCC's authority under existing law to authorize powers for national banks that are incidental to banking. This would be likely to severely impact the ability of national banks to sell insurance, which has become an important part of their business.

As the regulator of national banks, the responsibility of the Comptroller of the Currency is to supervise national banks, and to interpret Federal law affecting national banks. And that is exactly what the OCC is doing when it authorizes various activities for national banks that are deemed under the National Banking Act to be incidental to the business of banking. Federal banking law wisely anticipated that the banking regulators would need flexibility to expand the permissible activities of national banks in order to respond to developments in the financial services marketplace. Without such flexibility for the OCC to interpret existing law, national banks would be held in a static state, unable to respond to new consumer demands.

This effort to terminate the existing authority of the Comptroller of the Currency to interpret Federal banking law would deprive consumers of the option of buying financial products from banks. It also represents a very real threat to the competitiveness, and ultimately the viability, of our national banking system. If national banks are not allowed to provide the financial services consumers demand in today's increasingly sophisticated marketplace, they will be unable to compete with other providers. This inability to compete would ultimately endanger the safety and soundness of our banking system. The earnings of national banks would decline, they would find it increasingly difficult to attract and maintain capital. To the degree our banks are weakened, taxpayers are potentially at risk.

Therefore, it is in the interest not only of every consumer of financial services in this country, but of every taxpayer, to make sure that our national banks are able to compete fully in today's marketplace by offering the financial products consumers demand. Insurance products are a vital part of the financial products which all banks, including national banks, offer to consumers.

I am confident that Congress will not allow our national banking system to be put at risk by those interests demanding legislation to protect them from competition. I urge a vote against this amendment.

Mrs. KENNELLY. Mr. Chairman, I rise in strong support of the Solomon amendment to prohibit the expenditure of funds by the Controller of the Currency to further expand bank powers.

This body has labored for years to rewrite the ground rules that govern financial services in the Nation. And anyone that has been involved would agree that it is a minefield. Chairman LEACH has spent hundreds of hours on this effort.

The Solomon amendment would simply prohibit the Controller of the Currency from taking matters into his own hands and rewriting the rules in secrecy and without the benefit of public comment or scrutiny.

Support the Solomon amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York [Mr. SOLOMON].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. LAFALCE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 475, further proceedings on the amendment offered by the gentleman from New York [Mr. SOLOMON] will be postponed.

Are there further amendments?

AMENDMENT OFFERED BY MRS. JOHNSON OF CONNECTICUT

Mrs. JOHNSON of Connecticut. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. JOHNSON of Connecticut:

Page 4, beginning on line 1, strike "AND INTERNAL AUDIT OF THE INTERNAL REVENUE SERVICE".

Page 4, line 5, strike "and the internal" and all that follows through "Inspector General" on line 8.

Page 4, line 14, strike "and of which" and all that follows through line 19, and insert "$29,319,000.".

Page 20, line 23, strike "$1,616,379,000" and insert "$1,722,985,000".

The CHAIRMAN pro tempore. Pursuant to the order of the House of Tuesday, July 16, 1996, the gentlewoman from Connecticut [Mrs. JOHNSON] will be recognized for 5 minutes, and a Member in opposition will be recognized for 5 minutes.

The Chair recognizes the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield myself such time as I may consume.

This amendment strikes language in title I of the bill which creates a joint account between the Department of the Treasury and the Internal Revenue Service to fund the internal audit investigation functions of the IRS and requires the IRS inspector to report to the deputy Secretary of the Treasury rather than to the IRS commissioner. The $106,606,000 in funding that the bill provides for IRS internal audit functions would instead remain in the IRS processing assistance and management account.

My understanding is that this provision was included in the bill in response to concerns that the IRS inspector is subject to too much control by the IRS commissioner. It was intended to give the inspector more autonomy and independence.

However, the Committee on Ways and Means is very concerned that this provision would actually impair rather than enhance the effectiveness of the inspector's internal audit investigation functions and increases the risk of politicizing the inspection service. We believe that the present management structure for the inspector should be retained, and I urge support of my amendment.

Mr. LIGHTFOOT. Mr. Chairman, will the gentlewoman yield?

Mrs. JOHNSON of Connecticut. I yield to the gentleman from Iowa.

Mr. LIGHTFOOT. Mr. Chairman, I rise in support of the gentlewoman's amendment. The committee's recommendation to move IRS's internal audit functions from the IRS and Treasury Department was not meant in any way to imply lack of confidence in the work that this important group does. Instead the recommendation reflects our very serious concern that the IRS top management has been ignoring many of the reports that these good people have been putting together, and the whole purpose of the internal investigation within any agency, IRS in particular, is to identify problems and to fix them. That is why we have an IG. It is just that simple.

Unfortunately, we have received evidence that would lead us to believe that the reports, particularly as they pertain to TSM, or tax system modernization, and other IRS operations, have been basically ignored. We are extremely concerned that the IRS's internal investigations have not had their effective power that they should have and that their effectiveness has been diminished because of decisions made by top management basically to ignore the reports.

So what we are trying to do was to, in our proposal, move the group over to

main Treasury, is simply an attempt to put some openness and some accountability into the process.

Now, that is why we did it.

Mrs. JOHNSON of Connecticut. We did run into the same problem with the taxpayer service representatives and felt that they were saying about problems that the taxpayers were having with the IRS was not getting to us, and so we did add provisions in the taxpayers bill of rights to require direct reporting, and between now and conference we need to look at that mechanism. We have not been able to sort of clear that under the short timeframe we have been working on because of the nature of the inspector general's work and the police powers involved and so on and so forth, but we do need to assure that that information does get to the committees of oversight so that we can be certain that the agency is responding appropriately.

Mr. LIGHTFOOT. Having heard the gentlewoman's concerns, and it is obvious we are on the same song sheet, maybe saying it in a different verse, but nevertheless for the IG to be effective those reports have to be read, they have to be understood, and they have to be implemented, and that is the message we were trying to send to IRS, and I am very pleased that Ways and Means has similar concerns.

As a result, I am going to urge people to support the gentlewoman's amendment. But I think we want to put everybody on notice that we are going to watch this, we are going to continue to monitor, and no more will we have IG reports go into the round file 13. People are going to act on them as they should. That is why we are paying people to do that kind of work, and that is what they are there for. The IG has been doing a good job. The reports have just been ignored.

Mr. HOYER. Mr. Chairman, will the gentlewoman yield?

Mrs. JOHNSON of Connecticut. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I thank the gentlewoman for yielding, and I rise in strong support of her amendment, but more than that, Mr. Chairman, I rise to commend the gentlewoman, who is the Chair of the oversight committee. She, and, I might say, her staff as well, have done extraordinarily hard work on reviewing what is a large, critical agency in our Government to insure that the taxpayers' money is being spent well, that the objectives issued by the Committee on Ways and Means, passed by this Congress and supported by this subcommittee, the Committee on Appropriations, are in fact carried out, and she and I are speaking not only from the same hymnal, but from the same chapter and the same verse on this issue, and I congratulate her for her hard work and focus on this issue because I think the taxpayers will be benefited by it, and I thank her for her efforts.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I thank the gentleman from Maryland [Mr. HOYER] very much for those kind remarks.

The CHAIRMAN. The time of the gentlewoman from Connecticut [Mrs. JOHNSON] has expired.

Is there a Member who wishes to take time in opposition to the amendment?

Mr. HOYER. Mr. Chairman, I ask unanimous consent that I control the 5 minutes in opposition to the amendment offered by the gentlewoman from Connecticut [Mrs. JOHNSON].

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. HOYER. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, I only need about 30 seconds, and other people have been waiting a long time to pose their amendments, too, but I do want to say that I am very pleased that the subcommittee has listened carefully to our experience, and by sharing our knowledge of the agency I think we are going to have a very, very strong bill out of conference, and I appreciate the work that the subcommittee has done in looking at the major issues that concern us all like the implementation of TSM.

Mr. HOYER. Mr. Chairman, I again congratulate the gentlewoman from Connecticut, and I want to tell her how enthusiastic I am about her optimism about the strength of this bill as it emerges from conference and to tell her how much I look forward to working with her to accomplish that end.

□ 1315

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentlewoman from Connecticut [Mrs. JOHNSON].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. GEKAS

Mr. GEKAS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GEKAS: Page 119, after line 8, add the following new title:

TITLE VIII—AUTOMATIC CONTINUING RESOLUTION

SEC. 801. (a) Chapter 13 of title 31, United States Code, is amended by inserting after section 1301 the following new section:

"§ 1311. Continuing appropriations

"(a)(1) If any regular appropriation bill for a fiscal year does not become law prior to the beginning of such fiscal year or a joint resolution making continuing appropriations is not in effect, there is appropriated, out of any moneys in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, such sums as may be necessary to continue any project or activity for which funds were provided in the preceding fiscal year—

"(A) in the corresponding regular appropriation Act for such preceding fiscal year; or

"(B) if the corresponding regular appropriation bill for such preceding fiscal year did not become law, then in a joint resolution making continuing appropriations for such preceding fiscal year.

"(2) Appropriations and funds made available, and authority granted, for a project or activity for any fiscal year pursuant to this section shall be at a rate of operations not in excess of the lower of—

"(A) the rate of operations provided for in the regular appropriation Act providing for such project or activity for the preceding fiscal year,

"(B) in the absence of such an Act, the rate of operations provided for such project or activity pursuant to a joint resolution making continuing appropriations for such preceding fiscal year,

"(C) the rate of operations provided for in the House or Senate passed appropriation bill for the fiscal year in question, except that the lower of these two versions shall be ignored for any project or activity for which there is a budget request if no funding is provided for that project or activity in either version.

"(D) the rate provided in the budget submission of the President under section 1105(a) of title 31, United States Code, for the fiscal year in question, or

"(E) the annualized rate of operations provided for in the most recently enacted joint resolution making continuing appropriations for part of that fiscal year.

"(3) Appropriations and funds made available, and authority granted, for any fiscal year pursuant to this section for a project or activity shall be available for the period beginning with the first day of a lapse in appropriations and ending with the earlier of—

"(A) the date on which the applicable regular appropriation bill for such fiscal year becomes law (whether or not such law provides for such project or activity) or a continuing resolution making appropriations becomes law, as the case may be, or

"(B) the last day of such fiscal year.

"(b) An appropriation or funds made available, or authority granted, for a project or activity for any fiscal year pursuant to this section shall be subject to the terms and conditions imposed with respect to the appropriation made or funds made available for the preceding fiscal year, or authority granted for such project or activity under current law.

"(c) Appropriations and funds made available, and authority granted, for any project or activity for any fiscal year pursuant to this section shall cover all obligations or expenditures incurred for such project or activity during the portion of such fiscal year for which this section applies to such project or activity.

"(d) Expenditures made for a project or activity for any fiscal year pursuant to this section shall be charged to the applicable appropriation, fund, or authorization whenever a regular appropriation bill or a joint resolution making continuing appropriations until the end of a fiscal year providing for such project or activity for such period becomes law.

"(e) No appropriation is made by this section for a fiscal year for any project or activity for which there is no authorization of appropriations for such fiscal year.

"(f) This section shall not apply to a project or activity during a fiscal year if any other provision of law (other than an authorization of appropriations)—

"(1) makes an appropriation, makes funds available, or grants authority for such project or activity to continue for such period, or

"(2) specifically provides that no appropriation shall be made, no funds shall be made available, or no authority shall be granted for such project or activity to continue for such period.

"(g) For purposes of this section, the term 'regular appropriation bill' means any annual appropriation bill making appropriations, otherwise making funds available, or granting authority, for any of the following categories of projects and activities:

"(1) Agriculture, rural development, and related agencies programs.

"(2) The Departments of Commerce, Justice, and State, the judiciary, and related agencies.

"(3) The Department of Defense.

"(4) The government of the District of Columbia and other activities chargeable in whole or in part against the revenues of the District.

"(5) The Department of Labor, Health and Human Services, and Education, and related agencies.

"(6) The Department of Housing and Urban Development, and sundry independent agencies, boards, commissions, corporations, and offices.

"(7) Energy and water development.

"(8) Foreign assistance and related programs.

"(9) The Department of the Interior and related agencies.

"(10) Military construction.

"(11) The Department of Transportation and related agencies.

"(12) The Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies.

"(13) The legislative branch.".

(b) The analysis of chapter 13 of title 31, United States Code, is amended by inserting after the item relating to section 1310 the following new item:

"1311. Continuing appropriations.".

The amendments made by this title shall apply with respect to fiscal years beginning after September 30, 1996.

Mr. LIGHTFOOT. Mr. Chairman, I reserve a point of order against the amendment because it proposes to change existing law and constitutes legislation on an appropriations bill.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, July 16, 1996, the gentleman from Pennsylvania [Mr. GEKAS] will be recognized for 5 minutes on his amendment and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Chairman, the purpose of my bill is to bring about a miracle on Capitol Hill; that is, if implemented, we will end Government shutdowns forever. Is that a miracle or is it not, in view of what has happened in the recent past and in the past on many of the budget items that have come before us?

We have not been able to seize the opportunity that I have been trying to present before the Committee on Rules and before this body in various ways, a means to end Government shutdowns.

What it would do is simply allow that if, at the end of a fiscal year, September 30, no budget has been passed, or any 1 of the 13 appropriations bills has not been passed, then automatically, by way of instant replay, the next day, October 1, there would go into effect last year's appropriations or the House bill, the House version recently passed, or the Senate version passed, or the President's budget proposal in that particular item. Whichever is the lowest figure would go automatically into effect; hence, no shutdown forever.

And if a CR is passed, then the same thing would happen at the end of that CR period. The temporary funding that would end at x date would, if no new CR is produced, result in an instant replay of that CR.

Do Members not see the beauty of it, that it means we never have to face the RIFing of employees, unpaid hours on Capitol Hill, disgust by the public, the whole host of dilemmas and problems we face when a Government shutdown is before us? This is a proposal whose time has really come. When I leave this Congress I am going to write a called "Miracle on Capitol Hill," and it will be 55 pages devoted to this.

Mr. Chairman, I submit for the RECORD a copy of my testimony before the House Budget Committee as an extension of remarks to further explain the amendment I propose to H.R. 3756, the Treasury, Postal Service, general government appropriations bill.

On September 19, 1995 this committee joined with its Senate counterpart and held a hearing on "The Effects of a Potential Government Shutdown". I was not permitted to testify at that hearing; however, Senator Snowe submitted my testimony for the record. I come before you today to further discuss this issue.

You may be wondering how this relates to the stated objective of this hearing. Simply put, I come before you with a suggestion of how to save taxpayer dollars. I come before you to point out a very blatant form of waste: the government shutdown. A June '91 GAO report estimated that a 3-day workweek shutdown could cost as much as $607 million dollars. In fact, Republican National Committee used this figure to point out the waste President Clinton committed by vetoing the appropriations bills Congress sent him.

As you set out to craft a balanced budget to insure the economic health of this country, you have my complete support and admiration. But before we cut someone else's wasteful spending, we must look at our own! We took great strides in controlling Congressional spending during the fiscal year '96 budget cycle by cutting committee staff and passing a Legislative Branch Appropriations bill that helped move us toward a balanced budget. I applaud these efforts and support them. But these cuts are not enough!

If the Federal government, more specifically, the Executive and Legislative branch, cannot do the responsible thing and complete appropriation bills on time, taxpayer dollars should not be wasted. I have crafted a solution to this problem, a piece of legislation I call "Instant Replay". I come before you today to implore you to support my legislation and end the threat of a government shutdown and the waste it causes.

The solution I have devised to this problem is an automatic continuing resolution which acts as a safety net. At any time when the government would shutdown, my bill would keep the government open and provide a very low level of funding by which operations would continue. I have tried to carefully craft this bill to provide for such a low level of funding that the White House and the appropriators would have reason to continue negotiating. I have also allowed a Continuing Resolution to supersede my safety net. Therefore, if the Budget negotiators want to craft their own spending formula, they can.

The true beauty in this legislation is that it shifts the negotiating power from the status quo to reduced funding levels. Under the current system the individual who is trying to cut funding has an uphill battle. With my legislation in place, lower funding levels would automatically occur if we do nothing. Those fighting to keep money will have to enact legislation. As we saw as part of the fiscal year '96 Budget cycle, those of us who were trying to cut funding had an uphill battle to pass legislation. I believe that my legislation will help shift this balance of power and aid in the effort to balance the budget.

While you are considering ways to save taxpayer dollars, balance the budget and reform the budget process, I hope you will keep this problem and my legislation in mind. Chairman Kasich, members of the committee, I thank you for your time and attention.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I thank the gentleman for yielding to me. I would just briefly say that the chairman is correct in his point of order. I am glad that he reserved it.

I rise to say that the gentleman's objective is one that I strongly support. I lamented last year's policy to shut down the Government and the consequences that it had. I think the gentleman's effort to preclude that from happening again is a very positive one for every American, not just the Federal employees or the Federal Government. I thank him for his efforts.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I rise in strong support of this. In fact, to speak to my side of the aisle, this would be one of the better things we could do. It is not uncommon for us to put legislation on an appropriations bill. This would be very important to institutionalize this.

The gentleman from Pennsylvania [Mr. GEKAS] is exactly accurate. I have been a cosponsor of his bill and a supporter of it over many years. I would hope maybe something could be done, because had this been in effect last

year, we would never have shut the Government down. It is a good bill, it is a good idea, and it is a time whose idea has come, not in the next Congress, but quite frankly in this Congress.

Mr. GEKAS. Mr. Chairman, I would remind the gentleman and all the Members that the shutdowns that occurred before during the Democrat-controlled Congress had the same effect, but they were not as prolonged as some of the shutdowns we had this particular time. What I am trying to say is that I have presented this proposal to the Democrat-ruled Committee on Rules and to the Republican-ruled Committee on Rules. We have not had an opportunity to debate it on the floor. The time has come.

Mrs. MORELLA. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. I yield to the gentlewoman from Maryland.

Mrs. MORELLA. Mr. Chairman, I also am a cosponsor of this legislation. It is very important. Let us remember what Santayana said: "Those who do not remember the past are doomed to repeat it."

Having had these major shutdowns of Government, let us not repeat it. Let us remember who is being victimized: the Federal employees, the contractors, and all of the public who are denied services because those on both sides of Pennsylvania Avenue cannot come together on what they were elected to do; namely, come out with a budget. We must not have this victimization. This is an excellent amendment. I commend the gentleman for it. I wholeheartedly support it.

The CHAIRMAN. Is there a Member who seeks time in opposition?

If not, does the gentleman from Iowa [Mr. LIGHTFOOT] insist on his point of order?

POINT OF ORDER

Mr. LIGHTFOOT. Mr. Chairman, I insist on my point of order.

Mr. Chairman, I too would like a miracle on Capitol Hill, to finish this bill before the Social Security trust fund goes broke.

Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law, constitutes legislation on an appropriation bill, and therefore violates clause 2 of rule XXI.

The rule states, in pertinent part: "No amendment to a general appropriation bill shall be in order if changing existing law." On the face of it, the amendment proposes to make permanent changes to chapter 13 of title XXXI of the United States Code. Therefore, it is legislation on an appropriations bill. I ask for a ruling from the Chair.

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. GEKAS] wish to be heard in opposition to the point of order?

Mr. GEKAS. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman from Pennsylvania is recognized.

Mr. GEKAS. Mr. Chairman, it is legislation that I offered. There is no question about it, we all agree on that. What does it do to the current bill that is before us, which is an appropriations bill? It simply renews the ongoing projects and appropriations and activities that are embodied in this bill. It just serves to continue them. It does not bring in new forms of spending or new programs, or in any way impinge upon the vitality of and the purpose of the instant bill. All it does, in its best sense, is on a day that the appropriations cycle has ended by reason of failure to enact a new budget, that those appropriations embodied in this bill simply continue in their life.

Mr. Chairman, we have seen some precedents, if the Chair pleases, to the effect that if a project or an activity is simply continued, that is not legislating anew on an appropriations bill. Therefore, I ask that the Chair rule that this is simply a mechanism for continuing the efficacy and the vitality of the underlying bill, not new legislation on a new purpose or new project or new activity. Nothing of the sort.

The CHAIRMAN. The Chair is prepared to rule. The gentleman from Iowa [Mr. LIGHTFOOT] makes a point of order that the amendment offered by the gentleman from Pennsylvania [Mr. GEKAS] violates clause 2 of rule XXI by legislating on a general appropriations bill.

The amendment offered by the gentleman from Pennsylvania amends title XXXI of the United States Code to provide for an automatic continuing resolution in the event a regular appropriation bill fails to be enacted for any fiscal year. As stated by the gentleman from Pennsylvania, this amendment was introduced as a bill last year and referred to the Committee on Appropriations. The legislative jurisdiction of the Committee on Appropriations to report this matter to the House as a bill does not impair the application of clause 2(c) of rule XXI, which prohibits amendments changing existing law to general appropriation bills.

The point of order is sustained, and the amendment is not in order.

Are there further amendments?

AMENDMENT OFFERED BY MR. WOLF

Mr. WOLF. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WOLF: in title V, insert the following section:

SEC. 525A. VOLUNTARY SEPARATION INCENTIVES FOR EMPLOYEES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

(a) AUTHORITY.—The United States Agency for International Development is authorized to offer voluntary separation incentive payments to more than 100 of its employees in accordance with section 525 of this Act.

(b) EXCEPTION.—Section 525(a)(2)(A) of this Act shall not apply to an employee of the United States Agency for International Development who, upon separation and application, would be eligible for an immediate annuity under sections 8336(d)(2) and 8414(b)(1)(B) of title 5, United States Code.

(c) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, July 16, 1996, the gentleman from Virginia [Mr. WOLF] will be recognized for 5 minutes, and a Member in opposition will be recognized for 5 minutes.

The Chair recognizes the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Chairman, this is a noncontroversial amendment which would allow the U.S. Agency for International Development to offer involuntary separation payments to its employees in the remaining part of fiscal year 1996 and fiscal year 1997 to assist with its restructuring program. The amendment has been cleared by the Subcommittee on Foreign Operations of the Committee on Appropriations, the Subcommittee on Civil Service of the Committee on Government Reform and Oversight, the minority, including the gentleman from Maryland [Mr. HOYER] and the gentleman from Louisiana [Mr. LIVINGSTON]. It is noncontroversial. I urge its adoption.

Mr. Chairman, this noncontroversial and bipartisan amendment would allow the U.S. Agency for International Development to offer voluntary separation incentive payments to its employees in the remaining part of fiscal year 1996 and fiscal year 1997 to assist with its restructuring program.

This amendment has been cleared by the Foreign Operations Appropriations Subcommittee, the Civil Service subcommittee, the minority, including Mr. HOYER and Mr. LIVINGSTON.

It is a noncontroversial amendment and I urge its adoption.

Mr. Chairman, this noncontroversial and bipartisan amendment pending before the committee would provide limited, short-term buyout authority for the U.S. Agency for International Development [USAID] to ameliorate the results of its ongoing reduction in force [RIF]. This is a good government amendment, it is good for the dedicated Federal employees at USAID, and it should become law.

During the last 3 years, USAID has reduced its U.S. direct-hire staff by 18 percent, the third highest percentage in the Federal Government. This reduction has been accomplished through attrition. However, to further reduce its staff by 320 by the end of this fiscal year, USAID will have to involuntarily separate 200 employees through a RIF. RIF's are demoralizing to employees and are often a costly and inefficient way to reduce the size of an agency's work force. That is why this buyout authority is so important.

Mr. Chairman, I urge all Members to support this important amendment.

Mr. LIGHTFOOT. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Iowa.

Mr. LIGHTFOOT. Mr. Chairman, we are prepared to accept the amendment. It adds the Agency for International Development to the three agencies eligible for buyouts under the bill.

I would like to point out this is a significant extension of the buyout authority contained in the bill. When Congress last gave the administration buyout authority in 1994, the administration did not use it carefully, and allowed agencies to use buyouts without tying them to a careful restructuring plan. The result was, in some instances, that agencies offered buyouts to employees, then just turned around and hired someone else for that position.

Our response this year on buyouts is to target them very carefully to allow them only in instances in which we know that they are absolutely needed. It is easier to do for those agencies under our jurisdiction, such as IRS, Customs, and ATF. For that reason, I am hesitant to include an agency outside of our jurisdiction, but having said that, and having talked with the gentleman and others, we will accept the amendment. The gentleman believes that authority will not be abused by AID.

Mr. WOLF. Mr. Chairman, I thank the gentleman very much.

Mrs. MORELLA. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentlewoman from Maryland.

Mrs. MORELLA. Mr. Chairman, I just want to add my very strong support. I want to thank the chairman of the subcommittee for accepting this amendment that is so critically important, because to do otherwise, 200 people would be RIFed from the Agency for International Development. I salute the offeror of the amendment and the acceptor of the amendment.

Mr. HOYER. Mr. Chairman, I ask unanimous consent to claim the time in opposition to the amendment, notwithstanding my support of it.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The CHAIRMAN. The gentleman from Maryland [Mr. HOYER] is recognized for 5 minutes.

Mr. HOYER. Mr. Chairman, I rise in support of this amendment. I appreciate the support of the amendment by the gentleman from Iowa [Mr. LIGHTFOOT] as well. The gentleman from Virginia [Mr. WOLF] and I and others have worked very hard to make sure that as we reduce the size of the Federal Government, which is a consensus, we have all agreed on that, and in fact as I said last night, the Federal Government is now and will be at the end of this year the smallest it has been since the Presidency of John Kennedy, smaller than either under Presidents Reagan or Bush, and that is a direction we have decided on together as a Congress to pursue with the administration. In fact, the administration proposed that procedure and objective and has supported it. We are going to reduce some 275,000 employees; perhaps even more with the budget cuts that have occurred.

In that process, as employers, we ought to make that reduction in as sensitive, humane, and managerially sound way as possible. Buyouts do that, and that is why I support them. In fact, the GAO has pointed out that buyouts are cheaper than RIF's, because the RIF requirements impose certain costs which exceed the costs of the buyout. As a result of that, I think this is a wise policy from the taxpayers' standpoint, and policy consistent with the morale of those who carry out the duties assigned to them by the Government and by us. Therefore, I therefore rise in support of the amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Virginia [Mr. WOLF].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. HOYER

Mr. HOYER. Mr Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HOYER: Page 79, line 4, strike "February 1, 1997" and insert "March 31, 1997".

The CHAIRMAN. The gentleman from Maryland [Mr. HOYER] will be recognized for 5 minutes and a Member in opposition will be recognized for 5 minutes.

The Chair recognizes the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, this is an amendment similar to that of the gentleman from Virginia [Mr. WOLF] in that it extends buyouts by 60 days, and that is all it does, the time in which the agencies would have to affect the buyout.

Mr. Chairman, I believe the chairman of the committee is in agreement with this, and I believe that the chairman of the subcommittee is not in opposition to this, as well.

Mr. LIGHTFOOT. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Iowa.

Mr. LIGHTFOOT. Mr. Chairman, the gentleman is correct. We have some concern that by extending the buyouts by 2 months, it gives a sense of false security to the people that are there. The more an agency waits to complete a buyout, the more it costs, and the more it costs, the less money the agency has and the more it needs to downsize. But we are optimistic we can address this concern.

We have had discussions with the gentleman from Maryland [Mr. HOYER] and the gentleman from Florida [Mr. MICA], I believe, is also on board at this point in time, so I believe we are all in concert. With the blessings of the authorizing committee as well as ours, I am prepared to accept the amendment.

□ 1330

Mr. HOYER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I thank the gentleman for yielding me this time. Again I thank the chairman of the subcommittee also for the acknowledgment we have had that he will accept what I consider to be a very important amendment offered by the gentleman from Maryland.

Mr. Chairman, in 1994, the Federal Workforce Restructuring Act provided Federal civilian agencies with the authority to offer voluntary separation incentives for a 1-year period that ended March 31, 1995. These incentives helped to avoid involuntary separations and eased the number of RIF's necessary to meet the downsizing goal of 272,000 FTE's.

The buyouts contained in this legislation are particularly important because they are targeted to the IRS, BATF, and the U.S. Customs Service. Each face imminent FTE reductions, and this buyout authority will help ease the pain and avoid chaos. They have been carefully planned and reviewed; the director of the Office of Management and Budget must approve each plan, and the plan approval will ensure that any separation incentive is appropriately targeted within the agency. An agency's FTE number will be reduced by one for each employee of the agency who receives an incentive.

I applaud the Appropriations Committee for including buyout authority in this bill, but I worry that one quarter is not enough. The last round lasted a full year. This amendment would simply extend the time by one quarter—from February 1, 1997 to March 31, 1997—so that agencies and employees can make informed decisions and fully explore their options as they leave public service. It is also critical that we allow retirement-eligible employees to take the buyouts. These employees are often the most willing to take buyouts, and precluding agencies from allowing them to use buyouts does not make strategic sense in targeted downsizing. I urge my colleagues to join me in supporting the Hoyer amendment.

Mr. HOYER. Mr. Chairman, I rise to offer an amendment that would change the deadline by which Federal employee buyouts provided in this bill must be taken from February 1, 1997 to March 31, 1997.

I understand that this amendment is acceptable to the chairman whom I want to commend for including buyout authority for three agencies: the IRS, ATF, and the Customs Service.

There is no dispute that, when an agency is going to downsize beyond normal attrition, buyouts are a fair and cost effective alternative to involuntary reductions in force.

They are also more reasonable for the Federal workers who are innocent victims of the budget battles here in Congress.

Buyouts offer managers flexibility to decide who can be spared from what departments in contrast to RIF's which often cause the loss of the bright young people who represent the future of the organization.

In a May 1996 report, the General Accounting Office found that the 5-year savings from buyouts generally exceed those from RIF's except in the occasional case where RIF's are done without allowing employees to bump others with less tenure.

GAO noted that when senior RIF'ed employees can bump lower level employees, using a buyout instead of a RIF typically saves an additional $60,000 over 5 years.

More than 112,000 buyouts have been paid Governmentwide since 1993—saving the taxpayers millions and millions of dollars.

I was a leading proponent of those buyouts and I support continuing Governmentwide buyouts. In fact, I have joined Representative WOLF in introducing legislation that would allow some buyouts throughout the Government—H.R. 2751.

So I believe the provisions in this bill are a step in the right direction. Regretfully, they are only a small step.

Some of the limitations on who is eligible to take buyouts are, in my view, too restrictive. I will continue to talk with the chairman and others about that.

Also, we offer the provisions to just a few agencies even though others throughout the Federal Government are downsizing.

However, today I simply offer an amendment that extends the deadline for implementing buyouts by 2 months—from February 1 to March 31.

This amendment, which lengthens the window for buyouts from 4 to 6 months, makes buyouts a more viable tool for managers and employees alike.

I believe the amendment has been cleared and I thank the chairman for his concern for the impact that budget reductions may have on employees at the IRS, the Customs Service, and ATF.

Mr. HOYER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland [Mr. HOYER].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments?

AMENDMENT OFFERED BY MR. SALMON

Mr. SALMON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. SALMON: Page 33, line 13, insert after "$40,193,000" the following: "(reduced by $500,000)".

The CHAIRMAN. Pursuant to the order of the House of Tuesday, July 16, 1996, the gentleman from Arizona [Mr. SALMON] will be recognized for 5 minutes in support of his amendment and a Member in opposition will be recognized for 5 minutes.

POINT OF ORDER

Mr. HOYER. Mr. Chairman, I make a point of order.

The CHAIRMAN. The Chair recognized the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, under the unanimous consent that was offered and agreed to, while the gentleman from Arizona [Mr. SALMON] does in fact have an amendment that is reserved for him for 10 minutes, it specifically refers to the White House Travel Office. This amendment, of course, is a reduction in the entire budget of the White House itself and I would suggest is not within the framework of the unanimous-consent request.

Mr. SALMON. Mr. Chairman, it is virtually the same amendment that we submitted for the unanimous-consent request. I appeal to the Chair on that issue.

The CHAIRMAN. The Chair would inquire of the gentleman if it does pertain to the White House Travel Office which is what the unanimous-consent agreement as outlined would do.

Mr. SALMON. Yes, it does. If I may be permitted to speak, I will explain how.

The CHAIRMAN. The gentleman from Arizona may proceed.

Mr. SALMON. Mr. Chairman, last year I introduced a piece of legislation that I think could have been dubbed the Personal Responsibility Act. We are going to be talking a lot about personal responsibility this week when we talk about welfare reform. I think most of us know that a couple of years ago there was a real problem within the White House Travel Office

Mr. HOYER. Mr. Chairman, are we proceeding on the point of order?

The CHAIRMAN. The Chair is attempting to hear argument on the point of order, on whether or not this amendment relates to the White House Travel Office which was part of the unanimous-consent agreement last night.

Mr. HOYER. I thank the Chair.

The CHAIRMAN. The gentleman from Arizona may proceed.

Mr. SALMON. Mr. Chairman, let me be as succinct as I possibly can. In a nutshell, all this amendment does is reduce within the administration and the Office of the White House the amount commensurate that we have already appropriated within the bill to compensate the seven people from the White House Travel Office that were, many of us believed, unlawfully terminated and vigorously pursued by the administration via the FBI. We already know the story. There is money in the bill to compensate these people. My proposal is simply that we get back to accountability and that the Office of the White House and the administration of the White House pay those moneys. Instead of appropriating new tax dollars to compensate those victims, that the money come out of already appropriated moneys and we get back to the concept of personal responsibility.

Mr. HOYER. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The Chair recognized the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, if the Chairman will review the amendment that has been offered and on which unanimous consent was accorded, he will see that it has two sections, an A section and a B section. It refers to the payment of moneys to individuals who worked for the Travel Office.

Specifically it says in section 301(a), "If an individual whose employment in the White House Travel Office was terminated on May 19, 1993, submits a claim under this subsection to the Secretary of the Treasury within 180 days after the date of the enactment of this Act, the Secretary shall pay to the individual an amount equal to legal fees and expenses incurred by the individual with respect to that termination."

It then goes on to say, "For payments required under subsection (a), to be derived in equal amounts from funds made available in this title under the heading Compensation of the President and the White House Office—Salaries and Expenses and funds made available in this title under the heading Office of Administration, there are available to the Secretary of the Treasury up to $500,000."

Mr. Chairman, I submit that this amendment has very little relationship to the amendment on which the unanimous consent was accorded. The reason for that is that it provides for payment to no one. It relates to the reduction of no specific office, Office of Administration or other White House account. This deals generally with the White House account across the board. As a result, I think it is clearly inconsistent with what Members gave unanimous consent about. One has to do with a cut in the White House budget. One has to do with reimbursement of White House travel officers.

The CHAIRMAN. The Chair, in attempting to rule on this point of order, would like to inquire of the gentleman from Arizona if the amount that he is proposing is specific to the White House Travel Office employees.

Mr. SALMON. Mr. Chairman, the amendment is very straightforward. It applies to the Office of Administration and the White House itself. However, in the unanimous-consent request, it simply stipulates that it must relate to the White House Travel Office which is a subcategory of the Office of Administration.

What I am trying to accomplish, I am trying not to be redundant. Since there is already a proposal within the legislation itself to compensate the Travelgate victims, I am simply reducing the amount from the Office of Administration and the White House. They have full purview to go to the Office of Travel and take the money from there if they so desire. I see no inconsistency with the unanimous-consent request.

The CHAIRMAN. In attempting to comply with the guidelines that have been outlined under the unanimous-consent agreement, the Chair is constrained to insist that it be very specific on the dollar level for the White House Travel Office.

Mr. OBEY. Mr. Chairman, if the chair is about to rule that the amendment as offered is not consistent with the unanimous-consent agreement, then I would have no further comment. I simply was intending to rise to make the point that, if we cannot count on the fact that amendments that are going to be offered are those which are discussed prior to unanimous-consent agreements, then it is going to be impossible to get unanimous-consent agreements around here.

Mr. HOYER. Mr. Chairman, further on the point of order, Mr. Chairman, let me first of all say I believe the gentleman from Arizona is one of the Members of this body who has high integrity and good faith, and I understand that he offers this in good faith. However, the amendment that he originally offered on which the unanimous consent was given is subject to a point of order. He has attempted to correct that understandably by his amendment that he has now offered.

The problem, Mr. Chairman, in answer to the question, did it deal specifically, the gentleman said, honestly, as I would have expected him to answer, no, it does not; and in fact it does not. In fact he offered it, however, to deal with the White House and the Office of Administration. It does not in fact, I tell the gentleman, deal with the Office of Administration. It deals with the White House budget per se in the section that he affects in terms of the line that he affects. As a result, Mr. Chairman, I think it is clearly inconsistent with the unanimous-consent request and therefore is not in order under that consent agreement.

The CHAIRMAN. The Chair is prepared to rule unless any other Members wish to be heard on the point of order.

Does the gentleman from Arizona wish to be heard further?

Mr. SALMON. Mr. Chairman, I would just simply like to say that we tried to accommodate all sides on this. Obviously, we did not want to be redundant. I believe that we have made a good-faith effort to make sure that we were consistent with the amendment that we offered yesterday that was adopted under unanimous consent. I believe that we have made every effort to do that. As the gentleman stipulated, it was completely in good faith. I would just appeal to the Chair.

The CHAIRMAN. The burden of establishing that the amendment relates to the White House Travel Office as required by the unanimous-consent order of the House of yesterday has not been carried by the gentleman from Arizona. That is the ruling of the Chair. The amendment is not in order.

AMENDMENT OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follow:

Amendment offered by Mr. SANDERS: Page 119, after line 8, insert the following new title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds appropriated by this Act shall be available to pay any amount to, or to pay the administrative expenses in connection with, any health plan under the Federal employees health benefit program, when it is made known to the Federal official having authority to obligate or expend such funds that such health plan operates a health care provider incentive plan that does not meet the requirements of section 1876(i)(8)(A) of the Social Security Act (42 U.S.C. 1395mm(i)(8)(A)) for physician incentive plans in contracts with eligible organizations under section 1876 of such Act.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, July 16, 1996, the gentleman from Vermont [Mr. SANDERS] will be recognized for 10 minutes in support of his amendment and a Member in opposition will be recognized for 10 minutes.

The Chair recognizes the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Chairman, I yield 5 minutes to the gentleman from Oklahoma [Mr. COBURN], a cosponsor of this amendment, and I ask unanimous consent that he be allowed to control that time.

The CHAIRMAN. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. SANDERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment is substantively the same as an amendment No. 5 in the July 16, 1996, CONGRESSIONAL RECORD but it incorporates a technical change which I believe makes our intent clearer.

The amendment that I am offering today with the gentleman from Oklahoma [Mr. COBURN] along with the gentleman from New York [Mr. NADLER] and the gentleman from Florida [Mr. WELDON] touches on an issue of enormous consequence to millions of Americans, especially given the rapid transmission we are experiencing from traditional health insurance to managed care and HMO's. We can all agree on the need to control health care costs. However, we must also ensure that health care decisions which affect our lives and our well-being are made by physicians using medical rationale and who have the best interests of their patients at heart and not by insurance companies who may be putting their drive for profits before the best interests of their patients. Most importantly, Mr. Chairman, we must preserve the fundamental core of successful health care, and, that is, the doctor-patient relationship.

When a patient walks into a doctor's office, he or she must be 100 percent confident that the treatment that is being recommended comes from the doctor's best medical judgment and is not motivated by an insurance company's desire for greater profits.

□ 1345

A patient deserves to be told the full truth when going to a doctor and that is what this amendment is all about.

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

The CHAIRMAN. The gentleman from Oklahoma [Mr. COBURN] is recognized for 5 minutes.

Mr. COBURN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is about looking at perspective and motivation and what our charge is as physicians as we look at health care in this country, and every physician, every provider, takes an oath to put patients and their well-being first.

This amendment simply protects Federal employees the way we have protected Medicaid and Medicare patients by saying there cannot be a perverse incentive to not put the patient first, and it also states that in doing so, the well-being of the patient will be put first.

This amendment is supported by over 123 provider groups. It is vastly supported by Members of the House. It is a start back down the road where physicians are asked to do the right thing, to not be placed in the position in a competitive environment where they sacrifice quality care for their own livelihood, and this amendment prohibits that in regard to Federal employees.

It is my understanding that we may, in fact, have an acceptance of our amendment by the chairman of this subcommittee.

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

Mr. LIGHTFOOT. Mr. Chairman, I ask unanimous consent to control 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa [Mr. LIGHTFOOT]?

There was no objection.

Mr. LIGHTFOOT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, at this point I am very inclined to accept this amendment. I do not think any of us are in favor of HMO practices that cause shoddy medical care; we are all very much opposed to that. I have been dismayed to learn, for example, about situations where HMO's have caused a woman who has had a baby to leave just hours after the birth of the child. We had a daughter who just had a daughter a few months ago. It does not make sense at all to leave early.

I think that the course of treatment for any given patient should be up to his or her doctor. They are the ones in the best position to make that determination.

It is also a very difficult area in which to try and make law. Since 1994, the Department of Health and Human Services has been tasked with developing a set of regulations, eliminating certain types of HMO incentives for Medicare and Medicaid. These regulations are still incomplete, and I do not think that we can solve here in 20 minutes what HHS has been trying to figure out for 2 years.

I do not pretend to know the answers, either. I am not sure that any of us know what the real answers are. But what I do know is that we have not taken any time to deliberate a very complicated issue.

This committee has held no hearings on it. The authorizing committee of jurisdiction learned about the matter yesterday. For now, be willing to accept the amendment. I think it is a well-intended amendment. As we go to conference, we will continue to work and look at this amendment and its ramifications.

Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, I subscribe to the remarks the gentleman just made.

Obviously, this committee has not addressed this issue. Having said that, just as obviously the proponents of this amendment I think have a proposition with which all of us would agree, and do agree, and this is an issue which we are going to have to study between now and conference from a substantive standpoint.

The chairman points out correctly that regulations in this area, vis-a-vis Medicare and Medicaid, as I understand, have taken even longer than 1994 to date and antedate that by some time.

Having said that, I think clearly the objective that the two gentlemen seek is an objective that is an important one and which I think all of us support.

Mr. COBURN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I take a few moments to clarify the record. The Committee on Commerce has held hearings on this. We have had one hearing in which we had significant testimony where care was denied based on the perverse incentives to the physician, and I think it is just the start of hearings that we are going to have in this regard, and I would like that placed in the RECORD.

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

Mr. SANDERS. Mr. Chairman, I yield 1½ minutes to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Chairman, I am very gratified to hear that this amendment is being accepted, at least for the time being.

I want to say that the practice of physicians being offered incentives, positive incentives that if they deny a treatment, they get more money, and negative incentives, if they grant the treatment, they get less money, and this form of health care that is proliferating throughout this country has led, as the gentleman said, to many denials of health care where it was needed, and it also constitutes an institutionalized conflict of interest.

If someone came to any Member of this body and said, "Vote this way and I will pay you $1,000," we would call that a bribe, it would be against the law. But, in effect, what you have with many of these HMO's now is a practice where the insurance company comes to the doctor and says, "If in all your patients this next week you do not refer more than "X" number to specialists or to have a test, a CAT scan, we will give you more money, and if you do, we will take away money from you."

So the doctor, when he looks at a patient and thinks, do I really need to? This patient has chest pains, whatever. Do I need to refer him to a cardiologist, has to think in the back of his or her mind, gee, I have already referred three people to a specialist this week. If I refer a fourth, it will cost me money. It is putting a direct conflict between the patient's interest, which the doctor is sworn to uphold, and the doctor's financial interest. That is an institutionalized conflict of interest.

It is a fundamental problem and this amendment begins to address that, and I thank the body for accepting it.

Mr. COBURN. Mr. Chairman, I yield 1 minute to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Chairman, I am so pleased that this being accepted today. I strongly support it. It is a very straightforward proposition. It protects the ability of doctors to give their patients the best medical advice and, after all, that is what doctors do, that is what they have historically done, and that is what the Hippocratic oath is all about.

Make no mistake about it, the ideas of the bottom-line medicine that is being practiced in some circles is unconscionable. It cannot only lead to poor quality of care in many cases, as has been more recently annotated, it could be a matter of life and death.

I thank the chairman for accepting this amendment and I thank the authors of the amendment.

Mr. Chairman, I rise in strong support of the Sanders-Coburn amendment to H.R. 3756, the fiscal year 1997 Treasury-Postal Service appropriations bill, which would prohibit any funds in this bill from paying any managed care network under the Federal Employees Health Benefits Plan that offers physicians financial incentives to withhold medically necessary information from their patients.

I hope that the House overwhelmingly approves this simple, straightforward proposition that seeks to protect the ability of doctors to give patients their best medical judgment on possible treatment options. That's what doctors have historically done. That is the meaning of the Hippocratic oath.

Earlier this week, the Newark Star Ledger, New Jersey's largest daily newspaper, editorialized against the objectionable practice of some managed care networks for discouraging physicians from providing their patients with full information about their diagnosis and treatment options.

The Star Ledger said, and I completely agree "there is good reason to suspect arrangements that pay the doctor more for treating you less or for nodding in agreement when the treatment cooked-up by the health plan's computer goes against the doctor's best judgment."

Simply put: Doctors must be able to provide their patients with all available information and advice about treatment options. Anything else is completely unconscionable. This is bottom-line medicine and don't be misled—this could be a matter of life and death as has been more recently reported by reputable authorities.

Too many HMO's today seek to undermine the sacred doctor-patient relationship by preventing physicians from providing patients with a full range of advice, because they are seeking to enhance the managed care network's bottom-line, at the direct expense of a patient's health. This can be a matter of life and death.

Doctors in HMO's are frequently penalized by having their salaries either reduced, or withheld, by the health plan for advising patients to seek treatment from a specialist.

This is wrong, and the Sanders-Coburn amendment is a modest attempt at protecting the right of physicians to give patients the best medical judgment.

I urge my fellow Members of the House to join me in supporting this worthwhile amendment.

Mr. SANDERS. Mr. Chairman, I yield 10 seconds to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, I rise simply to make the point that I am against, and I want to make it clear, the form of this amendment unrelated to its substance, which I have already said I agree with. This made-known language, which I will make an additional point on in a future amendment, we should not pursue.

Mr. COBURN. Mr. Chairman, I yield the balance of my time to the gentleman from Florida [Mr. WELDON].

Mr. WELDON. Mr. Chairman, I thank the gentleman for yielding me the time, and I rise in strong support of the Sanders-Coburn amendment.

As most of my colleagues know, prior to coming to the House of Representatives, I was a practicing physician. I practiced for 6 years in the Army Medical Corps and then I went into private practice in Florida. One of the things that drew me to that medical practice with Melbourne Internal Medicine Associates, besides the beautiful climate and being there on the space coast, was the fact that the medical group I was asked to join was an extremely well run medical group.

When I was interviewing with the physicians with that medical group, it was quite apparent to me that the key to their success was that they always put quality patient care first and financial considerations secondary. They were always looking out for the best interests of their patients and, indeed, I have to say that as I have traveled all over the country through my years and met thousands of physicians, that is always the key to success for any physician, no matter what his specialty is, that he is always watching out for the best interests of his patient.

What I compliment the gentleman from Vermont [Mr. SANDERS] and the gentleman from Oklahoma [Mr. COBURN] in introducing is an effort to combat what I believe is a perversion of the doctor-patient relationship where doctors suddenly have perverse financial interests to deny patients quality care and quality access to care, and this has a very, very far-reaching impact if we as a body here do not try to address this issue.

The United States, as all Members know, is the world's leader in health care. The rest of the nations of the world read our medical journals and they not only look to us for the specific science but they also look to us for leadership in the area of ethics, and this is an ethics of medicine issue. Each and every time a doctor sees a patient, he should be always looking out for the interests of his patients.

Support the Sanders-Coburn amendment.

Mr. SANDERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think we are all in agreement, those of us who have spoken, about what the issue here is, and it is not a complicated issue. What all of us believe is that when a patient walks into a doctor's office, we want to know that we are getting the best possible treatment that we can get and that there is not a perverse incentive being offered to the physician to give us less than the best quality care that can be offered.

We do not want to believe that a physician can make more money by offering us lesser care. That is not what health care is supposed to be about and, most importantly, that is not what the doctor-patient relationship is supposed to be about. If there is any relationship built on trust in our society, it is supposed to be the doctor-patient relationship, and historically that has been the case.

What this amendment does, it applies to Federal employees what already exists in law for Medicare and Medicaid beneficiaries, and it says that there cannot be perverse incentives offered to physicians so that they do not provide Federal employees the best quality care available.

I thank all of the cosponsors for this amendment and look forward to the body's support.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont [Mr. SANDERS].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. KINGSTON

Mr. KINGSTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment Offered by Mr. KINGSTON: Page 119, after line 8, insert the following new title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to issue, implement, administer, or enforce the amendments to the Customs regulations pertaining to field organization proposed by the United States Customs Service and published in the Federal Register on June 17, 1996 (61 Fed. Reg. 30552–30553).

MODIFICATION TO AMENDMENT OFFERED BY MR. KINGSTON

Mr. KINGSTON. Mr. Chairman, I also have a modification at the desk and I ask unanimous consent for the modification.

The CHAIRMAN. The Clerk will report the modification of the amendment.

The Clerk read as follows:

Modification to Amendment offered by Mr. KINGSTON: In lieu of the matter proposed to be inserted, on Page 16, line 19 of the bill, after the dollar amount, insert the following: "(reduced by $2,000,000)".

The CHAIRMAN. Is there objection to the modification offered by the gentleman from Georgia [Mr. KINGSTON]?

There was no objection.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, July 16, 1996, the gentleman from Georgia [Mr. KINGSTON] will be recognized for 4½ minutes in support of the amendment and a Member in opposition to the amendment will be recognized for 4½ minutes.

The Chair recognizes the gentleman from Georgia [Mr. KINGSTON].

Mr. KINGSTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me just say right now we are trying to address a problem that has occurred at the Sanford Airport in Florida and one that has developed as a result of that in Bangor, ME, and we have some private sector investors who have bargained to work in good faith with the U.S. Customs Service on that. It seems now there might be a problem, maybe of major miscommunication on it. We are trying to address that problem.

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

The CHAIRMAN. Is there a Member who seeks time in opposition to the amendment?

Mr. BALDACCI. Yes, I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Maine [Mr. BALDACCI] is recognized for 4½ minutes to control time in opposition to the amendment.

Mr. BALDACCI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased that Mr. Kingston has withdrawn his earlier amendment that was being put forward. The situation is, is that most of these airports that are ports of entries have established a threshold which says over this threshold, you are going to have to assess passengers $6.50 apiece. So all international airports are doing this that are over that and that are ports of entry.

The particular airport in question is much more over that, an estimate of Customs is that 115,000, but yet it still not charging the higher fee and is able to market customers away from the other ports of entry, like Bangor, and take an unfair advantage in that particular situation, which has caused this situation with this amendment to develop.

Mr. Chairman, I look forward to now working with the gentleman from Georgia [Mr. KINGSTON] and others, to have these discussions in regard to this particular issue. But that is the preceding issue of concern to people in Maine and all over the East Coast.

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

□ 1400

Mr. KINGSTON. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Chairman, I just want to thank the gentleman from Maine and also the gentleman from Georgia for cooperating in this compromise.

The gentleman from Georgia has private investors who have invested in an airport in my district and the gentleman from Maine has some problems with what Customs has interpreted in this situation, and I think that this is a good compromise. It is a placeholder and it allows us to deal with Customs. We do not want to cut their budget. What we want to do is get a proper resolution of this problem, and this is, in

fact, a placeholder so that Maine, Georgia, and Florida can work this problem out. Hopefully we will not hurt Maine or the new airport in the Orlando-Sanford area.

So I thank my colleagues for working out this compromise and support the amendment of the gentleman from Georgia [Mr. KINGSTON], and urge its adoption.

Mr. BALDACCI. Mr. Chairman, I appreciate the comments from the good Representative, the gentleman from Florida [Mr. MICA], and also the gentleman from Georgia [Mr. KINGSTON].

Just to further reinforce, I agree with Customs' determination in its classification and the rules it is promulgating. I am not in disagreement with that, but I am looking forward to the discussion that should ensue with all people in regards to this particular matter. But I wanted to make that clear.

Mr. Chairman, I yield back the balance of my time.

Mr. KINGSTON. Mr. Chairman, I yield myself such time as I may consume.

I just want to say what I believe has happened from the investors' standpoint is, trying to encourage private investment and getting into an airport, they felt like they had a certain agreement with Customs and that Customs, in the later stages, changed the rules of the game on them.

We had a sincere concern with the way Customs has apparently handled that, but the gentlemen from Maine, Mr. BALDACCI and Mr. LONGLEY, have brought up some excellent points in terms of the impact on Bangor's inconsistency with Customs, and so forth. So we are all working together to try to continue this dialogue.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. KINGSTON].

Mr. HOYER. Mr. Chairman, point of clarification. The amendment we are voting on is the substitute which the gentleman has offered for the language?

The CHAIRMAN. The amendment, as modified by unanimous consent.

Mr. HOYER. Which is simply the $2 million reduction; am I correct?

Mr. KINGSTON. That is correct.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from Georgia [Mr. KINGSTON].

The amendment, as modified, was agreed to.

The CHAIRMAN. Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. GUTKNECHT

Mr. GUTKNECHT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. GUTKNECHT: Page 119, after line 8, insert the following new section:

SEC. 701. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 1.9 percent.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, July 16, 1996, the gentleman from Minnesota [Mr. GUTKNECHT] will be recognized for 10 minutes in support of his amendment and a Member in opposition will be recognized for 10 minutes.

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

Could the gentleman clarify for us exactly which amendment? Is it amendment No. 7 or amendment No. 2?

Mr. GUTKNECHT. It is amendment No. 2.

Mr. HOYER. Mr. Chairman, I think the gentleman only has one amendment remaining. We have dealt with one of his amendments. He only had two. We dealt with the reduction of political appointees, and I believe the only amendment, this amendment, deals with the reduction of 1.9 percent across the board.

Mr. GUTKNECHT. The gentleman is correct.

The CHAIRMAN. It is still amendment No. 2.

Mr. HOYER. I will agree with that.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota [Mr. GUTKNECHT] for 10 minutes in support of his amendment.

Mr. GUTKNECHT. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I feel a little bit like the famous cartoon character Horton, who hatched the egg. Just to remind Members what this is all about, back when we passed the budget resolution the joint conference committee report with the Senate, this Congress did something which many of us felt was inappropriate and something that needed to be corrected.

We literally agreed to increase spending by $4.1 billion more than we had agreed we would spend last year. Unfortunately, that budget resolution, the conference committee came back after we passed a couple of the budget bills previous to this.

Now, I certainly do not want to cast any aspersions on the subcommittee chairman and the work of the Committee on Appropriations, but I think in terms of keeping faith with our promises last year and keeping faith with the American people and most importantly keeping faith with the American children, I think it is important that we do everything within our power to try to recover that fumble.

What we did was we increased spending by $4.1 billion. So we sat down, some of us freshmen with our staff, and said how can we help recover that fumble. One of the ways we can do that is offer an amendment to every appropriation bill for the balance of the appropriation season that would cut discretionary spending 1.9 percent across the board.

Now, 1.9 percent is not a huge cut. As a matter of fact, in this bill we are talking about total spending of $23 billion. Applying our formula, we are asking the full committee here to reduce spending $213 million. Now, $213 million is a lot of money, but in terms of a percentage of the total spending in this bill it is less than 1 percent. So applying the 1.9 percent formula just to the discretionary side of this appropriating bill cuts $213 million.

The question we have to ask ourselves, and I think a legitimate question the American people should ask us, if we cannot cut 1 percent off the total spending in this bill, how in the world are we going to say to the American people that in 3 years we are going to be able to cut $47 billion in spending. The unvarnished truth is we may not be able to.

Mr. Chairman, this is an important amendment, and I would appreciate my colleagues support.

The CHAIRMAN. Is there a Member seeking time in opposition to the amendment?

Mr. LIGHTFOOT. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa [Mr. LIGHTFOOT] for 10 minutes.

Mr. LIGHTFOOT. Mr. Chairman, I yield myself such time as I may consume.

As presented to the House, the Treasury-Postal bill achieves a deficit reduction of $513 million. That is since last year. The subcommittee has achieved a total of $1.2 billion in deficit reduction since January of last year, and we have done this by targeting specific programs, by terminating obsolete agencies and programs, and restructuring agencies and activities to create efficient and effective organizations.

In all due respect to my good friend from Minnesota, I think his amendment is not well thought out because there are no policy assumptions. One of the problems with across the board cuts in any bill is that it just takes a swipe out of everything. You end up taking little nicks out of big programs that need big nicks and you take big nicks out of little programs that are struggling to get along and do things that we really need. There is no recognition that some of these agencies and programs we have already cut 20, 30, 40 percent. We have already cut them.

My colleague should be aware that the amendment will mean cuts to basic law enforcement functions of the Department of the Treasury. As my colleague said, voting for this bill is just a simple little 1.9 percent cut or 2 percent, if we want to round the figure off. If we want to vote for it, then that

means we are going to vote to cut $228,000 out of the ATF's investigation on church fires. If we vote for the Gutknecht amendment, that means we are willing to take $80,000 out of the investigation for missing and exploited children, including child pornography. If we vote for his amendment, it means we are saying no to $1.3 million to go to the Customs Service for drug interdiction along the Southwest border. If we support this amendment, it means we are saying no to $532,000 for Customs' drug interdiction in the Caribbean. If we support this amendment, we are saying no to $662,000 for the drug czar to set up his new office. And if we support this amendment, we are saying no to $2.1 million for the drug czar's efforts to fight drugs in high crime neighborhoods and districts.

I think these cuts are unreasonable, particularly given the subcommittee's strong report on deficit reduction. As I said earlier, we have thought this out very closely. We have argued over these numbers, we have fought over them, we have cut every place we can cut. But I think the responsible way we get to balancing the budget is we evaluate each agency and each program on its merits and then we make the necessary cuts, and in some of these we have already cut as much as 40 percent.

Mr. Chairman, I would urge my colleagues to oppose the amendment.

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

The CHAIRMAN. The Chair wishes to inquire of the gentleman from Minnesota if he would like to ask unanimous consent to withdraw his amendment and offer a different amendment?

There has been some confusion up here at the desk over the two amendments that were offered and we have been informed that the gentleman wishes to offer another amendment.

Mr. GUTKNECHT. Yes.

Mr. HOYER. Mr. Chairman, reserving the right to object, and with all due respect.

The CHAIRMAN. The gentleman has not propounded a unanimous consent request yet.

Mr. HOYER. He responded "yes" to the Chair's asking for a unanimous consent on his behalf, it sounded to me like.

The CHAIRMAN. Does the gentleman have a request for the Chair?

Mr. GUTKNECHT. Mr. Chairman, let me first of all say, if I might, there was some confusion. There apparently is a different list. We were item No. 7, now we are item No. 2. In either event, I intend to offer my amendment to reduce expenditures across the board 1.9 percent. If that requires a unanimous consent request to withdraw this amendment, I would be happy to do that, but I do intend to offer the amendment in either event.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

Mr. HOYER. Mr. Chairman, reserving the right to object. I appreciate the Chair's advising all of us as to what the status is. Apparently, I do not know what amendment is pending at the desk. Would the Chair clarify and have the Clerk clarify what amendment is pending at the desk now?

The CHAIRMAN. The Clerk will report the pending amendment, which is amendment No. 2.

The Clerk read as follows:

Amendment No. 2 offered by Mr. GUTKNECHT of Minnesota: Page 119, after line 8, insert the following new section:

Sec. 701. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 1.9 percent.

Mr. HOYER. That is a reduction, as I understand it, of 1.9 percent in discretionary funds; is it not?

Mr. GUTKNECHT. Mr. Chairman, will the gentleman yield?

Mr. HOYER. Mr. Chairman, under my reservation of objection, I yield to the gentleman from Minnesota.

Mr. GUTKNECHT. Mr. Chairman, I would advise the gentleman that that is the amendment we have been debating for the last 4 minutes, yes.

Mr. HOYER. Apparently, the Chair believes that that is not the amendment that was being debated. That is the amendment I thought it was.

I am unclear what the Chair is asking and what the gentleman is asking in terms of a unanimous consent until such time as I understand what is going on.

The CHAIRMAN. The Chair will inform the committee that it was our understanding that staff had come to the desk and offered a different amendment and had asked that that amendment be considered. That was the understanding of the Chair.

If that is not the case, we will proceed with debate of amendment No. 2.

Mr. GUTKNECHT. Mr. Chairman, if the gentleman would continue to yield.

Mr. HOYER. Mr. Chairman, under my reservation of objection, I will be glad to continue to yield so we can straighten this out.

Mr. GUTKNECHT. Mr. Chairman, I apologize. Apparently, we had brought to the desk a modification of an original amendment. I was not sure if it was No. 2 or 7. If the Clerk would please make it clear which amendment.

The CHAIRMAN. It is amendment No. 2.

Mr. HOYER. Mr. Chairman, on my list, amendment No. 2 or 7 is irrelevant. If the Chair says 1, 2, 3, we have not been going in order so it is somewhat confusing as to what 1, 2 and 3 is. If it is No. 2, we have done 8 before it.

The CHAIRMAN. The Chair will inform the committee that both are across-the-board amendments. The difference is that they place the language at different points in the bill.

Mr. HOYER. Mr. Chairman, before I give unanimous consent, I want to see both amendments, and I do not have both amendments in front of me.

The CHAIRMAN. Does the gentleman seek unanimous consent to withdraw the amendments? If not, we are proceeding with debate on amendment No. 2.

Mr. GUTKNECHT. Mr. Chairman, perhaps I can modify my request. What I would request of the Chair is that I be permitted to substitute amendment No. 7 for amendment No. 2, and I would request unanimous consent.

The CHAIRMAN. The gentleman has asked unanimous consent. The gentleman from Maryland has reserved the right to object.

Mr. HOYER. Reserving the right to object, I am looking at the text now.

□ 1415

Mr. Chairman, I believe I have seen the two amendments the gentleman is talking about, but I wanted to make sure. One is at page 119 after line 8; one is at page 118 after line 16. Am I correct, however, that the substance, as a matter of fact, the exact verbiage of both is the same?

Mr. GUTKNECHT. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Minnesota.

Mr. GUTKNECHT. Mr. Chairman, I believe that is correct.

Mr. HOYER. Mr. Chairman, so that the only difference is where the gentleman places them in the bill.

Mr. GUTKNECHT. Mr. Chairman, that is correct.

Mr. HOYER. Mr. Chairman, continuing my reservation of objection, may I ask the gentleman, does he perceive any difference in the impact of the amendments as a result of the placement in one position or the other?

Mr. GUTKNECHT. Mr. Chairman, if the gentleman will continue to yield, I am afraid I do not know why, the reasons the staff recommended we change location.

Mr. HOYER. I will tell the gentleman, I suffer from that problem all the time.

Mr. GUTKNECHT. Mr. Chairman, I think I can clear this up. My amendment is not intended to affect appropriations for fiscal year 1996. That is the reason it has to be moved to the different location. We only want to affect discretionary appropriations for fiscal year 1997.

Mr. HOYER. So the amendment the gentleman wants to offer is the prospective amendment, and which amendment is that?

Mr. GUTKNECHT. Mr. Chairman, we believe it is No. 1.

Mr. HOYER. Mr. Chairman, if that is the case, then, and No. 2 is pending, I would have, checking with my own staff, given my quick analysis, it seems to me that this is carrying out what we thought we were considering.

If I can, however, before I withdraw my objection, the gentleman indicated

he intends to offer the other amendment. Is there another amendment? Is this the last amendment that the gentleman from Minnesota is offering?

Mr. GUTKNECHT. Mr. Chairman, if the gentleman will continue to yield, I think I can honestly say, this will be the last 1.9 percent amendment on this bill, yes.

Mr. HOYER. Mr. Chairman, but does the gentleman have any other amendment on this bill?

Mr. GUTKNECHT. No, I have no other amendments.

Mr. HOYER. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Without objection, the amendment is modified.

There was no objection.

The text of the amendment, as modified, is as follows:

Modification of amendment offered by Mr. GUTKNECHT: Page 118, after line 16, insert the following new section:

Section 637. Each amount appropriated or otherwise made available by Titles I through VI of this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 1.9 percent.

The CHAIRMAN. The gentleman from Minnesota [Mr. GUTKNECHT] has 8 minutes remaining, and the gentleman from Iowa [Mr. LIGHTFOOT] has 7½ minutes remaining.

Mr. GUTKNECHT. Mr. Chairman, I reserve the balance of my time.

Mr. LIGHTFOOT. Mr. Chairman, I yield 4 minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, I thank the gentleman from Iowa who knows me probably too well, he thinks.

Mr. Chairman, now that we have decided which amendment is pending, I am opposed to it, I say to my friend from Minnesota. And very frankly, if we had decided the other amendment, I would have opposed it. The fact of the matter is, this bill spends too little money. Who says that? The Committee on Ways and Means says that.

This bill has already cut $130 million below last year's. In the committee report, we assume the Federal employees in this bill as well as every other bill are going to get a 3-percent raise. I am for that. I think that is appropriate. We assume as well that there are going to be additional costs, as every business operator assumes.

So that not only are we cutting $130 million below last year's appropriation, but we are cutting very substantially more below actual costs to do exactly the same services.

Furthermore, as the Committee on Ways and Means has pointed out, they are very concerned that we have sufficient resources to carry out the present responsibilities of the Internal Revenue Service under law. The Committee on Ways and Means has further said that they are very concerned about the IRS being able to service the taxpayers consistent with their responsibilities.

Furthermore, the IRS has been cut $700 million plus dollars, three-quarters of a billion dollars. The gentleman's amendment, as pointed out by the chairman, cuts across the board and makes no judgment as to whether or not an agency has been cut deeply, has been increased or has stayed the same. That is why these across-the-board amendments are so unwise. It is incumbent upon us to make judgments. Sometimes those judgments are hard judgments. We have to make a determination how much an agency needs, how necessary is an agency, how necessary are the functions that that agency carries out.

I believe that the IRS is woefully underfunded under the provisions of this bill. But cutting them 1.9 percent, you simply exacerbate and make worse the problem confronting the Nation, not IRS, the Nation. Why? As the gentleman from Texas [BILL ARCHER] said in his letter of June 26 to the gentleman from Louisiana [Mr. LIVINGSTON], he believes the cuts that currently exist, currently, even without this cut, according to the Committee on Ways and Means, that the Internal Revenue system is getting under this bill puts at risk deficit reduction. The irony of the gentleman's amendment is, the Committee on Ways and Means, not this side of the aisle, the gentleman from Texas [Mr. ARCHER] and the gentlewoman from Connecticut [Mrs. JOHNSON], as well as the gentleman from California [Mr. MATSUI] and the gentleman from Florida [Mr. GIBBONS], believe the present underfunding of IRS puts at risk deficit reduction. In point of fact, I believe this amendment, if adopted, would cost hundreds of millions of dollars in lost revenues and deficit reduction.

I know that the gentleman offers this amendment sincerely, concerned as I am about the budget deficit. I am one of those who voted for a balanced budget amendment, as I think the gentleman knows. I believe we need to balance the budget. I voted for the coalition budget, which balanced the budget by 2002 and created $137 billion less debt. I hope that we defeat this amendment which would be costly to the taxpayers and the country.

Mr. GUTKNECHT. Mr. Chairman, I yield 4 minutes the gentleman from Indiana [Mr. SOUDER].

Mr. SOUDER. Mr. Chairman, I want to first congratulate the gentleman from Maryland, who is a very articulate spokesman for his constituents. And if I were a Federal worker who lived in his district, I would, too. I also believe he believes in his heart in the importance of the Federal Government, and I know he has been conscientious on other budget matters.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. SOUDER. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I appreciate my friend's comments about me. But essentially, I was quoting Mr. ARCHER of Texas, the chairman of the Committee on Ways and Means, expressing his views, because I understand that some may believe I am subjective to protect Federal employees, which I am, that is why I quoted Mr. ARCHER of the gentleman's party and chair of the Committee on Ways and Means.

Mr. SOUDER. Mr. Chairman, the second point I was going to make is that on the 1.9 percent amendment, it has been very interesting, because if this was the only bill where we heard that a 1.9 percent across the board cut in this department would devastate a particular program or a department, it would be a little more believable. One point nine percent is not the total amount that comes out of the IRS. It comes out of many different subsections of this bill.

It seems like we hear this week after week after week, that we cannot do 1.9 percent, that 1 week we are devastating Yosemite Park, the next week we are devastating the entire thing. It is 1.9 percent. If the committees, and with all due respect, they have worked hard to get the budgets down, but if the committees would have been committed to not having the deficit go up the second year, we would not have offered this amendment.

This is a principled amendment. We came to Congress, and we talk about balancing the budget. We say we are trying to balance the budget. But the fact is the deficit goes up the second year. One point nine percent would change that. It would be nice to get some of that out of the entitlement programs, but since we cannot pass an entitlement bill, if we are not going to have the deficit come up, it has to come out of the discretionary programs. One point nine percent will not devastate the IRS; it will not devastate Yosemite Park.

Week after week we hear reasons why these bills are going to devastate the entire thing. In fact, some of our Republicans are starting to sound like the Democrats sound on our original bills, and it has been very disconcerting to many of the freshman.

Mr. HOYER. Mr. Chairman, if the gentleman will continue to yield, I do not know how the gentleman voted but, of course, the Republican budget that passed——

Mr. SOUDER. Mr. Chairman, I voted against it.

Mr. HOYER. Because the budget that his side of the aisle offered, of course, does exactly what he is concerned about.

Mr. SOUDER. I will hope that many, as some have on the Democratic side who say that they are for balancing the budget, will vote with those of us who have been trying to promote the 1.9

percent, because a 1.9 percent reduction on every appropriations bill will fix the bump up. It is a small bump up. We have been moving in the right direction, but the fact is the deficit goes up the second year we are here in Congress.

As far as the IRS, I understand that you need to have dollars to correct it. I understand that. We are saying that if we prioritize correctly, for example, in addition to the supplemental appropriations for church burning investigations, ATF, the Alcohol, Tobacco, and Firearms, remained funded at the same level. I find it hard to believe that they cannot carry out their function at a 1.9 percent reduction. We could take more of that if there was a prioritization correctly.

Also the same is true of the White House. They were able to give a 40 percent raise to someone like former security director Craig Livingstone, who had no apparent qualifications for that position, according to a committee hearing we were just in. They could absorb a 1.9 percent reduction. They have multiple pastry chefs at the White House, as well as the taxpayer funded database that we have been concerned about and concerned about the security systems. This 1.9 percent would not have to come out of the IRS, but at this point on the floor we are systematically offering 1.9 percent across the board, of which part of that falls on the IRS, part of that falls to ATF and different things because of procedures.

We are offering a philosophical statement that says 1.9 percent across the board. I personally would have had it categorized inside the appropriations bills and dealt with that, but this is our only way to express our frustration with this budget.

Mr. LIGHTFOOT. Mr. Chairman, I yield myself such time as I may consume to respond briefly.

I know it sounds good to say we are going to cut everything across the board. But, again, Members have got to remember, if they vote for this amendment to cut across the board, they have got constituents at home who they are going to have to answer to. Why did you take money out of the high-intensity drug traffic areas, why did you take money out of the drug czar office, which our leadership has asked that we put in, why did you take money out of missing and exploited children?

Yes, we have pastry cooks and, yes, we have political appointees that get paid salaries which some of us may think are outrageous. But the other side of the coin is, every administration is supplied with a budget for their political appointees and how they use these people is up to them.

We face the problem of addressing that particular issue as administrations change. That budget is there for one administration after the other. I think that is where we get into some real problems.

Again, I know my colleagues are well-intended. But we have cut $1.2 billion out of this budget since January of last year. We have tried to do it in a responsible manner, in making those cuts where we can make them.

Reference was made to ATF and the church fires. The money that we put into ATF and the church fires we took from the IRS. So if we are going to cut another 1.9 percent, that does not make a whole lot of sense either. The ATF is going to be downsized about 445 employees. So that agency is already taking cuts. As I mentioned earlier, most of these agencies have been cut 10, 15, 20, some as high as 40 percent.

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

Mr. GUTKNECHT. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma [Mr. COBURN].

Mr. COBURN. Mr. Chairman, I recognize that the chairman has done and his committee have done great work on this. But I want to change the perspective for a minute about what we are talking about.

We are talking about two pennies, two pennies out of every dollar we spend in this and every other appropriation bill to try to preserve the pattern of getting a balanced budget, No. 1; No. 2, living up to the commitment that this Congress made a short 8 months ago.

□ 1430

Mr. Chairman, I would draw the analogy we are getting ready to see the Olympics. The Americans who trained for the Olympics, if their coaches and if their trainers had said, "You cannot do any better," they are not going to compete well, but the fact is, everywhere in this Federal Government is fat, tons of fat, lots of places to save money, lots of places to become more efficient, lots of places to achieve economies of scale that have not been recognized and not been looked at.

The fact is that it takes hard leadership to set that standard for the people who are going to spend this money, and what we would like to do is to say we recognize the tremendous efforts that have been moved in that direction. We just think that we can go further, and we would like for our colleagues to consider the 2 percent, 1.9 percent. Why? Children and grandchildren.

Mr. Chairman, this deficit is not going to be $115 billion this year. There is another $65 billion on top of that recognized from the use of Social Security funds to fund the general obligations of this Government. So at the minimum it is $180 billion this year.

I ask that my colleagues support this bill.

Mr. GUTKNECHT. Mr. Chairman I yield myself the balance of the time.

The CHAIRMAN. The gentleman from Minnesota is recognized for 2 minutes 15 seconds.

Mr. GUTKNECHT. Mr. Chairman, at several points in this debate we heard about priorities, and I just want to make it clear we are not changing the priorities of this subcommittee, and we are not saying they did the wrong things, but what we are saying is, I think it is an old German expression, it maybe an old Iowa expression: "Fool me once, shame on you; fool me twice, shame on me," and if we look at the history of what has happened around this place and in this city over the last 10 or 15 years, we have one budget deal after another budget deal. We had Gramm-Rudman, we had this deal, there were promises made to the American people, and what they all amounted to was this: Manana, tomorrow, next year; we are going to fix it next year.

But if we are going to balance the budget, it is not what we do next year that counts. It is what we do now, it is what we do every day, it is what we do on every appropriation bill.

Now, I think those guys have done great work, and I admire the Committee on Appropriations and the Committee on the Budget for all they have done. I do not serve on either on those committees, and a little over a month ago they brought a bill or the Committee on the Budget brought a bill to the floor, and I voted against it, and a bunch of my freshman colleagues voted against it because we began down that slippery slope once again saying, "Well, the deficit is going to go up this year, but we'll fix it next year." We cannot cut 4.1 billion dollars' worth of spending in this appropriation bill, but in 3 years we will cut $47 billion.

Now, maybe my colleagues believe that, maybe the American people believe that, but I have got to tell my colleagues as just one Member I have trouble believing that. And so it is what we do every day that counts. That is why this little 1.9-percent amendment is so important. It is about setting priorities that our colleagues set, it is accepting those priorities, but it is saying we are going to ask the bureaucracies at every level to find an extra 1.9-percent worth of fat in their budget, and I do not think there is a small business person, I do not think there is a farmer, I do not think there is a taxpayer in America who does not believe that we cannot find 1.9 percent worth of fat in every Federal bureaucracy.

That is what this amendment is about. It is about keeping our word, it is about doing our work every single year and not saying manana, next year, next 3 years from now, then we are going to balance the budget.

This is hard work, but the American taxpayers and the American families did not send us here to do what was easy. They sent us here to do what was hard; 1.9 percent is not too much to

ask. It is about preserving the American dream for our kids. It is an important amendment. I would request a "yes" vote.

Mr. LIGHTFOOT. Mr. Chairman, I yield myself the remainder of the time.

I say to my friend from Minnesota we are doing what is hard. A 1.9 percent cut is a coward's way out. it is an easy way to do it. Oh, we just slash across the board. We do not care what happens, who gets hurt, who falls. The Committee has been doing the hard work. What do our colleagues not understand about $513 million less this year than last year? What do our colleagues not understand about $1.2 billion less than January 1995?

We are on the glide slope to a balanced budget. It fits in with our budget resolution. We have a plan. We are trying to get there. And I resent the idea that someone who has not put in any work on this committee, knows nothing about the hours and hours of negotiations that have taken place, comes up and says are not doing our job.

It is about time that we realized what we are doing here and quit this self-flagellation. We are headed toward a balanced budget. We have a budget resolution that will get us there. The Committee on Appropriations is spending the money or cutting back on the spending of the money in order to fit in with that budget resolution which will get us there over a period of time, in 6 or 7 years. We are not going at it willy-nilly. We are trying to use some responsibility in the way we go about it. We are trying to downsize government. We are. We cut out over 200 programs. We will continue to cut more.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. LIGHTFOOT. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I would like to comment just briefly.

I tell my friend from Minnesota this is the easy work: 1.9 percent across the board is not a hard lift. What is a hard lift is telling people, "You're not going to get as much money next year in Social Security or Federal retirement or on Medicare or Medicaid." I understand that. We have had that debate.

That is the hard business. Why? Because, I tell my friend from Minnesota, we are spending less and less and less on discretionary spending in America every year.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from Minnesota [Mr. GUTKNECHT].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. GUTKNECHT. Mr. Chairman, I demanded a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 475, further proceedings on the amendment offered by the gentleman from Minnesota [Mr. GUTKNECHT] will be postponed.

The CHAIRMAN. Are there further amendments?

AMENDMENT OFFERED BY MS. KAPTUR

Ms. KAPTUR. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. KAPTUR: Page 119, insert the following after line 8:

TITLE VII—MISCELLANEOUS PROVISIONS

SEC. 801. None of the funds made available in this Act for the United States Customs Service may be used to make, issue, prescribe, take, implement, administer, or enforce any determination, finding, rule, order, policy, or other action relating to trade relations between the United States and the People's Republic of China when it is made known to the Federal official having authority to obligate or expend such funds that such determination, finding, rule, order, policy, or other action has the effect of allowing imports into the United States of products of the People's Republic of China that were mined, produced, or manufactured with the use of prison, slave, or child labor.

Mr. HOYER. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Maryland reserves a point of order.

Pursuant to the order of the House of Tuesday, July 16, 1996, the gentlewoman from Ohio [Ms. KAPTUR] will be recognized for 5 minutes, and a Member in opposition to the amendment will be recognized for 5 minutes.

The Chair recognizes the gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. Mr. Chairman, our amendment simply states that no funds made available to the United States Customs Service may be used to allow the importation of Chinese goods into the United States that were made with the use of prison, slave or child labor.

Now, under a previous memorandum of understanding signed in August 1992 between the United States and the People's Republic of China along with the statement of cooperation signed then 2 years later in 1994, the United States Customs Department is already directed to monitor and ban the importation of such goods, but we know that there is convincing evidence that the United States Customs Service has not been doing so and not following the law.

Now, this amendment is very important because it reiterates the commitment of this Congress not to allow the importation into this marketplace of goods made with child, prison, or slave labor. We know that in China 5 to 50 million children are currently working under slave labor conditions in horrendous sweatshops. We also know that 80 to 90 percent of convicts in China are placed in forced labor conditions in Laogai prison camps in the name of re-education through labor, and there are plenty of publications available that describe what happens. In fact, some of our Members on both sides of the aisle have gone into these camps, even returning here at home with those gum shoes and other products that are sold into this marketplace which should not even be allowed over our borders.

We know the latest Amnesty International report on China redocuments the fact that the government treats its own people with contempt, and in regard to prison labor we know that the Chinese Government and prison authorities have knowingly, knowingly sought to evade China's commitment to the two agreements we as a Nation signed with them. In fact, in our own State Department's 1995 country report on human rights practices it is stated, and I quote directly:

> Repeated delays in arranging prison labor site visits called into question Chinese intentions regarding China's commitments.

Now, under our laws the United States Customs Department is already directed to monitor and enforce the prohibition of Chinese goods made under those specific conditions. There may be some questions with the reservation that was asked for, but I hope will be suspended when this is complete, that any impact on funds directed to the U.S. Customs Department and subsequent revenue collection activities would only be impacted under this amendment if there is evidence that Chinese goods made under these conditions are still being allowed into our marketplace.

At present there is ostensibly no tariff revenue collected on Chinese goods made under these conditions because ostensibly the United States Customs Department should be complying with United States law.

Now, let me add there are other points here, other egregious examples of where our United States-China trade relationship is off on the wrong foot and really fails to protect our national interests, and these are so compelling and so indisputable and so vital to address I wish there were a way to do it under this measure. But we are narrowly focusing our attention on just those goods made under those three conditions that we do not want into this country.

But let me mention that we have a growing trade deficit with China, this year over $40 billion a year, lost jobs in this marketplace, lost revenues to our treasury and lost business to our exporters and manufacturers partly due to the lack of reciprocity between this market and the Chinese market where, under China MFN, we give China a 2-percent tariff advantage in our marketplace. They only have to pay 2 percent for their goods come in here. Yet they charge us 40-percent tariff rates on a whole range of products which I will be submitting to the record as evidence here. And also the dual exchange rate

system that they operate that truly disadvantages our exporters and acts as a $15 billion tax in the form of tariffs due to this exchange rate differential on our manufacturers exporting into that market. And I will be submitting that evidence for the record of this very lopsided trading relationship that effectively discriminates severely against U.S. interests.

But in terms of this amendment there can be no question that through China's use of prison, slave, and child labor they should not be able to make goods that then find their way into this marketplace, and it is the obligation of the United States Customs Service to enforce the laws of this country.

Mr. Chairman, I submit the following information for the RECORD:

TABLE A3.1: AVERAGE TARIFF LEVELS

[In percent]

HS Chapter	Trade weighted	Unweighted
0	34.7	44.4
1	24.8	42.7
2	18.8	27.4
3	18.6	40.1
4	23.2	35.1

TABLE A3.1: AVERAGE TARIFF LEVELS—Continued

[In percent]

HS Chapter	Trade weighted	Unweighted
5	60.1	66.2
6	71.1	79.9
7	18.9	27.6
8	32.2	34.1
9	42.6	48.9
Total	31.9	42.8

Note:—These trade weighted tariff levels have been estimated using first quarter import data for 1992 at the six-digit HS level, and information on tariff rates at the nine-digit level of disaggregation, both provided by the Customs Directorate.

Source: Chinese Customs Directorate and staff estimates.

TABLE A3.2: CHINA AVERAGE TARIFF RATES

[By SITC 2-digit codes]

Line number	SITC Rev 2, 2 digit	Simple avg. tariff rate	Weighted avg. tariff rate	Difference simple-weighted
1	0	0.00	0.00	0.0
2	1	54.62	50.46	4.2
3	2	57.18	31.43	25.8
4	3	38.88	32.36	6.5
5	4	36.86	6.96	29.9
6	5	53.12	45.17	7.9
7	6	52.14	39.95	12.2
8	7	44.54	48.01	−3.5
9	8	22.33	6.84	15.5
10	9	65.40	73.15	−7.8
11	11	126.25	88.48	37.8

TABLE A3.2: CHINA AVERAGE TARIFF RATES—Continued

[By SITC 2-digit codes]

Line number	SITC Rev 2, 2 digit	Simple avg. tariff rate	Weighted avg. tariff rate	Difference simple-weighted
12	12	116.67	143.44	−26.8
13	21	36.53	15.69	20.8
14	22	46.56	50.15	−3.6
15	23	22.06	26.94	−4.9
16	24	11.84	14.96	−3.1
17	25	2.00	2.00	0.0
18	26	31.80	27.62	4.2
19	27	27.21	18.95	8.3
20	28	6.32	4.76	1.6
21	29	35.29	30.99	4.3
22	32	15.00	15.00	0.0
23	33	18.37	10.64	7.7
24	34	30.00	59.00	−29.0
25	41	41.25	36.17	5.1
26	42	29.12	25.83	3.3
27	43	46.00	45.35	0.7
28	51	19.59	18.71	0.9
29	52	21.26	21.51	−0.3
30	53	31.54	31.51	0.0
31	54	22.37	31.06	−8.7
32	55	85.35	50.22	35.1
33	56	5.38	5.05	0.3
34	57	39.33	30.15	9.2
35	58	33.37	32.09	1.3
36	59	30.38	32.62	−2.2
37	61	47.95	27.85	20.1
38	62	36.53	35.87	0.7
39	63	31.50	22.05	9.5
40	64	36.66	34.27	2.4
41	65	70.73	66.17	4.6
42	66	44.79	28.74	16.1
43	67	14.97	13.45	1.5

TABLE A3.3A: CHINA: STRUCTURE OF PRODUCTION, IMPORTS AND EXPORTS

[By two-digit SITC (revision 2) category, 1985]

Serial No.	SITC 2 code	Label	GVIO 1985 (Current) (Y mil.)	GVIO 1985 (Current) ($ mil.)	Imports 1985 (Current) ($ mil.)	Exports 1985 (Current) ($ mil.)	Share of GVIO 1985 (% total)	Imports/GVIO (%)	Exports/GVIO (%)
	0	Live animals, chiefly for food							
1	1	Meat and preparations	11,577	3,942	6.3	431.1	1.4	0.2	10.9
2	2	Dairy products, birds' eggs	1,179	402	29.1	53.1	0.1	7.2	13.2
3	3	Fish and preparations	1,067	363	41.3	267.9	0.1	11.4	73.8
4	4	Cercals and preparations	26,443	9,004	902.7	1007.5	3.3	10.0	11.2
5	5	Vegetables and fruit	4,011	1,366	47.5	781.6	0.5	3.5	57.2
6	6	Sugar and preps, honey	8,119	2,765	263.1	74.1	1.0	9.5	2.7
7	7	Coffee, tea, cocoa, spices	3,407	1,160	38.5	484.7	0.4	3.3	35.7
8	8	Feeding stuff for animals	2,487	847	78.7	224.6	0.3	9.3	26.5
9	9	Misc. edible products	2,253	767	21.4	62.0	0.3	2.8	8.1
10	11	Beverages	13,713	4,669	20.2	67.5	1.7	0.4	1.4
11	12	Tobacco and manufactures	20,226	6,887	173.3	32.9	2.5	2.5	0.5
	21	Oilseeds and oleaginous fruit							
	22	Hides, skins, furskins							
12	23	Rubber, crude	371	126	205.5	3.5	0.0	162.5	2.8
13	24	Cork and wood	8,069	2,748	812.5	8.9	1.0	29.6	0.3
14	25	Pulp and waste paper	58	20	208.8	0.2	0.0	1056.8	1.2
15	26	Textile fibers and waste	18,589	6,330	1,031.8	1,076.6	2.3	16.3	17.0
16	27	Crude fertilizer, minerals nes	5,173	1,762	51.4	250.3	0.6	2.9	14.2
17	28	Metalliferous ores, scrap	3,640	1,239	520.7	214.8	0.4	42.0	17.3
18	29	Crude animal, veg. mat nes	4,662	1,588	91.4	377.0	0.6	5.8	23.7
19	32	Coal, coke and briquettes	24,393	8,306	59.7	328.4	3.0	0.7	4.0
20	33	Petroleum and products	45,980	15,657	46.4	6,300.5	5.7	0.3	40.2
21	34	Gas, natural and manufactured	1,556	530	1.9	3.1	0.2	0.4	0.6
22	35	Electric current	29,195	9,941	53.9	2.6	3.6	0.5	0.0
23	41	Animal oils and fats							
24	42	Fixed vegetable oil, fat	6,813	2,320	83.4	125.5	0.8	3.6	5.4
25	43	Processed animal veg oil, etc.	197	67	2.8	0.9	0.0	4.1	1.4
26	51	Organic chemicals	8,974	3,056	648.9	291.7	1.1	21.2	9.5
27	52	Inorganic chemicals	9,067	3,088	298.5	270.3	1.1	9.7	8.8
28	53	Dyes, tanning, color prod	6,198	2,110	131.2	72.7	0.8	6.2	3.4
29	54	Medicinal, pharm. products	8,078	2,751	96.1	280.8	1.0	3.5	10.2
30	55	Perfume, cleaning, etc., prd	5,612	1,911	24.1	103.5	0.7	1.3	5.4
31	56	Fertilizers, manufactured	13,223	4,503	1,375.6	1.7	1.6	30.5	0.0
32	57	Explosives, pyrotech prod	832	283	1.4	106.0	0.1	0.5	37.4
33	58	Plastic materials, etc.	11,705	3,986	1,346.4	39.1	1.4	33.8	1.0
34	59	Chemical materials nes	7,446	2,536	236.3	114.8	0.9	9.3	4.5
35	61	Lather, dressed fur, etc.	4,037	1,375	135.6	42.1	0.5	9.9	3.1
36	62	Rubber manufactures nes	10,646	3,625	14.1	48.7	1.3	0.4	1.3
37	63	Wood, cork manufactures nes	2,639	898	244.5	23.9	0.3	27.2	2.7
38	64	Paper, paperboard and mfr	15,989	5,444	407.2	142.1	2.0	7.5	2.6
39	65	Textile yarn, fabrics, etc.	97,651	33,252	1,502.3	3.051.7	12.0	4.5	9.2
40	66	Nonmetal mineral mfs nes	41,542	14,146	308.3	213.1	5.1	2.2	1.5
41	67	Iron and steel	55,054	18,747	6,650.0	110.3	6.8	35.5	0.6
42	68	Nonferrous metals	20,220	6,885	1,532.7	193.6	2.5	22.3	2.8
43	69	Metal manufactures nes	21,021	7,158	328.5	400.0	2.6	4.6	5.6
44	71	Power generating equipment	15,154	5,160	302.0	46.3	1.9	5.9	0.9
45	72	Machs for special industries	26.965	9,182	4,902.6	142.6	3.3	53.4	1.6
46	73	Metalworking machinery	11,634	3,962	287.8	27.1	1.4	7.3	0.7
47	74	General industrial machinery nes	18,933	6,447	980.6	47.9	2.3	15.2	0.7
48	75	Office machines, adp. equipment	1,532	522	956.6	9.8	0.2	183.4	1.9
49	76	Telecomm, sound equipment	13,803	4,700	2,389.5	85.8	1.7	50.8	1.8
50	77	Electric machinery nes, etc.	36,746	12,513	1,249.4	111.4	4.5	10.9	0.9
51	78	Road vehicles	29,775	10.139	3,063.0	54.5	3.7	30.2	0.5
52	79	Other transport equipment	7,830	2,666	1,366.7	193.3	1.0	51.3	7.3
53	81	Plumbing, heating, lighting equipment	1,625	553	35.6	35.2	0.2	6.4	6.4
54	82	Furniture, parts thereof	4,735	1,612	32.7	85.3	0.6	2.0	5.3
55	83	Travel goods, handbags	860	293	2.5	79.0	0.1	0.9	27.0

TABLE A3.3A: CHINA: STRUCTURE OF PRODUCTION, IMPORTS AND EXPORTS—Continued

[By two-digit SITC (revision 2) category, 1985]

Serial No.	SITC 2 code	Label	GVIO 1985 (Current) (Y mil.)	GVIO 1985 (Current) ($ mil.)	Imports 1985 (Current) ($ mil.)	Exports 1985 (Current) ($ mil.)	Share of GVIO 1985 (% total)	Imports/GVIO (%)	Exports/GVIO (%)
56	84	Clothing and accessories	16,301	5,551	13.8	1935.9	2.0	0.2	34.9
57	85	Footwear	9,801	3,337	7.0	242.3	1.2	0.2	7.3
58	87	Precision instruments nes	7,068	2,407	835.8	31.8	0.9	34.7	1.3
59	88	Photo equ. optical goods, etc.	3,950	1,345	371.0	60.3	0.5	27.6	4.5
	89	Misc manufactured goods nes	21,640	7,369	500.1	813.9	2.7	6.8	11.0
	95	Not classified elsewhere	21,640	7,369	500.1	813.9	2.7	6.8	11.0
	97	Not classified elsewhere							
		Total	811,463	811,463	37,371.2	21,619.0	100.0		

Source: China Statistical Yearbook, 1991 p. 360 for 1990 data on GVIO, NVIO; China Industrial Census for 1985 date.

TABLE A2.8: TRENDS IN EXCHANGE RATES

Year-quarter	Offical exchange rate (Yuan/$)	Secondary market rate (Yuan/$)	Weighted exchange rate for exports (Yuan/$)	Real effective exchange rate (official) 1980=10	Real effective exchange rate (secondary market) (1980=10)	Nominal effective exchange rate (official) 1980=10	Nominal effective exchange rate (secondary market) 1980=10
1987–I	3.72	5.25	4.39	4.05	2.87	5.41	3.84
1987–II	3.72	5.3	4.42	3.96	2.78	5.31	3.73
1987–III	3.72	5.46	4.49	4.07	2.78	5.44	3.71
1987–IV	3.72	5.61	4.55	3.97	2.78	5.24	3.48
1988–I	3.72	5.7	4.59	3.97	2.64	5.17	3.38
1988–II	3.72	6.3	4.86	4.13	2.59	5.23	3.09
1988–III	3.72	6.6	4.99	4.67	2.44	5.60	3.16
1988–IV	3.72	6.65	5.01	4.72	2.63	5.48	3.07
1989–I	3.72	6.65	5.01	4.95	2.64	5.67	3.17
1989–II	3.72	6.6	4.99	5.23	2.77	6.06	3.42
1989–III	3.72	6.55	4.97	5.24	2.95	6.36	3.61
1989–IV	3.89	5.9	4.77	4.86	2.98	6.16	4.07
1990–I	4.72	5.91	5.24	3.93	3.21	5.26	4.20
1990–II	4.72	5.81	5.20	3.96	3.14	5.45	4.43
1990–III	4.72	5.8	5.20	3.70	3.22	5.27	4.39
1990–IV	4.97	5.7	5.29	3.33	3.08	4.84	4.24
1991–I	5.22	5.8	5.68	3.19	2.92	4.75	4.33
1991–II	5.31	5.84	5.73	3.33	2.91	4.95	4.33
1991–III	5.36	5.87	5.77	3.30	3.03	4.93	4.51
1991–IV	5.39	5.87	5.77	3.15	3.02	4.79	4.36
1992–I	5.46	5.95	5.85	3.12	2.87	4.80	4.37
1992–II	5.5	6.25	6.10	3.13	2.75	4.84	4.26
1992–III	5.5	7	6.70	3.07	2.46	4.76	3.81
1993–I	5.73	8.41	7.87	3.16	3.17	4.88	3.35

Source: International Monetary Fund and Staff Estimates.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Maryland insist on his point of order?

Mr. HOYER. Yes, Mr. Chairman, I reserved the point of order, and may I be recognized under my reservation?

The CHAIRMAN. The gentleman from Maryland wishes to pursue his point of order and is recognized.

Mr. HOYER. Mr. Chairman, previously on another amendment, the Solomon amendment, I raised the issue with respect to these, quote, "made known" amendments. Members are offering these made known amendments so that they comply with the rules. It is understandable.

In this case I strongly agree with the gentlewoman from Ohio [Ms. KAPTUR], as she knows, and I have been very concerned about the practices of countries around the world, and specifically, of course, the People's Republic of China.

However, the reason I reserved the point of order is to again make the point to the Members of the House to look at the language of this made known amendment: None of the funds made available in this act for the U.S. Custom Service may be used to make, issue, prescribe, take, implement, administer or enforce any determination, finding, rule, order, policy or other action relating to trade relations between the United States and the People's Republic of China when it is made known to the Federal official.

Now, here we do not even know which Federal official it is.

When it is made known to the Federal official having authority to obligate or expend such funds that such determination, finding, rule, order policy or other action has the effect of allowing imports into the United States of products of the People's Republic of China that were mined, produced or manufactured with the use of prison slave or child labor.

I agree with that sentiment.

□ 1445

But let me suggest to the Members what it requires the Federal officials to do. The Federal official, first of all, has to make a determination—was it manufactured, mined, produced with prison, slave, or child labor? So the Federal official must do that, presumably, unless he simply or she simply takes at face value the representation of anybody, because the made-known amendments do not specify who it is, of anybody who calls up and says to that Federal official: Hey, guess what, your rule, regulation, or policy has the effect of accepting goods from China which are produced by slave or child labor.

There is a problem with these made-known amendments. Is the Federal official to simply take that at face value no matter who picks up the phone and calls or writes? A competitor? Somebody who wants to undermine trade? Somebody who wants to attack the importer? Somebody who wants to attack the exporter in China? Who knows what the motivation might be of the party making known.

I urge the Chair, I urge those making this determination to carefully consider the premise underlying the making in order of these amendments. I would say to the chairman, who is a distinguished member of the Committee on Rules and a leader on his side of the aisle and in this House on rules changes, that we need to carefully review what we are generating in this House, not as it relates to the substance of either the amendment offered by the gentlewoman from Ohio [Ms. KAPTUR] or the gentleman from New York [Mr. SOLOMON], but in terms of what we are getting ourselves into in terms of a policy of telling to our Federal officials who are responsible for carrying out their duties and responsibilities. We are suggesting if somebody calls you up and makes it known to you, you cannot spend any money and you cannot pursue the objectives.

I suggest that makes no sense. Therefore, I again respectfully suggest that the underlying rationale of the sustaining of this kind of amendment as consistent with the rules ought to be overturned.

The CHAIRMAN. The Chair appreciates the recommendation of the gentleman from Maryland.

Mr. KOLBE. Mr. Chairman, I also rise on a point of order, a different point of order.

I make a point of order against the amendment on the grounds that it cites clause 5(b) of rule XXI of the House, and ask that I be heard.

The CHAIRMAN. The gentleman from Arizona [Mr. KOLBE] is recognized on the point of order.

Mr. KOLBE. Mr. Chairman, clause 5(b) of rule XXI states that no amendment that includes a tax or a tariff measure may be considered in the House of Representatives to a bill that is reported from any committee that does not have jurisdiction.

This amendment clearly contains a tariff measure. It is a tariff measure in the form of prohibiting the use of funds in the bill to enforce policies, regulations, rules, relating to trade relations between the United States and the People's Republic of China.

The primary role of the Customs Service in regulating trade relations with China, in fact almost its only one, is to collect customs duties on imports from China. Therefore, this amendment has a direct and inevitable, let me repeat, inevitable effect on tariff revenues.

To be somewhat more specific, first, Customs is the only Government agency directly responsible for collecting tariffs on imported products. Nobody else can do that. Second, the only source of funding for the Customs Service is through the appropriation bill. That is the act we are considering here today.

Third, the United States currently engages in trade with China that involves dutiable goods. Nobody contests that.

Fourth, the operation of this amendment would clearly affect and in some way would arrest the flow of goods. That is, when the Customs Service becomes aware of any imports from China of products using prison, slave, or child labor, even though they have no legal authority, perhaps, to deny them entry into the United States, when they become aware of it, then all funding relating to trade relations between the United States and China would cease. That means Customs has no ability, no funding, therefore no ability, to collect tariff revenues which are now being collected under current law due on the importation of goods that come from the People's Republic of China.

That is why I would argue, Mr. Chairman, that this amendment has an inevitable, a direct, and irrefutable effect on revenues. Therefore, consequently, the amendment is a tariff measure subject to a point of order made under rule XXI, clause 5(b). In light of the fact the measure was not reported by the Committee on Ways and Means, which has jurisdiction on tariff measures, I believe this point of order applies, and I would urge the Chair to sustain the point of order.

The CHAIRMAN. Are there any Members who wish to be heard in opposition to either the point of order of the gentleman from Maryland [Mr. HOYER] or the point of order of the gentleman from Arizona [Mr. KOLBE]?

Ms. KAPTUR. I do, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. I listened carefully to the gentleman's argument, Mr. Chairman, on the point of order. I must point out that the section that the gentleman refers to, I think, rule XXI, clause 5(b), this particular amendment that we are offering, which is not the one that was listed in the Congressional Digest this morning, is a different amendment.

The reason that this does not violate that rule is simply because there is ostensibly no tariff revenue collected on these Chinese goods made under these conditions because the U.S. Customs Department should be complying with the law. In other words, these goods should not be coming over our shores, and, therefore, revenues should not be being collected on them.

So this particular amendment is revenue-neutral, unlike, perhaps, another amendment that was being contemplated which might have been proper to raise a point of order against yesterday. This is a different amendment. Therefore, it does not have any revenue impact. It does not violate any jurisdiction of any other committee in this Chamber. It merely asks the Customs Service to enforce the laws that we have placed on them, but it does not have any revenue impact.

Mr. KOLBE. Mr. Chairman, I would like to speak on the point of order.

The CHAIRMAN. The Chair recognizes the gentleman from Arizona.

Mr. KOLBE. If I might respond, Mr. Chairman, I am aware that the amendment that the gentlewoman from Ohio has offered is different, considerably different, I might say, than the one that was the subject of the unanimous-consent agreement yesterday.

However, the point of order that I made was made against that amendment that was offered here today, not against the one that was being offered yesterday. I believe my point of order still applies, most particularly because prison slave and child labor are undefined here. Therefore, child labor is not subject to the legislation which the gentlewoman referred to.

Therefore, if the simple statement is made, as the gentleman from Maryland [Mr. HOYER] pointed out earlier that something is subject to this, then it would be made known, and therefore all funding would cease immediately to the Customs Service for its work in China. Therefore that would have an effect on tariffs.

It is inevitable. It must have an effect. That is the whole point of the gentlewoman's amendment, to have that kind of effect. Therefore, it would have that effect. It has not been reported by the Committee on Ways and Means, and rule XXI clause 5(b) does apply.

The CHAIRMAN. Does the gentlewoman from Ohio [Ms. KAPTUR] wish to be heard further on the point of order?

Ms. KAPTUR. Yes, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. Mr. Chairman, I just wanted to take a few seconds to say that if the Chair were to sustain the gentleman's point of order, it would mean that in that act, the Chair sanctions illegal goods coming into the United States with revenue being collected on those goods against the intent of our law. It would also mean that the U.S. Customs Service is breaking the law.

Finally, it would mean that the question for the Member making the point of order is, what illegal goods are coming in and how much revenue is being collected? It is aimed at enforcing current law, which is well-defined in terms of prison labor, child labor, and slave labor. It is merely meant to send a very strong signal to the customs agency that it is time to enforce the laws on the books and the two memoranda of understanding and statements of cooperation with China.

The CHAIRMAN. The Chair would inquire of the gentleman from Maryland [Mr. HOYER] if he insists on his point of order.

Mr. HOYER. No, Mr. Chairman. I withdraw my point of order.

The CHAIRMAN. The Chair is prepared to rule on the point of order that has been propounded by the gentleman from Arizona [Mr. KOLBE].

The gentleman from Arizona makes a point of order that the amendment offered by the gentlewoman from Ohio violates clause 5(b) of rule XXI prohibiting the consideration of an amendment carrying a tax or tariff measure to a bill reported by a committee not having that jurisdiction.

The amendment offered by the gentlewoman from Ohio seeks to prohibit use of funds made available by the bill for the Customs Service to take any action relating to trade relations between the United States and the People's Republic of China when it is made known to the appropriate Federal official that such action would have a specified effect.

Clause 5(b) of rule XXI provides a point of order against an amendment carrying a tax or tariff measure to a bill reported by a committee not having that jurisdiction. In determining whether a limitation on a general appropriation bill constitutes a tax or tariff measure proscribed by clause 5(b), the Chair must consider among other things whether the limitation would inevitably change revenue collections. As stated on page 655 of House Rules and Manual, the burden is on the Member making the point of order to show the inevitability of the tariff change.

The amendment offered by the gentlewoman from Ohio [Ms. KAPTUR] would cause funding for the United States Customs Service for any action, including duties, rules, and policies relating to trade relations between the United States and the People's Republic of China, to cease when certain information becomes known to the official concerned.

Taking notice of the fact that some of the dutiable goods mentioned by the gentlewoman from Ohio produced in the People's Republic of China currently enter the customs territory of the United States under existing law where tariffs are assessed by the Customs Service using funds in this bill, the Chair finds that the operation of the instant limitation would arrest the flow of certain dutiable imports. Thus, the amendment would inevitably affect revenue collections by the Customs Service.

Accordingly, the point of order is sustained. Are there further amendments?

Mr. HOYER. Mr. Chairman, I do not have a further amendment at this point in time, but I ask unanimous consent that I be allowed to enter into a colloquy with the gentleman from Iowa [Mr. LIGHTFOOT] and the gentleman from Florida [Mr. MICA].

The CHAIRMAN. Does the gentleman from Maryland [Mr. HOYER] move to strike the last word?

Mr. HOYER. No, Mr. Chairman, I ask unanimous consent to allow myself and the gentleman from Florida to enter into a colloquy with the chairman.

The CHAIRMAN. Under this request, does the gentleman from Maryland plan to control the time of debate?

Mr. HOYER. No, sir. I would think that the chairman would control time.

Mr. MICA. Mr. Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. The gentleman form Florida [Mr. MICA] is recognized for 5 minutes.

POINT OF ORDER

Mr. HOYER. Point of order, Mr. Chairman.

the CHAIRMAN. The gentleman will state his point of order.

Mr. HOYER. Mr. Chairman, is striking the last word in order under the unanimous-consent agreement?

The CHAIRMAN. The gentleman asked unanimous consent to strike the last word. There was no objection, and he was recognized for 5 minutes.

Mr. HOYER. Fine, Mr. Chairman.

Mr. MICA. Mr. Chairman, I would like to enter into a colloquy with the gentleman from Iowa [Mr. LIGHTFOOT].

Mr. Chairman, I am deeply concerned about the practice of the Office of Personnel Management of turning over Federal employees' home addresses to labor organizations. This practice I believe is an egregious violation of the privacy of Federal employees.

On April 17, 1996, OPM, the Office of Personnel Management, put into effect a proposal to give bargaining unit employees home addresses to the labor unions. This was instituted despite a 1994 Supreme Court decision that held in fact that the Privacy Act prohibited unions from obtaining the home addresses of Federal employees under the Freedom of Information Act.

To get around the Supreme Court decision, OPM created what is called a routine use under the Privacy Act. Documents show that the administration lawyers developed this method of evading the Supreme Court's ruling in response to a request from the Vice President.

In light of what I consider the improper and unjustified collection of FBI files of former White House Republican staffers and the release of employees' home addresses, it appears to me that this wholesale invasion of Federal employees' privacy is now becoming the administration's policy.

Unfortunately, according to a letter sent to the president of the American Federation of Government Employees by the Director of Office of Management and Budget, Alice Rivlin, the administration in fact intends that all other agencies will be releasing the names and home addresses of bargaining unit employees.

I commend the gentleman, the chairman, for his distinguished service, the gentleman from Iowa [Mr. LIGHTFOOT], and for including in the report language in this bill language that expresses his concern about the violation of Federal employees' privacy.

However, I urge the gentleman to further address this issue in the conference committee in light of the seriousness of this practice. It may in fact be necessary to include a statutory prohibition against this practice. I was prepared to offer an amendment today, and I am not going to do that because of the cooperation of the chairman. I would ask if he would be willing to consider proposing that statutory language be included in the conference committee.

□ 1500

Mr. LIGHTFOOT. Mr. Chairman, will the gentleman yield?

Mr. MICA. I yield to the gentleman from Iowa.

Mr. LIGHTFOOT. Mr. Chairman, as the gentleman is aware, I am very deeply concerned about the policy of the Clinton administration to release the home addresses of employees of the Office of Personnel Management. I have included report language that directs OPM to explain, in writing, why it failed to provide any notification to the Committee on Appropriations.

I appreciate the gentleman's concern, and shall be very pleased to further consider this issue in conference. I look forward to working with the gentleman on this very important matter.

Mr. MICA. Mr. Chairman, I thank the gentleman for his cooperation in this matter.

Mr. HOYER. Mr. Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN. Without objection, the gentleman from Maryland is recognized for 5 minutes.

There was no objection.

Mr. HOYER. Mr. Chairman, I would like to engage in a colloquy with the chairman of the subcommittee concerning the Internal Revenue Service.

Mr. Chairman, both the Secretary of Treasury and I believe that the funding levels provided in this bill for IRS, which are 11 percent below current spending, will adversely affect the 1997 filing season and may in some instances ultimately impede the collection of taxes. I know that this is not the chairman's intention. I also understand that the Senate has a higher spending allocation for the Treasury/Postal Subcommittee. In the event that the subcommittee receives a higher allocation when we go to conference with the Senate, can the chairman share his intentions regarding specific funding levels for IRS?

Mr. LIGHTFOOT. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Iowa.

Mr. LIGHTFOOT. Mr. Chairman, I would like to commit to the gentleman now that my intentions are to fully fund IRS at a level that would ensure not only a successful 1997 filing season but also an efficient and modernized IRS for the future. My goal all along has been simply to get the tax systems modernization program back on track. Unfortunately, that means taking some very dramatic steps. I understand the legitimate concerns of the gentleman from Maryland and am committed to scrubbing these numbers as we move toward conference with the Senate. I would also like to point out to the gentleman it was never the intention of the committee to hinder the 1997 filing season. The amounts provided in this bill for 1997 are based on numbers given to the committee by the administration and the IRS. But I can assure the gentleman we will work together to get the right numbers, ones

that are built on a solid set of assumptions and are adequately justified. I am optimistic that my distinguished ranking member will be able to join me in this effort as we negotiate our bill with the Department of the Treasury.

Mr. HOYER. I thank the chairman for his remarks. I will be pleased to work with the chairman on this very important issue. I would also appreciate a bit more clarification regarding the operational components of the tax systems modernization program. As the bill is currently written, my concern is that some programs, such as electronic filing, will come to a standstill.

What types of accommodations is the chairman willing to make as we conference this bill as it relates to the operational TSM programs?

Mr. LIGHTFOOT. If the gentleman will yield further, it is not my intent to underfund either the current computer system referred to as "Legacy" or the operational components of TSM. I can assure the gentleman that it is not my intention nor desire to stop successful TSM programs such as the electronic filing initiative developed by IRS. Unfortunately, IRS, has funded programs such as this together with TSM. It is my hope that IRS can give this subcommittee a solid definition of what is considered a legacy system, what is considered an operational TSM program, and what is considered a developmental TSM program. On that basis, we are prepared to fund those successful TSM programs that can be justified in the upcoming year.

Mr. HOYER. I thank the gentleman for his clarification, and I would like to work closely with the chairman on this issue as we have on so many others. I share his concerns that we need to develop a very solid and clear definition of what operational TSM is, what is developmental TSM, and what is considered a legacy system.

Mr. Chairman, I would also like to have clarified the issue of contracting out of TSM and specifically putting the responsibility for a new contract into the hands of the Department of Defense. I cannot support, as the gentleman knows, this proposal. Can the gentleman share with me his intention as it relates to this issue?

Mr. LIGHTFOOT. If the gentleman will yield further, I understand my colleague's concerns on this issue. We have very carefully listened to these points, as we discussed this in subcommittee and full committee. My point here is very simple. I am firmly committed to taking IRS out of the business of writing this very large contract. Quite frankly, I have not been convinced IRS is capable of managing a contract of this size. There is simply too much evidence to the contrary to ignore. Having said that, as I said in my opening statement, I invite Treasury to the table to begin negotiations with me on who should have responsibility for the contract. I am not wedded to this contract going to DOD. Again, I have listened to the gentleman's concerns. I believe that they are very legitimate. I am very clearly willing to negotiate on this point, but there is one point that I will not negotiate, and that is simply this: The IRS is out of the business of TSM contracting.

Mr. HOYER. I thank the chairman for that clarification.

Mr. Chairman, I have one final point that needs clarification. The bill requires the IRS maintain taxpayer services at 1995 levels. I am concerned that this provision will require IRS to reopen walk-in taxpayer service centers rather than allow IRS to rely on more cost-effective telephone service. Can the gentleman clarify his intent on this provision?

The CHAIRMAN. The time of the gentleman from Maryland [Mr. HOYER] has expired.

(On request of Mr. LIGHTFOOT, and by unanimous consent, Mr. HOYER was allowed to proceed for 5 additional minutes.)

Mr. HOYER. I yield to the gentleman from Iowa.

Mr. LIGHTFOOT. Mr. Chairman, I can assure the gentleman that this provision was carefully written so the IRS can apply it in the broadest way possible. In other words, should IRS feel it is better to provide taxpayer assistance through the telephone, they would simply be able to do so. The only point of this provision is to assure that taxpayers receive the same level of service that they did in 1995.

Mr. HOYER. I thank the gentleman for those comments. I share many of the chairman's concerns as it relates to TSM as he knows, and we have worked together to make those concerns known to the Treasury Department and to the Internal Revenue Service. I believe we must take strong action to be sure this program is ultimately successful and gives us a tax administration system that is efficient and effective. I am committed to working with the chairman on these and other important issues as we move to conference with the Senate. Again I would reiterate my thanks to the chairman for these clarifications.

The CHAIRMAN. Are there further amendments to the bill?

Mr. HOYER. Mr. Chairman, I ask unanimous consent that in lieu of offering the last amendment I have listed that I be allowed to address the House for up to 10 minutes and to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. HOYER. Mr. Chairman, let me start by commenting, as I have in the past, that all too often the American public sees on the floor of this House through C-SPAN or through other means the Members fighting in a way that appears that they are not at all conversing or trying to work constructively toward solving the problems that confront this country.

One of the happy instances of my service in the House of Representatives is to serve both as chairman, with the gentleman from Iowa as ranking member, and now as ranking member with the gentleman from Iowa [Mr. LIGHTFOOT] as the chairman.

He is a constructive, positive participant in the legislative process. He is a man that tries to make common sense and to serve his constituents and the people of America as best he can. We have from time to time serious disagreements, and the happy news is that we have those disagreements as friends. I would hope that more Americans could see that happening so that they would have more confidence in their elected officials and in the process which sometimes they come to be frustrated with and lose faith in.

Mr. Chairman, I rise because the chairman and I have had a significant disagreement, but in a constructive way. We have just had a colloquy which clearly indicates that the chairman and I are going to be working together to try to bridge those differences, to ensure the proper operations of the offices under our responsibility.

The chairman and I have agreed on the law enforcement components and, very frankly, I think if we had more money, we would in some ways want to further enhance the law enforcement capabilities of the Treasury Department's law enforcement agencies. They do a critically important job, and I congratulate the chairman for his efforts in that regard.

Mr. Chairman, as I raised in my opening statement, and I want to reiterate, I will be opposing this bill, notwithstanding the fact that I expect to work constructively with the chairman as we go to conference and in conference to hopefully bring a bill back to the House that we can both support and feel comfortable with.

Mr. Chairman, I have referred to a number of items, but in closing this debate in opposition to the passage of this bill, let me raise some specific concerns again to remind the Members why I believe this bill does not do what it ought to do.

First of all, I refer again to the letter of the Committee on Ways and means. I refer to the committee's letter because it comes from the Republican chairman, the chairman is of the majority party, the gentleman from Texas [Mr. ARCHER].

Quite obviously, I want to make sure that folks know that there is a legitimate policy difference here, not simply

a political difference. There may be political difference. There may be political differences but there is a genuine policy difference that is being discussed. That policy difference is whether this bill provides sufficient resources to allow the Internal Revenue Service to collect fairly and properly the revenues due under the existing tax system and provide the funds both to reduce the deficit and to fund very critical services.

I see the chairman of the committee on Veterans' Affairs here. He cares deeply, as I do, about making sure that veterans' services, which we owe them and want to give them for their service to the country, are funded properly. If IRS does not collect any moneys, I tell my friend from Arizona [Mr. STUMP], he will not nor will I have any money to support those objectives.

Mr. Chairman, I have constructed a chart here to incorporate the letter of June 26, and I want to refer to three of its comments, because again in a bipartisan way, the gentleman from Texas [Mr. ARCHER], the Republican chairman of the Committee on Ways and Means, which as all the Members know, oversees the IRS and has the responsibility to make sure IRS is doing the proper thing, as we do on the Committee on Appropriations, but our particular responsibility is to fund those services.

In the letter, the gentleman from Texas [Mr. ARCHER] says this: However, contrary to the assertion in the subcommittee's report that, "within the funds provided, the IRS should be able to accomplish its mission."

That was clearly the premise of the subcommittee because the chairman and the staff want to make sure the IRS can do its duties. But there is a significant disagreement. The gentleman from Texas [Mr. ARCHER] says, "We are very concerned that the funding levels in the subcommittee's mark will seriously impair the IRS's ability to perform its core responsibilities."

I tell my friends in the majority party, that is not some Democrat that is just an apologist for Government. The gentleman from Texas [Mr. ARCHER] is not known as that. He is a responsible American who is chairman of a committee who says that he is concerned because their core responsibilities are important to all the people of America.

The letter goes on to say, again signed by the gentleman from Texas, Mr. ARCHER and NANCY JOHNSON, the majority party's Chair of the Oversight Subcommittee, "We are very concerned that the cuts proposed in funding for IRS Information Systems will seriously endanger the IRS's ability to perform its most important functions."

Again, they are saying you have not just cut the flesh, not just the muscle, you are down to bone in terms of the appropriate carrying out of the responsibilities. We "will seriously endanger the IRS's ability to perform its most important functions, the timely processing of tax returns," and every American wants their tax return timely processed. Why? Because if they are due a refund, they want it as quickly as possible.

The gentleman from Texas [Mr. ARCHER], the chairman, is saying, we are putting that at risk in this bill.

He goes on to say, "And the collection of taxes impose a collateral risk of impairing the IRS's ability to provide efficient customer services to the Nation's taxpayers."

□ 1515

There is not a Member here that wants to, as is the fear of the gentleman from Texas [Mr. ARCHER], undermine the efficient customer service to the Nation's taxpayers.

Let me refer to one additional item that the gentleman from Texas [Mr. ARCHER] and the gentlewoman from Connecticut [Mrs. JOHNSON], as well as the gentleman from Florida [Mr. GIBBONS] and the gentleman from California [Mr. MATSUI], raise a concern about. We are also very concerned that some of the proposed budget cuts create a very significant risk. Hear me, my friends, hear the gentleman from Texas [Mr. ARCHER].

The gentleman from Minnesota raised the issue about the deficit. The gentleman and I agree on that. Listen to what the gentleman from Texas [Mr. ARCHER], not the Democrats, the gentleman from Texas, who I would think the gentleman from Minnesota agrees is equally, if not more, concerned about the budget deficit than I am. He is certainly equally concerned. We are very concerned that some of the proposed budget cuts create a very significant risk that substantial Federal revenues could be lost, thereby exacerbating the Federal budget deficit problems. That is the gentleman from Texas, Mr. ARCHER, talking, not the gentleman from Maryland, STENY HOYER. We have a serious responsibility to be honest with the American public, and we need to stand and say yes, we want to save money. As I have said before, I voted for a balanced budget amendment on two or three or four occasions and believe in it and continue to support it because we need to bring down the deficit.

The good news in America today is that under President Clinton and the previous Congress and this Congress, we have brought the budget deficit down 4 years in a row. If you look at the graph, it is at its lowest point since it was since 1980, 15 years ago, and it is on a downward slope, and it is the first time, Mr. Chairman, that we have brought the deficit down 4 years in a row in this century. In 91 previous years, 92 previous years, we had not accomplished that objective. In 1993, 1994 and 1996, we brought the deficit down 4 years in a row. We are on the right track.

But what does the gentleman from Texas, [Mr. ARCHER] say? The gentleman from Texas [Mr. ARCHER] says, and the committee's leadership on both sides of the aisle agrees, we are concerned that the proposed budget cuts create a very significant risk that the budget deficit reduction effort will be undermined. Vote against this bill. Vote for deficit reduction and sound fiscal policies.

SEQUENTIAL VOTES POSTPONED IN THE COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 475, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: the amendment offered by the gentleman from Maryland [Mr. HOYER]; the amendment offered by the gentleman from New York [Mr. SOLOMON]; and the amendment offered by the gentleman from Minnesota [Mr. GUTKNECHT].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. HOYER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Maryland [Mr. HOYER] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 184, noes 238, not voting 11, as follows:

[Roll No. 320]

AYES—184

Abercrombie	Condit	Frank (MA)
Ackerman	Conyers	Franks (CT)
Andrews	Coyne	Franks (NJ)
Baesler	Cramer	Frelinghuysen
Baldacci	Cummings	Frost
Barrett (WI)	Davis	Furse
Bass	DeFazio	Gejdenson
Becerra	DeLauro	Gephardt
Beilenson	Dellums	Gilchrest
Bentsen	Deutsch	Gilman
Berman	Dicks	Gonzalez
Bishop	Dingell	Gordon
Blumenauer	Dixon	Green (TX)
Boehlert	Doggett	Greenwood
Bonilla	Dooley	Gunderson
Boucher	Durbin	Gutierrez
Brown (CA)	Ehrlich	Harman
Brown (FL)	Engel	Hastings (FL)
Brown (OH)	Eshoo	Hefner
Bryant (TX)	Evans	Hilliard
Campbell	Farr	Hinchey
Cardin	Fattah	Horn
Chapman	Fawell	Houghton
Clay	Fazio	Hoyer
Clement	Fields (LA)	Jackson (IL)
Clyburn	Filner	Jackson-Lee (TX)
Coleman	Flake	Jefferson
Collins (IL)	Foglietta	Johnson (CT)
Collins (MI)	Foley	

Johnson (SD)
Johnson, E. B.
Johnston
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Klug
Kolbe
Lantos
Lazio
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney
Markey
Martinez
Martini
Matsui
McCarthy
McDermott
McInnis
McKinney
Meehan
Meek
Menendez
Meyers
Millender-McDonald
Miller (FL)
Minge
Mink
Molinari
Moran
Morella
Nadler
Neal
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Porter
Pryce
Rangel
Reed
Richardson
Rivers
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Sisisky
Skaggs
Spratt
Stark
Stokes
Studds
Tanner
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
White
Williams
Wilson
Wise
Woolsey
Wynn
Yates
Zeliff
Zimmer

NOES—238

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonior
Bono
Borski
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Costello
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
English
Ensign
Everett
Ewing
Fields (TX)
Flanagan
Forbes
Fowler
Fox
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gillmor
Goodlatte
Goodling
Goss
Graham
Greene (UT)
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kildee
Kim
King
Kingston
Kleczka
Klink
Knollenberg
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manton
Manzullo
Mascara
McCollum
McCrery
McHale
McHugh
McIntosh
McKeon
McNulty
Metcalf
Mica
Moakley
Mollohan
Montgomery
Moorhead
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pombo
Portman
Poshard
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Tiahrt
Upton
Volkmer
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Young (AK)

NOT VOTING—11

Clayton
de la Garza
Ford
Gibbons
Hall (OH)
Lincoln
McDade
Miller (CA)
Slaughter
Wolf
Young (FL)

□ 1538

Mr. KILDEE and Mr. POMBO changed their vote from "aye" to "no."

Mr. CUMMINGS, Mr. VENTO, and Mrs. KELLY changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. SOLOMON

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York [Mr. SOLOMON] on which further proceedings were postponed, and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 107, noes 312, answered "present" 4, not voting 10, as follows:

[Roll No. 321]

AYES—107

Allard
Archer
Bateman
Bilbray
Bliley
Boehlert
Bryant (TX)
Burton
Callahan
Christensen
Chrysler
Clinger
Coble
Collins (GA)
Condit
Costello
Crane
Cunningham
Deal
Diaz-Balart
Dingell
Doyle
Ehlers
Ensign
Evans
Ewing
Fawell
Fazio
Forbes
Franks (NJ)
Frisa
Ganske
Gejdenson
Gephardt
Gilchrest
Gillmor
Hastings (WA)
Hayes
Hayworth
Hefley
Hinchey
Holden
Horn
Hunter
Jones
Kanjorski
Kennelly
Kildee
Kim
Kingston
Klink
Leach
Lewis (CA)
Lipinski
Livingston
LoBiondo
Longley
Markey
Martini
Mascara
McCrery
McHale
McHugh
McNulty
Menendez
Metcalf
Mica
Mollohan
Montgomery
Neal
Ney
Norwood
Oberstar
Obey
Packard
Pallone
Paxon
Pomeroy
Porter
Poshard
Quillen
Quinn
Rahall
Reed
Rivers
Ros-Lehtinen
Sanders
Sanford
Saxton
Schaefer
Schumer
Sensenbrenner
Shuster
Smith (NJ)
Solomon
Stearns
Stockman
Tanner
Tate
Tauzin
Thurman
Upton
Volkmer
Walsh
Weldon (PA)
Weller
Zimmer

NOES—312

Abercrombie
Ackerman
Andrews
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bishop
Blumenauer
Blute
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Buyer
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Clay
Clayton
Clement
Clyburn
Coburn
Coleman
Collins (IL)
Collins (MI)
Combest
Conyers
Cooley
Cox
Coyne
Cramer
Crapo
Cremeans
Cubin
Cummings
Danner
Davis
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards
Ehrlich
Engel
English
Eshoo
Everett
Farr
Fattah
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Fowler
Fox
Frank (MA)
Franks (CT)
Frelinghuysen
Frost
Funderburk
Furse
Gallegly
Gekas
Geren
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hefner
Heineman
Herger
Hilleary
Hilliard
Hobson
Hoekstra
Hoke
Hostettler
Houghton
Hoyer
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
King
Kleczka
Klug
Knollenberg
Kolbe
LaFalce
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Levin
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lofgren
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Martinez
Matsui
McCarthy
McCollum
McDermott
McInnis
McIntosh
McKeon
McKinney
Meehan
Meek
Meyers
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Molinari
Moorhead
Moran
Morella
Murtha
Myrick
Nadler
Nethercutt
Neumann
Nussle
Olver
Ortiz
Orton
Owens
Oxley
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Portman
Pryce
Radanovich
Ramstad
Rangel
Regula
Richardson
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Rose
Roth

Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sawyer
Scarborough
Schiff
Schroeder
Scott
Seastrand
Serrano
Shadegg
Shaw
Shays
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Souder
Spence
Spratt
Stark
Stenholm
Stokes
Studds
Stump
Stupak
Talent
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Velazquez
Vento
Visclosky
Vucanovich
Walker
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
White
Whitfield
Wicker
Williams
Wilson
Wise
Woolsey
Wynn
Yates
Young (AK)
Zeliff

ANSWERED "PRESENT"—4

Bilirakis
LaHood
Myers
Traficant

NOT VOTING—10

de la Garza
Ford
Gibbons
Hall (OH)
Lincoln
McDade
Miller (CA)
Slaughter
Wolf
Young (FL)

□ 1549

Messrs. GRAHAM, GREENWOOD, WAMP, and WHITFIELD changed their vote from "aye" to "no."

Mr. CHRISTENSEN changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT, AS MODIFIED, OFFERED BY MR. GUTKNECHT

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment, as modified, offered by the gentleman from Minnesota [Mr. GUTKNECHT] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 150, noes, 268, not voting 15, as follows:

[Roll No. 322]

AYES—150

Allard
Archer
Bachus
Baker (CA)
Barcia
Barr
Barrett (WI)
Bartlett
Barton
Bilbray
Brewster
Browder
Brownback
Bunning
Burton
Camp
Campbell
Chabot
Chapman
Chenoweth
Christensen
Chrysler
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Fowler
Fox
Funderburk
Gekas
Geren
Gillmor
Goodlatte
Goss
Graham
Green (TX)
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hayes
Hayworth
Hefley
Heineman
Herger
Hoekstra
Holden
Hostettler
Inglis
Istook
Jacobs
Johnson, Sam
Jones
Kasich
Kelly
Kim
Klug
Largent
Laughlin
Lewis (KY)
Linder
Lucas
Luther
Manzullo
McHale
McInnis
McIntosh
Meehan
Metcalf
Mica
Miller (FL)
Minge
Montgomery
Moorhead
Myrick
Neumann
Norwood
Orton
Parker
Paxon
Peterson (MN)
Petri
Pombo
Quillen
Radanovich
Ramstad
Richardson
Roberts
Roemer
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shays
Skelton
Smith (MI)
Smith (NJ)
Smith (WA)
Solomon
Souder
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Taylor (MS)
Thornberry
Tiahrt
Torricelli
Upton
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Young (AK)
Zimmer

NOES—268

Abercrombie
Ackerman
Andrews
Armey
Baesler
Baker (LA)
Baldacci
Ballenger
Barrett (NE)
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilirakis
Bishop
Bliley
Blumenauer
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TN)
Bryant (TX)
Bunn
Burr
Buyer
Callahan
Calvert
Canady
Cardin
Castle
Chambliss
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cummings
Davis
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Foley
Forbes
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Furse
Gallegly
Ganske
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goodling
Gordon
Greene (UT)
Greenwood
Gunderson
Gutierrez
Hastert
Hastings (FL)
Hastings (WA)
Hefner
Hilleary
Hilliard
Hinchey
Hobson
Hoke
Horn
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (SD)
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kingston
Kleczka
Klink
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lightfoot
Lipinski
LoBiondo
Lofgren
Longley
Lowey
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDermott
McHugh
McKeon
McKinney
McNulty
Meek
Menendez
Meyers
Millender-McDonald
Mink
Moakley
Molinari
Moran
Morella
Murtha
Myers
Nadler
Neal
Nethercutt
Ney
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Porter
Portman
Poshard
Pryce
Quinn
Rahall
Rangel
Reed
Regula
Riggs
Rivers
Rogers
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schiff
Schroeder
Schumer
Scott
Serrano
Shaw
Shuster
Sisisky
Skaggs
Skeen
Smith (TX)
Spence
Spratt
Stark
Stokes
Studds
Stupak
Tanner
Taylor (NC)
Tejeda
Thomas
Thompson
Thornton
Thurman
Torkildsen
Torres
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Waxman
White
Wicker
Williams
Wise
Woolsey
Wynn
Yates
Zeliff

NOT VOTING—15

Cox
de la Garza
Ford
Hall (OH)
Johnson, E. B.
Lincoln
Livingston
McDade
Miller (CA)
Mollohan
Slaughter
Tauzin
Wilson
Wolf
Young (FL)

□ 1557

Ms. MCKINNEY changed her vote from "aye" to "no."

Mr. MCINTOSH changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, during rollcall vote No. 322 on H.R. 3756 I was unavoidably detained. Had I been present, I would have voted "No."

Mr. GILMAN. Mr. Chairman, the fiscal year 1997 Treasury, Postal Service Appropriations bill, would have cut the critical personnel levels for the Office of National Drug Control Policy [ONDCP] by $2.2 million, from the President's original staffing level request.

While overall providing more monies than the administration originally requested for fighting drugs for ONDCP, the bill unwisely eliminated $2.2 million from ONDCP salaries. This would have forced the office to do without 25 critical full-time employees [FTE's] needed to coordinate our Nation's battle against drugs.

The battle against drugs in recent years has not progressed as well as many of us in the Congress hoped for under the Clinton administration. This is particularly evident in the alarming, soaring drug use we have all witnessed since 1992, especially among our young people.

The rise in drug abuse followed some Clinton administration initial efforts in 1993 to diminish the role of ONDCP in the government-wide struggle against drugs, and a very unwise cut of 80 percent of the staffing for ONDCP.

I am pleased by Chairman LIGHTFOOT's amendment to restore full funding for ONDCP staffing when a satisfactory staff plan is submitted, and I support that effort.

We ought not deny the newest ONDCP Director, General Barry McCaffrey the full staffing he needs, requested, and that we have previously provided for his office.

The ONDCP Director has, even without these limitations, an extremely difficult enough job of formulating and executing the battle against drugs at home, which are today destroying our communities, schools, and our youth.

It is gratifying that the fiscal year 1997 appropriations bill for the Treasury and Postal Services will now guarantee full funding for ONDCP staffing.

I complement Chairman LIGHTFOOT's efforts and that of his Committee to restore full staffing for ONDCP.

Mrs. COLLINS of Illinois. Mr. Chairman, here we go again, get ready, the Gingrich-Armey Republicans had so much fun last year—shutting down the Government, causing insecurity for the American people, and downright scaring the hard-working citizens in every district about the ability of the Federal Government to keep operating—that the Gingrich-Armey Republicans are trying to do it all over again. The one-sided, Republican partisan drafted Federal appropriations bill is being shoved down the throats of the President and the American people. What will happen? Well, if the bill is unacceptable to the President in his analysis of what is best for the American people, he will veto it.

Mr. Speaker, it isn't rocket science to understand what is unacceptable about this bill. In H.R. 3756, Treasury-Postal Appropriations for Fiscal Year 1997 the Gingrich Republicans provide $23.3 billion for the Treasury Department, U.S. Postal Service, and various offices of the Executive Office of the President. Sure, that's a lot of money, a billion here and a billion there, pretty soon begins to look like real money—but this funding level is $1.3 billion less than recommended by the administration, you know, the one that is responsible to the American people for the delivery of services and programs under the jurisdiction of those Federal agencies.

One provision in this legislation is similar to a bill I have introduced to provide a permanent solution to the issue of FBI background checks. However, the Gingrich provision doesn't go far enough. Recent hearings held by the Committee on Government Reform and Oversight, of which I am the ranking minority member, revealed a longstanding, apparently open system with a lack of adequate protections over these kinds of sensitive records. We also learned that when Presidents leave office, they take these files with them to their Presidential libraries, where the protections are just as weak, or nonexistent.

The Clinton White House and the FBI, to their credit, have made some significant internal changes to make sure this type of mistake cannot happen again. We need to ensure, however, that future White Houses continue to provide adequate protection to these records. That is why I introduced the Background Security Records Act of 1996, H.R. 3785, to guarantee that these most sensitive and private records are protected, to tighten restrictions on how these records are obtained and treated, and to make accountable high-ranking FBI and White House officials for their protection.

My Background Security Records Act of 1996 would do four things: First, it would send back to the FBI the security records of individuals no longer at the White House; second, it would require the written permission of the individual whose record is requested from the FBI before the FBI could send it to the White House; third, the bill would extend the criminal sanctions of the Privacy Act to the misuse of these records; and fourth, it would require the Secret Service to develop accurate lists of individuals in need of access to the White House. My bill goes even farther than the provisions in this appropriations bill that don't really accomplish what is needed, the appropriations' bill provision just gives token attention to the issue.

In slashing the President's request for appropriations, the Gingrich Republicans attempt to dictate Federal administrative reorganization. For instance, by a number of tactics, the Republicans are trying to give the Department of Defense the responsibility of modernizing the Internal Revenue Services' computer and information technology. Come on. Are the Republicans' special interest defense contractors so out of work that we have to turn over the IRS to them? Mr. Speaker, I object.

If that's not enough, those same Republican extremists who want to shrink Federal Government as long as it only cuts education, cuts social services, and cuts housing or other programs designed to provide a bridge to self-sufficiency for the middle- and low-income Americans, not the Gingrich Republicans' special interest fat-cats—now that same party wants to tie the purse strings of this administration on things that they, Gingrich Republicans, can't tie up on a straight up-and-down vote during a public debate. I think it's particularly funny that the Gingrich Republicans apparently think the American people are so dumb that they can't see this as a "tax reform" effort to further erode the ability of the IRS to administer and enforce tax collection.

Of all the appropriations bills, perhaps this one should be the most responsive to the request of a President, any President. But this Gingrich Republican bill denies President Clinton the ability to manage his own house, the Executive Office of the President. Does it make sense for any opposition party to be able to dictate to a sitting President how that President runs his or her own Government house? That is a strictly partisan attack on a Democratic Presidency.

Come on, even the Gingrich-Armey Republicans can't believe the American people are that dumb. I urge my colleagues to reject this appropriations bill.

□ 1600

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. DREIER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3756) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1997, and for other purposes, pursuant to House Resolution 475, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will then put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on 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.

MOTION TO RECOMMIT OFFERED BY MR. HOYER

Mr. HOYER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. HOYER. I am, Mr. Chairman.

The SPEAKER pro tempore. The clerk will report the motion to recommit.

The Clerk read as follows:

Mr. HOYER moves to recommit the bill, H.R. 3756, to the Committee on Appropriations.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

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

Pursuant to clause 7, rule XV, the yeas and nays are ordered.

The vote was taken by electronic device and there were yeas 215, nays 207, not voting 11, as follows:

[Roll No. 323]

YEAS—215

Archer	Chrysler	Franks (CT)
Armey	Clinger	Franks (NJ)
Bachus	Coburn	Frelinghuysen
Baker (CA)	Collins (GA)	Frisa
Baker (LA)	Combest	Gallegly
Ballenger	Cox	Ganske
Barr	Cramer	Gekas
Barrett (NE)	Crane	Gilchrest
Bartlett	Crapo	Gillmor
Barton	Cremeans	Gilman
Bass	Cubin	Goodlatte
Bateman	Cunningham	Goodling
Bereuter	Deal	Goss
Bilbray	DeLay	Graham
Bilirakis	Diaz-Balart	Greene (UT)
Bliley	Dickey	Greenwood
Blute	Doolittle	Gunderson
Boehlert	Dornan	Gutknecht
Boehner	Dreier	Hancock
Bonilla	Duncan	Hansen
Brownback	Dunn	Hastert
Bryant (TN)	Edwards	Hastings (WA)
Bunn	Ehlers	Hayes
Bunning	Ehrlich	Hayworth
Burr	English	Heineman
Burton	Ensign	Herger
Buyer	Everett	Hilleary
Callahan	Ewing	Hobson
Calvert	Fawell	Hoekstra
Camp	Fields (TX)	Hoke
Canady	Flanagan	Horn
Castle	Foley	Hostettler
Chabot	Forbes	Houghton
Chambliss	Fowler	Hunter
Christensen	Fox	Hutchinson

Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manzullo
McCollum
McCrery
McHugh
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Parker
Paxon
Petri
Pombo
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Stump
Talent
Tanner
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Traficant
Upton
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Young (AK)
Zeliff

NAYS—207

Abercrombie
Ackerman
Allard
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Blumenauer
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Campbell
Cardin
Chapman
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooley
Costello
Coyne
Cummings
Danner
Davis
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Frank (MA)
Frost
Funderburk
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefley
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDermott
McHale
McInnis
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Millender-McDonald
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Scarborough
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Solomon
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stupak
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wynn
Yates
Zimmer

NOT VOTING—11

Bono
de la Garza
Ford
Hall (OH)
Lincoln
McDade
Miller (CA)
Packard
Slaughter
Wolf
Young (FL)

□ 1620

Mr. WILSON and Mr. COSTELLO changed their vote from "yea" to "nay."

Messrs. ROBERTS, TIAHRT, SCHAEFER, GRAHAM, NEUMANN, SENSENBRENNER, and HANCOCK changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BONO. Mr. Speaker, I was unavoidably detained and missed rollcall vote 323, for final passage of the Treasury, Postal appropriations bill, H.R. 3756.

Had I been present, I certainly would have voted in support of its passage.

GENERAL LEAVE

Mr. LIGHTFOOT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the further consideration of H.R. 3756, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Iowa?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3505

Mr. PETERSON of Minnesota. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 3505.

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

There was no objection.

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 on Tuesday, July 16, 1996, in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 3166, as amended, de novo; and

H.R. 3161, by the yeas and nays.

The Chair will also put the question on the Speaker's approval of the Journal.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

GOVERNMENT ACCOUNTABILITY ACT OF 1996

The SPEAKER pro tempore. The unfinished business is the question de novo of suspending the rules and passing the bill, H.R. 3166, as amended.

The Clerk read the title of the bill.

PARLIAMENTARY INQUIRY

Mr. CONYERS. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. CONYERS. Mr. Speaker, can this measure be brought to a vote when a report has not been filed, and there has been no opportunity for additional or dissenting views?

The SPEAKER pro tempore. The answer is yes.

Mr. CONYERS. Mr. Speaker, I think the Chair will find that it is customary that reports be filed with legislation brought up on the suspension calendar. Is that not correct?

The SPEAKER pro tempore. The Chair indicated yesterday that reports are not required.

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. 3166, as amended.

The question was taken.

RECORDED VOTE

Mr. MCCOLLUM. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 417, noes 6, not voting 10, as follows:

[Roll No. 324]

AYES—417

Abercrombie
Ackerman
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
Blumenauer
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay

Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
Cunningham
Danner
Davis
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
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 (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
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 (IL)
Jackson-Lee (TX)
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
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Woolsey
Wynn
Yates
Zeliff
Zimmer

NOES—6

Conyers
McIntosh
Myers
Quillen
Waters
Young (AK)

NOT VOTING—10

de la Garza
Ford
Hall (OH)
Lincoln
McDade
Miller (CA)
Packard
Slaughter
Wolf
Young (FL)

□ 1642

So (two thirds having voted in the 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.

EXTENDING MOST-FAVORED-NATION STATUS TO ROMANIA

The SPEAKER pro tempore (Mr. LAHOOD). The unfinished business is the question of suspending the rules and passing the bill, H.R. 3161.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. CRANE] that the House suspend the rules and pass the bill, H.R. 3161, on which the yeas and nays are ordered.

This bill be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 334, nays 86, not voting 13, as follows:

[Roll No. 325]

YEAS—334

Abercrombie
Ackerman
Andrews
Archer
Armey
Bachus
Baesler
Baker (LA)
Baldacci
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blute
Boehlert
Boehner
Bonilla
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chapman
Christensen
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Costello
Coyne
Cramer
Crane
Crapo
Cremeans
Cummings
Danner
Davis
DeFazio
DeLay
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Dreier
Dunn
Durbin
Edwards
Ehlers
Engel
English
Ensign
Eshoo
Evans
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Fox
Franks (CT)
Franks (NJ)
Frisa
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Greenwood
Gunderson
Gutierrez
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Heineman
Herger
Hilliard
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Hutchinson
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kleczka
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDermott
McHale
McHugh
McKeon
McNulty
Meehan
Meek
Metcalf
Meyers
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Mollohan
Montgomery
Moorhead
Moran
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sawyer
Saxton
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Shadegg
Shaw
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (TX)
Spence
Stark
Stenholm
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Torkildsen
Torres
Towns
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Ward
Waters
Waxman
Weldon (FL)
Weldon (PA)
White
Whitfield
Wicker
Williams
Wilson
Wise
Woolsey
Wynn
Yates
Young (AK)
Zeliff
Zimmer

NAYS—86

Allard
Baker (CA)
Ballenger
Barcia
Barr
Bonior
Brown (OH)
Bunning
Burr
Chambliss
Chenoweth
Chrysler
Coble
Coburn
Collins (GA)

Cooley	Hilleary	Ros-Lehtinen
Cox	Hinchey	Rose
Cubin	Hostettler	Sanders
Cunningham	Hunter	Sanford
Deal	Inglis	Scarborough
DeLauro	Johnson, Sam	Schaefer
Diaz-Balart	Jones	Seastrand
Dickey	Kanjorski	Shays
Doolittle	Kingston	Smith (NJ)
Dornan	Klink	Smith (WA)
Doyle	Lewis (GA)	Souder
Duncan	Lipinski	Spratt
Ehrlich	Longley	Stearns
Everett	McInnis	Stockman
Fowler	McIntosh	Taylor (MS)
Frank (MA)	McKinney	Taylor (NC)
Frelinghuysen	Menendez	Tiahrt
Funderburk	Mica	Torricelli
Graham	Morella	Traficant
Green (TX)	Murtha	Wamp
Gutknecht	Pallone	Watt (NC)
Hancock	Pombo	Watts (OK)
Hefley	Radanovich	Weller
Hefner	Rohrabacher	

NOT VOTING—13

de la Garza	McDade	Solomon
Ford	Miller (CA)	Wolf
Greene (UT)	Molinari	Young (FL)
Hall (OH)	Packard	
Lincoln	Slaughter	

□ 1654

Mr. WATT of North Carolina changed his vote from "yea" to "nay."

Mr. OWENS changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. KAPTUR. Mr. Speaker, on Rollcall 325, granting most-favored-nation status to Romania I was incorrectly recorded as voting "yes." I request that the record reflect my opposition to this bill and that I intended to vote "no."

THE JOURNAL

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to clause 5 of rule I, the pending business is the question of the Speaker's approval of the Journal.

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

PROVIDING FOR CONSIDERATION OF H.R. 3814 DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

Ms. PRYCE. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 479 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 479

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3814) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1997, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(1)(6) of rule XI or clause 7 of rule XXI are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Before consideration of any other amendment it shall be in order to consider the amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Rogers of Kentucky or his designee. That amendment shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against that amendment are waived. If that amendment is adopted, the bill, as amended, shall be considered as the original bill for the purpose of further amendment. Points of order against provisions in the bill for failure to comply with clause 2 or 6 of rule XXI are waived except as follows: (1) under the Department of Commerce, Science and Technology, the National Institute of Standards and Technology, the matter under the heading "Industrial Technology Services" that begins with "In addition" and continues through "'Working Capital Fund'"; and (2) under the Department of Commerce, the heading "Technology Administration" and the matter thereunder. Where points of order are waived against part of a paragraph, points of order against a provision in another part of such paragraph may be made only against such provision and not against the entire paragraph. During consideration of the bill for further amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment. The Chairman of the Committee of the Whole may reduce to not less than five minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business: *Provided*, That the time for voting by electronic device on the first in any series of questions shall be not less than fifteen minutes. After the reading of the final lines of the bill, a motion that the Committee of the Whole rise and report the bill to the House with such amendments as may have been adopted shall, if offered by the majority leader or a designee, have precedence over a motion to amend. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. EWING). The gentlewoman from Ohio [Ms. PRYCE] is recognized for 1 hour.

□ 1700

Ms. PRYCE. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my good friend, the gentleman from California [Mr. BEILENSON], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Ms. PRYCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this resolution and that I may be permitted to insert extraneous materials into the RECORD.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

MAKING IN ORDER AMENDMENT RELATING TO ADVANCED TECHNOLOGY PROGRAM, AND WAIVING POINTS OF ORDER IN COMMITTEE OF THE WHOLE ON H.R. 3814, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

Ms. PRYCE. Mr. Speaker, I ask unanimous consent that during the consideration of H.R. 3814 in the Committee of the Whole, one, it may be in order immediately after disposition of the first amendment made in order by House Resolution 479, and without intervention of any point of order, to consider the amendment relating to the Advanced Technology Program that I have placed at the desk, if offered by the gentleman from Kentucky [Mr. ROGERS]; and, second, if that amendment is adopted, then points of order under clauses 2 and 6 of rule XXI shall be waived for all provisions of the bill, as amended.

Mr. Speaker, it is my understanding that the minority has been consulted and has no objection to this request.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read, as follows:

Amendment to be offered by Mr. ROGERS, pursuant to the unanimous-consent request of Ms. PRYCE: On page 54, strike the language on lines 3 through 15, and insert the following:

"In addition, for necessary expenses of the Advanced Technology Program of the National Institute of Standards and Technology, $110,500,000, to remain available until expended, of which not to exceed $500,000 may be transferred to the "Working Capital Fund": *Provided*, That none of the funds made available under this heading may be used for the purposes of carrying out additional program competitions under the Advanced Technology Program: *Provided further*, That funds made available for the Advanced Technology Program under this heading and any unobligated balances available from carryover of prior year appropriations

for such program may be used only for the purposes of providing continuation grants for competitions completed prior to October 1, 1995: *Provided further*, That such continuation grants shall be provided only to single applicants or joint venture participants which are small businesses: *Provided further*, That such funds for the Advanced Technology Program are provided for the purposes of closing out all commitments for such program.".

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

There was no objection.

Ms. PRYCE. Mr. Speaker, House Resolution 479 is an open rule providing for the consideration of H.R. 3814, the Commerce, Justice, State and related agencies appropriations bill for fiscal year 1997.

The rule provides 1 hour of general debate equally divided between the chairman and ranking minority member of the Committee on Appropriations.

The rule includes a limited number of waivers to facilitate the orderly consideration of the bill. For example, the rule waives clause 2(L)(6) of rule 11, regarding the 3-day availability of the report, and clause 7 of rule 21, regarding the 3-day availability of printed hearings and reports on appropriations bills.

The rule also provides for the consideration, before any other amendment, of the amendment printed in part 2 of the Rules Committee report, if offered by Mr. ROGERS of Kentucky or his designee. The amendment will be considered as read and shall not be subject to a demand for a division of the question.

Since authorizing legislation for most programs within the bill has not been finalized, the rule further provides the necessary waiver of clause 2 of rule 21, which prohibits unauthorized appropriations and legislation on general appropriations bills, as well as clause 6 of rule 21, which prohibits transfers of unobligated balances.

As we have done in the past, the rule accords priority in recognition to those amendments that are pre-printed in the CONGRESSIONAL RECORD, and it allows the Chairman of the Committee of the Whole to postpone and shorten votes during further consideration of the bill. After the reading of the final lines of the bill, a motion to rise, if offered by the majority leaders or his designee, will have precedence over a motion to amend. Finally, the rule provides one motion to recommit, with or without instructions.

Mr. Speaker, as our colleagues know, the Commerce, State, and Justice appropriations bill covers a lot of ground, from projecting our diplomatic presence overseas, to promoting trade, and to preserving the safety and well-being of our citizens. As a former judge and prosecutor, I recognize that the Federal Government has an important role to play in the fight against drugs and crime, and I am especially pleased that this year's legislation devotes significant resources to law enforcement and related activities.

This important commitment to public safety is reflected in the increased dollars that are provided for drug enforcement initiatives, for enforcing our immigration laws and border control, for implementing the recent anti-terrorism bill, and for assisting State and local governments in their drug control and crime fighting efforts.

By targeting funding at the State and local level, the bill continues to broaden our policy of empowering local authorities to develop local solutions that best address their own unique situations.

But, Mr. Speaker, not all crime is front-page news. Many victims are defenseless women who suffer in silence at home or even in the workplace. Too often, violent crimes committed against women are not even reported to law enforcement agencies. That's why I'm very pleased to note that the bill provides a substantial increase in funding for the Violence Against Women Act, a step which recognizes the importance of combatting the many forms of domestic violence despite the budget constraints that we face this year.

This bill does provide a reasonable and responsible increase in funding over last year's level, with all increases going to critical law enforcement purposes, it is still within the subcommittee's budget allocation. And that, Mr. Speaker, is vitally important to keeping us on the glidepath toward a balanced Federal budget.

Mr. Speaker, Chairman Rogers and the subcommittee have worked very hard this year to craft a bill that balances the need for continued fiscal responsibility with the need to provide adequate funding for law enforcement, diplomatic missions, trade, and many other related activities.

In closing, let me just emphasize that the rule before us is both fair and open. Any Member can be heard on any germane amendment to the bill at the appropriate time, as long as it is consistent with the normal rules of the House. This rule was reported unanimously by the Rules Committee yesterday and I urge its expeditious adoption by the House.

Mr. Speaker, the information I am submitting for the RECORD is as follows:

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of July 11, 1996]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-Open[2]	46	44	78	60
Structured/Modified Closed[3]	49	47	35	27
Closed[4]	9	9	17	13
Total	104	100	130	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A structured or modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of July 11, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–199; A: 227–197 (2/15/95).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of July 11, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95).
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95).
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95).
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95).
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95).
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps	A: 242–190 (3/15/95).
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95).
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95).
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95).
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95).
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95).
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95).
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95).
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95).
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95).
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95).
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95).
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95).
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95).
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95).
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95).
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95).
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95).
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95).
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95).
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95).
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95).
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps	PQ: 236–194 A: 234–192 (6/29/95).
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95).
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95).
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242–185 A: voice vote (7/18/95).
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232–192 A: voice vote (7/18/95).
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95).
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217–202 (7/21/95).
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95).
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/25/95).
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	A: 230–189 (7/25/95).
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: voice vote (8/1/95).
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	A: 409–1 (7/31/95).
H. Res. 207 (8/1/95)	MC	H.R. 1555	Communications Act of 1995	A: 255–156 (8/2/95).
H. Res. 208 (8/1/95)	O	H.R. 2127	Labor, HHS Approps. FY 1996	A: 323–104 (8/2/95).
H. Res. 215 (9/7/95)	O	H.R. 1594	Economically Targeted Investments	A: voice vote (9/12/95).
H. Res. 216 (9/7/95)	MO	H.R. 1655	Intelligence Authorization FY 1996	A: voice vote (9/12/95).
H. Res. 218 (9/12/95)	O	H.R. 1162	Deficit Reduction Lockbox	A: voice vote (9/13/95).
H. Res. 219 (9/12/95)	O	H.R. 1670	Federal Acquisition Reform Act	A: 414–0 (9/13/95).
H. Res. 222 (9/18/95)	O	H.R. 1617	CAREERS Act	A: 388–2 (9/19/95).
H. Res. 224 (9/19/95)	O	H.R. 2274	Natl. Highway System	PQ: 241–173 A: 375–39–1 (9/20/95).
H. Res. 225 (9/19/95)	MC	H.R. 927	Cuban Liberty & Dem. Solidarity	A: 304–118 (9/20/95).
H. Res. 226 (9/21/95)	O	H.R. 743	Team Act	A: 344–66–1 (9/27/95).
H. Res. 227 (9/21/95)	O	H.R. 1170	3-Judge Court	A: voice vote (9/28/95).
H. Res. 228 (9/21/95)	O	H.R. 1601	Internatl. Space Station	A: voice vote (9/27/95).
H. Res. 230 (9/27/95)	C	H.J. Res. 108	Continuing Resolution FY 1996	A: voice vote (9/28/95).
H. Res. 234 (9/29/95)	O	H.R. 2405	Omnibus Science Auth	A: voice vote (10/11/95).
H. Res. 237 (10/17/95)	MC	H.R. 2259	Disapprove Sentencing Guidelines	A: voice vote (10/18/95).
H. Res. 238 (10/18/95)	MC	H.R. 2425	Medicare Preservation Act	PQ: 231–194 A: 227–192 (10/19/95).
H. Res. 239 (10/19/95)	C	H.R. 2492	Leg. Branch Approps	PQ: 235–184 A: voice vote (10/31/95).
H. Res. 245 (10/25/95)	MC	H. Con. Res. 109	Social Security Earnings Reform	PQ: 228–191 A: 235–185 (10/26/95).
		H.R. 2491	Seven-Year Balanced Budget	
H. Res. 251 (10/31/95)	C	H.R. 1833	Partial Birth Abortion Ban	A: 237–190 (11/1/95).
H. Res. 252 (10/31/95)	MO	H.R. 2546	D.C. Approps.	A: 241–181 (11/1/95).
H. Res. 257 (11/7/95)	C	H.J. Res. 115	Cont. Res. FY 1996	A: 216–210 (11/8/95).
H. Res. 258 (11/8/95)	MC	H.R. 2586	Debt Limit	A: 220–200 (11/10/95).
H. Res. 259 (11/9/95)	O	H.R. 2539	ICC Termination Act	A: voice vote (11/14/95).
H. Res. 262 (11/9/95)	C	H.R. 2586	Increase Debt Limit	A: 220–185 (11/10/95).
H. Res. 269 (11/15/95)	O	H.R. 2564	Lobbying Reform	A: voice vote (11/16/95).
H. Res. 270 (11/15/95)	C	H.J. Res. 122	Further Cont. Resolution	A: 249–176 (11/15/95).
H. Res. 273 (11/16/95)	MC	H.R. 2606	Prohibition on Funds for Bosnia	A: 239–181 (11/17/95).
H. Res. 284 (11/29/95)	O	H.R. 1788	Amtrak Reform	A: voice vote (11/30/95).
H. Res. 287 (11/30/95)	O	H.R. 1350	Maritime Security Act	A: voice vote (12/6/95).
H. Res. 293 (12/7/95)	C	H.R. 2621	Protect Federal Trust Funds	PQ: 223–183 A: 228–184 (12/14/95).
H. Res. 303 (12/13/95)	O	H.R. 1745	Utah Public Lands	PQ: 221–197 A: voice vote (5/15/96).
H. Res. 309 (12/18/95)	C	H. Con. Res. 122	Budget Res. W/President	PQ: 230–188 A: 229–189 (12/19/95).
H. Res. 313 (12/19/95)	O	H.R. 558	Texas Low-Level Radioactive	A: voice vote (12/20/95).
H. Res. 323 (12/21/95)	C	H.R. 2677	Natl. Parks & Wildlife Refuge	Tabled (2/28/96).
H. Res. 366 (2/27/96)	MC	H.R. 2854	Farm Bill	PQ: 228–182 A: 244–168 (2/28/96).
H. Res. 368 (2/28/96)	O	H.R. 994	Small Business Growth	Tabled (4/17/96).
H. Res. 371 (3/6/96)	C	H.R. 3021	Debt Limit Increase	A: voice vote (3/7/96).
H. Res. 372 (3/6/96)	MC	H.R. 3019	Cont. Approps. FY 1996	PQ: voice vote A: 235–175 (3/7/96).
H. Res. 380 (3/12/96)	C	H.R. 2703	Effective Death Penalty	A: 251–157 (3/13/96).
H. Res. 384 (3/14/96)	MC	H.R. 2202	Immigration	PQ: 233–152 A: voice vote (3/19/96).
H. Res. 386 (3/20/96)	C	H.J. Res. 165	Further Cont. Approps	PQ: 234–187 A: 237–183 (3/21/96).
H. Res. 388 (3/21/96)	C	H.R. 125	Gun Crime Enforcement	A: 244–166 (3/22/96).
H. Res. 391 (3/27/96)	C	H.R. 3136	Contract w/America Advancement	PQ: 232–180 A: 232–177, (3/28/96).
H. Res. 392 (3/27/96)	MC	H.R. 3103	Health Coverage Affordability	PQ: 229–186 A: Voice Vote (3/29/96).
H. Res. 395 (3/29/96)	MC	H.J. Res. 159	Tax Limitation Const. Amdmt.	PQ: 232–168 A: 234–162 (4/15/96).
H. Res. 396 (3/29/96)	O	H.R. 842	Truth in Budgeting Act	A: voice vote (4/17/96).
H. Res. 409 (4/23/96)	O	H.R. 2715	Paperwork Elimination Act	A: voice vote (4/24/96).
H. Res. 410 (4/23/96)	O	H.R. 1675	Natl. Wildlife Refuge	A: voice vote (4/24/96).
H. Res. 411 (4/23/96)	C	H.J. Res. 175	Further Cont. Approps. FY 1996	A: voice vote (4/24/96).
H. Res. 418 (4/30/96)	O	H.R. 2641	U.S. Marshals Service	PQ: 219–203 A: voice vote (5/1/96).
H. Res. 419 (4/30/96)	O	H.R. 2149	Ocean Shipping Reform	A: 422–0 (5/1/96).
H. Res. 421 (5/2/96)	O	H.R. 2974	Crimes Against Children & Elderly	A: voice vote (5/7/96).
H. Res. 422 (5/2/96)	O	H.R. 3120	Witness & Jury Tampering	A: voice vote (5/7/96).
H. Res. 426 (5/7/96)	O	H.R. 2406	U.S. Housing Act of 1996	PQ: 218–208 A: voice vote (5/8/96).
H. Res. 427 (5/7/96)	O	H.R. 3322	Omnibus Civilian Science Auth	A: voice vote (5/9/96).
H. Res. 428 (5/7/96)	MC	H.R. 3286	Adoption Promotion & Stability	A: voice vote (5/9/96).
H. Res. 430 (5/9/96)	S	H.R. 3230	DoD Auth. FY 1997	A: 235–149 (5/10/96).
H. Res. 435 (5/15/96)	MC	H. Con. Res. 178	Con. Res. on the Budget, 1997	PQ: 227–196 A: voice vote (5/16/96).
H. Res. 436 (5/16/96)	C	H.R. 3415	Repeal 4.3 cent fuel tax	PQ: 221–181 A: voice vote (5/21/96).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of July 11, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 437 (5/16/96)	MO	H.R. 3259	Intell. Auth. FY 1997	A: voice vote (5/21/96).
H. Res. 438 (5/16/96)	MC	H.R. 3144	Defend America Act	
H. Res. 440 (5/21/96)	MC	H.R. 3448	Small Bus. Job Protection	A: 219–211 (5/22/96).
	MC	H.R. 1227	Employee Commuting Flexibility	
H. Res. 442 (5/29/96)	O	H.R. 3517	Mil. Const. Approps. FY 1997	A: voice vote (5/30/96).
H. Res. 445 (5/30/96)	O	H.R. 3540	For. Ops. Approps. FY 1997	A: voice vote (6/5/96).
H. Res. 446 (6/5/96)	MC	H.R. 3562	WI Works Waiver Approval	A: 363–59 (6/6/96).
H. Res. 448 (6/6/96)	MC	H.R. 2754	Shipbuilding Trade Agreement	A: voice vote (6/12/96).
H. Res. 451 (6/10/96)	O	H.R. 3603	Agriculture Appropriations, FY 1997	A: voice vote (6/11/96).
H. Res. 453 (6/12/96)	O	H.R. 3610	Defense Appropriations, FY 1997	A: voice vote (6/13/96).
H. Res. 455 (6/18/96)	O	H.R. 3662	Interior Approps. FY 1997	A: voice vote (6/19/96).
H. Res. 456 (6/19/96)	O	H.R. 3666	VA/HUD Approps	A: 246–166 (6/25/96).
H. Res. 460 (6/25/96)	O	H.R. 3675	Transportation Approps	A: voice vote (6/26/96).
H. Res. 472 (7/9/96)	O	H.R. 3755	Labor/HHS Approps	PQ: 218–202 A: voice vote (7/10/96).
H. Res. 473 (7/9/96)	MC	H.R. 3754	Leg. Branch Approps	A: voice vote (7/10/96).
H. Res. 474 (7/10/96)	MC	H.R. 3396	Defense of Marriage Act	A: 290–133 (7/11/96).
H. Res. 475 (7/11/96)	O	H.R. 3756	Treasury/Postal Approps	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; S/C-structured/closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

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

Mr. BEILENSON. Mr. Speaker, I thank the distinguished gentlewoman from Ohio [Ms. PRYCE] for her yielding the customary 30 minutes of debate time to me, and I yield myself such time as I may consume.

Mr. Speaker, we do not object to the rule for H.R. 3814, the appropriations bill for the Departments of Commerce, Justice, State, the Judiciary and Related Agencies for fiscal year 1997.

As the gentlewoman from Ohio has explained, this can be described as an open rule. As with other appropriations bills we have considered, however, it does not contain a number of waivers of points of order for violations of House rules. We do not support all the provisions in the bill that are being protected by those waivers but we do not object to the waivers themselves.

Mr. Speaker, we are particularly troubled by the provision in the bill limiting the President's ability to negotiate issues related to the ABM Treaty that are so important to the national security of the United States. We believe that that is an entirely inappropriate matter to include in the bill. It may even be unconstitutional.

Mr. Speaker, the bill does contain a number of other provisions that are similarly of great concern to us. We oppose the decision to slash the legal services program even further. We should be ensuring equal access to the court system to all Americans. What we are doing here is ensuring that low-income Americans are unable to enjoy the benefits of full and equal access to our legal system.

Many of us are also disappointed that the bill extends the fight against safe and legal abortions and against a woman's right to choose by denying Federal prisoners reproductive choice. It is difficult to think of women who are more dependent on the Federal Government for all their medical care and have no way to choose other services. We regret we are continuing the efforts to fight abortion, a legal medical procedure, Mr. Speaker, in yet another appropriations bill.

The bill also severely underfunds our peacekeeping missions. This inadequate level of funding is an affront to U.S. leadership in the international arena and will, I believe, prejudice our efforts to promote U.S. global interests.

I would, Mr. Speaker, like to take this opportunity to thank the committee for continuing its strong support, first begun under the leadership of the gentleman from West Virginia [Mr. MOLLOHAN], of funding to help control illegal immigration. The increased funding for the INS and for the border patrol are very important to the country and, of course, to the States that are most affected by immigration.

The committee is to be commended, too, Mr. Speaker, for continuing to increase the appropriation for reimbursing States for the costs of incarcerating criminal illegal aliens, a program first funded as a result of an amendment that this gentleman and other Members offered 2 years ago to the 1994 crime bill.

After years of seeking help to fight illegal immigration, Congress has, over the past 3 or 4 years, through the leadership of this particular appropriations subcommittee, finally recognized the severe problems caused by illegal immigration, especially in such States as California, New York, Florida, New Jersey, Illinois, and Texas. Immigration is, after all, a Federal responsibility, and I would like to say to the chairman and to the ranking member that we very much appreciate the committee's support for the programs that many of us have been advocating for a good many years.

I would also finally like to congratulate the gentleman from Kentucky [Mr. ROGERS] and the gentleman from West Virginia [Mr. MOLLOHAN] for their bipartisan cooperation in working on this bill. This is a difficult process, this appropriations process, with such great fiscal restraint, and the House is appreciative of the spirit of comity and the good example of being able to work together so well that these two gentleman have shown to the rest of us.

Mr. Speaker, under the rule we hope to have the opportunity to fully debate the bill and address our major concerns about it. For the moment, as I said, we have no objections to the rule.

Ms. PRYCE. Mr. Speaker, I continue to reserve the balance of my time.

Mr. BEILENSON. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from West Virginia [Mr. MOLLOHAN].

Mr. MOLLOHAN. Mr. Speaker, I simply rise in support of the rule and express appreciation to my chairman, Mr. ROGERS, for the hard work that he has put into this bill and for the spirit of cooperation that he has approached it. We appreciate his accommodations in a number of areas.

Mr. MOLLOHAN. Mr. Speaker, I rise today in support of the rule.

However, actions taken yesterday at the Rules Committee hearing almost precluded my support for this measure. The authorizing chairman had asked that two programs extremely important to the administration not be afforded protection by the rule.

As a result, the rule before us today does not protect the Commerce Department's Advanced Technology Program or Technology Administration from points of order raised during floor consideration. These programs are not authorized—but then again neither are most programs in our bill.

Because the rule would have allowed the striking of funding provided for these programs—$110.5 million for ATP and $5 million for the TA—I intended to speak today in opposition to this rule.

However, I now understand that an agreement has been reached which accommodates the concerns of the authorizing chairman. I would like to express my appreciation to Chairman ROGERS and to Chairman WALKER for their efforts to reach a reasonable resolution of this matter. As a result of this agreement, I am acting under the assumption that an amendment will be offered to the bill to allow funding for the ATP under different conditions and that the TA will be protected from points of order.

In its current form, the bill restricts ATP funding from being used to hold new grant competitions. The agreed upon amendment would add bill language stating that all funds must be used only to fund fiscal year 1995 and prior year grant awards which involve small businesses. Additionally, it would add report and bill language stating that the funding provided in the bill is to be used for "close out commitments."

Obviously, I personally do not agree with these new as well as the old restrictions. However, restricted funding for ATP is better than no funding at all. And funding for the Technology Administration is extremely important.

Both ATP and the Technology Administration are critical components of President Clinton's competitive agenda.

The Technology Administration serves as an advocate for American industries—ensuring that Government policies, programs, and regulations promote U.S. competitiveness. Additionally, TA is the only Federal agency that analyzes the civilian technology activities of our foreign competitors, working to promote and protect U.S. technology interests in global research and development efforts.

Similarly, ATP is about investing in our Nation's competitiveness in the global marketplace. It does nothing more than put U.S. industry on a level playing field with our major global competitors. As we sit here today placing additional restrictions on ATP, our foreign competitors are pouring money into similar programs. In fact, the European nations are accelerating investment in commercial technologies. Japan has plans to double its government science and technology budget by the year 2000. China is planning to triple its investment in R&D by 2000, targeting computers, software, telecommunications, pharmaceuticals, and infrastructure. And the Republic of Korea has considerably boosted its R&D efforts in key technology areas and is actively acquiring foreign technologies.

Simply stated, the United States is in a battle for global markets, where the spoils are jobs and national prosperity—and we are in a dead heat. Investing in programs like APT and the Technology Administration will make all the difference.

So, with reservation, I ask my colleagues to support the rule before us today. While the agreement reached will place further restrictions on the ATP Program, it will ensure that at least some funding is provided for this important initiative.

Mr. BEILENSON. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. BROWN].

Mr. BROWN of California. Mr. Speaker, I thank the gentleman from California [Mr. BEILENSON] for yielding me so much time. I hope I will not consume it all.

Mr. Speaker, it had been my original intention to oppose both the rule and the bill as the result of a number of deficiencies which I found in them. However, I want to pay tribute to the fact that a number of negotiations have taken place, some in the last few minutes, aimed at alleviating some of my problems, and I will not take the same position as a result of those actions.

Part of the agreements that were made were reflected in the approval of the unanimous consent request that was made earlier, which made it possible to continue the technology program in the Department of Commerce, the Advanced Technology Program, which I think has tremendous value to the people of the United States in terms of enhancing our ability to have a more effective and efficient manufacturing sector in the United States, and which I think will add to the productivity and economic growth of this country.

I think we all recognize that this is vital to our future prosperity, to our future ability to get out of the deficit bind that we are in, and to create jobs to absorb those who are without jobs in this country.

I was a little puzzled at the fact that the Committee on Rules had apparently, by some forethought, protected every portion of this bill except the technology programs, and I rather wondered how that had been brought about, but I will not ruminate too much on that.

□ 1715

I am happy that the threat seems to have disappeared of erasing these programs through raising a point of order. Under the circumstances, I am going to support the rule and I am going to do my best to improve the bill to whatever slight degree I may when it is up for discussion. But I am reconciled to the fact that the present budgetary pressures may preclude us from doing too much to enhance some of these programs because the only way to do that is to take funds away from other sometimes equally deserving programs.

So let me conclude by paying my respects to both the chairman of the subcommittee and the ranking minority member, who have done so much and worked so hard to bring about some consensus with regard to a reasonable way to handle these problems.

I think that what we have seen represents the best in the art of politics, which is to get the most you can from a lemon when you cannot do anything else. I, therefore, will look forward to the debate on the bill, but I will not oppose the rule.

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

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

Mr. Speaker, I just wanted to conclude by thanking the chairman and the ranking member for their hard work and bipartisan cooperation through this process. I once again urge my colleagues to support this fair and open rule.

Mr. ROGERS. Mr. Speaker, will the gentlewoman yield?

Ms. PRYCE. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Speaker, I wanted to thank the gentlewoman and the gentleman from California from the Committee on Rules who have been very cooperative with us on this rule, not only the Members that are represented here from the Committee on Rules but those who are not. The Committee on Rules has a hard job, harder than anyone realizes. We appreciate very much their accommodation to us on the Committee on Appropriations on this bill. I support the rule.

Ms. PRYCE. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

the resolution was agreed to.

A motion to reconsider was laid on the table.

REPORT CONCERNING EMIGRATION LAWS AND POLICIES OF THE REPUBLIC OF BULGARIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104–246)

The SPEAKER pro tempore (Mr. BARRETT of Nebraska) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

On June 3, 1993, I determined and reported to the Congress that Bulgaria is in full compliance with the freedom of emigration criteria of sections 402 and 409 of the Trade Act of 1974. This action allowed for the continuation of most-favored-nation (MFN) status for Bulgaria and certain other activities without the requirement of a waiver.

As required by law, I am submitting an updated report to the Congress concerning emigration laws and policies of the Republic of Bulgaria. The report indicates continued Bulgarian compliance with U.S. and international standards in the area of emigration policy.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 17, 1996.*

REPORT OF PRESIDENT'S ADVISORY BOARD ON ARMS PROLIFERATION POLICY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

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

To the Congress of the United States:

As required by section 1601(d) of Public Law 103–160 (the "Act") I transmit herewith the report of the President's Advisory Board on Arms Proliferation Policy. The Board was established by Executive Order 12946 (January 20, 1995), pursuant to section 1601(c) of the Act.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 17, 1996.*

SAFE DRINKING WATER ACT AMENDMENTS OF 1995

Mr. BLILEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1316) to reauthorize and amend title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act"), and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "Safe Drinking Water Act Amendments of 1995".

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

Sec. 1. Short title; table of contents; references.
Sec. 2. Findings.
Sec. 3. State revolving loan funds.
Sec. 4. Selection of contaminants; schedule.
Sec. 5. Risk assessment, management, and communication.
Sec. 6. Standard-setting; review of standards.
Sec. 7. Arsenic.
Sec. 8. Radon.
Sec. 9. Sulfate.
Sec. 10. Filtration and disinfection.
Sec. 11. Effective date for regulations.
Sec. 12. Technology and treatment techniques; technology centers.
Sec. 13. Variances and exemptions.
Sec. 14. Small systems; technical assistance.
Sec. 15. Capacity development; finance centers.
Sec. 16. Operator and laboratory certification.
Sec. 17. Source water quality protection partnerships.
Sec. 18. State primacy; State funding.
Sec. 19. Monitoring and information gathering.
Sec. 20. Public notification.
Sec. 21. Enforcement; judicial review.
Sec. 22. Federal agencies.
Sec. 23. Research.
Sec. 24. Definitions.
Sec. 25. Watershed and ground water protection.
Sec. 26. Lead plumbing and pipes; return flows.
Sec. 27. Bottled water.
Sec. 28. Other amendments.

(c) REFERENCES TO TITLE XIV OF THE PUBLIC HEALTH SERVICE ACT.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act") (42 U.S.C. 300f et seq.).

SEC. 2. FINDINGS.

Congress finds that—

(1) safe drinking water is essential to the protection of public health;

(2) because the requirements of title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act") (42 U.S.C. 300f et seq.) now exceed the financial and technical capacity of some public water systems, especially many small public water systems, the Federal Government needs to provide assistance to communities to help the communities meet Federal drinking water requirements;

(3) the Federal Government commits to take steps to foster and maintain a genuine partnership with the States in the administration and implementation of the Safe Drinking Water Act;

(4) States play a central role in the implementation of safe drinking water programs, and States need increased financial resources and appropriate flexibility to ensure the prompt and effective development and implementation of drinking water programs;

(5) the existing process for the assessment and regulation of additional drinking water contaminants needs to be revised and improved to ensure that there is a sound scientific basis for drinking water regulations and that the standards established address the health risks posed by contaminants;

(6) procedures for assessing the health effects of contaminants and establishing drinking water standards should be revised to provide greater opportunity for public education and participation;

(7) in setting priorities with respect to the health risks from drinking water to be addressed and in selecting the appropriate level of regulation for contaminants in drinking water, risk assessment and benefit-cost analysis are important and useful tools for improving the efficiency and effectiveness of drinking water regulations to protect human health;

(8) more effective protection of public health requires—

(A) a Federal commitment to set priorities that will allow scarce Federal, State, and local resources to be targeted toward the drinking water problems of greatest public health concern; and

(B) maximizing the value of the different and complementary strengths and responsibilities of the Federal and State governments in those States that have primary enforcement responsibility for the Safe Drinking Water Act; and

(9) compliance with the requirements of the Safe Drinking Water Act continues to be a concern at public water systems experiencing technical and financial limitations, and Federal, State, and local governments need more resources and more effective authority to attain the objectives of the Safe Drinking Water Act.

SEC. 3. STATE REVOLVING LOAN FUNDS.

The title (42 U.S.C. 300f et seq.) is amended by adding at the end the following:

"PART G—STATE REVOLVING LOAN FUNDS

"GENERAL AUTHORITY

"SEC. 1471. (a) CAPITALIZATION GRANT AGREEMENTS.—The Administrator shall offer to enter into an agreement with each State to make capitalization grants to the State pursuant to section 1472 (referred to in this part as 'capitalization grants') to establish a drinking water treatment State revolving loan fund (referred to in this part as a 'State loan fund').

"(b) REQUIREMENTS OF AGREEMENTS.—An agreement entered into pursuant to this section shall establish, to the satisfaction of the Administrator, that—

"(1) the State has established a State loan fund that complies with the requirements of this part;

"(2) the State loan fund will be administered by an instrumentality of the State that has the powers and authorities that are required to operate the State loan fund in accordance with this part;

"(3) the State will deposit the capitalization grants into the State loan fund;

"(4) the State will deposit all loan repayments received, and interest earned on the amounts deposited into the State loan fund under this part, into the State loan fund;

"(5) the State will deposit into the State loan fund an amount equal to at least 20 percent of the total amount of each payment to be made to the State on or before the date on which the payment is made to the State, except as provided in subsection (c)(4);

"(6) the State will use funds in the State loan fund in accordance with an intended use plan prepared pursuant to section 1474(b);

"(7) the State and loan recipients that receive funds that the State makes available from the State loan fund will use accounting procedures that conform to generally accepted accounting principles, auditing procedures that conform to chapter 75 of title 31, United States Code (commonly known as the 'Single Audit Act of 1984'), and such fiscal procedures as the Administrator may prescribe; and

"(8) the State has adopted policies and procedures to ensure that loan recipients are reasonably likely to be able to repay a loan.

"(c) ADMINISTRATION OF STATE LOAN FUNDS.—

"(1) IN GENERAL.—The authority to establish assistance priorities for financial assistance provided with amounts deposited into the State loan fund shall reside in the State agency that has primary responsibility for the administration of the State program under section 1413, after consultation with other appropriate State agencies (as determined by the State): *Provided further*, That in nonprimacy States, the Governor shall determine which State agency will have the authority to establish assistance priorities for financial assistance provided with amounts deposited into the State loan fund.

"(2) FINANCIAL ADMINISTRATION.—A State may combine the financial administration of the State loan fund pursuant to this part with the financial administration of a State water pollution control revolving fund established by the State pursuant to title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.), or other State revolving funds providing financing for similar purposes, if the Administrator determines that the grants to be provided to the State under this part, and the loan repayments and interest deposited into the State loan fund pursuant to this part, will be separately accounted for and used solely for the purposes of and in compliance with the requirements of this part.

"(3) TRANSFER OF FUNDS.—

"(A) IN GENERAL.—Notwithstanding any other provision of law, a Governor of a State may—

"(i) reserve up to 50 percent of a capitalization grant made pursuant to section 1472 and add the funds reserved to any funds provided to the State pursuant to section 601 of the Federal Water Pollution Control Act (33 U.S.C. 1381); and

"(ii) reserve in any year a dollar amount up to the dollar amount that may be reserved under clause (i) for that year from capitalization grants made pursuant to section 601 of such Act (33 U.S.C. 1381) and add

the reserved funds to any funds provided to the State pursuant to section 1472.

"(B) STATE MATCH.—Funds reserved pursuant to this paragraph shall not be considered to be a State match of a capitalization grant required pursuant to this title or the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

"(4) EXTENDED PERIOD.—Notwithstanding subsection (b)(5), a State shall not be required to deposit a State matching amount into the fund prior to the date on which each payment is made for payments from funds appropriated for fiscal years 1994, 1995, and 1996, if the matching amounts for the payments are deposited into the State fund prior to September 30, 1998.

"CAPITALIZATION GRANTS

"SEC. 1472. (a) GENERAL AUTHORITY.—The Administrator may make grants to capitalize State loan funds to a State that has entered into an agreement pursuant to section 1471.

"(b) FORMULA FOR ALLOTMENT OF FUNDS.—

"(1) IN GENERAL.—Subject to subsection (c) and paragraph (2), funds made available to carry out this part shall be allotted to States that have entered into an agreement pursuant to section 1471 in accordance with—

"(A) for each of fiscal years 1995 through 1997, a formula that is the same as the formula used to distribute public water system supervision grant funds under section 1443 in fiscal year 1995, except that the minimum proportionate share established in the formula shall be 1 percent of available funds and the formula shall be adjusted to include a minimum proportionate share for the State of Wyoming; and

"(B) for fiscal year 1998 and each subsequent fiscal year, a formula that allocates to each State the proportional share of the State needs identified in the most recent survey conducted pursuant to section 1475(c), except that the minimum proportionate share provided to each State shall be the same as the minimum proportionate share provided under subparagraph (A).

"(2) OTHER JURISDICTIONS.—The formula established pursuant to paragraph (1) shall reserve 0.5 percent of the amounts made available to carry out this part for a fiscal year for providing direct grants to the jurisdictions, other than Indian Tribes, referred to in subsection (f).

"(c) RESERVATION OF FUNDS FOR INDIAN TRIBES.—

"(1) IN GENERAL.—For each fiscal year, prior to the allotment of funds made available to carry out this part, the Administrator shall reserve 1.5 percent of the funds for providing financial assistance to Indian Tribes pursuant to subsection (f).

"(2) USE OF FUNDS.—Funds reserved pursuant to paragraph (1) shall be used to address the most significant threats to public health associated with public water systems that serve Indian Tribes, as determined by the Administrator in consultation with the Director of the Indian Health Service and Indian Tribes.

"(3) NEEDS ASSESSMENT.—The Administrator, in consultation with the Director of the Indian Health Service and Indian Tribes, shall, in accordance with a schedule that is consistent with the needs surveys conducted pursuant to section 1475(c), prepare surveys and assess the needs of drinking water treatment facilities to serve Indian Tribes, including an evaluation of the public water systems that pose the most significant threats to public health.

"(d) TECHNICAL ASSISTANCE FOR SMALL SYSTEMS.—

"(1) DEFINITIONS.—In this subsection:

"(A) SMALL SYSTEM.—The term 'small system' means a public water system that serves a population of 10,000 or fewer.

"(B) TECHNICAL ASSISTANCE.—The term 'technical assistance' means assistance provided by a State to a small system, including assistance to potential loan recipients and assistance for planning and design, development and implementation of a source water quality protection partnership program, alternative supplies of drinking water, restructuring or consolidation of a small system, and treatment to comply with a national primary drinking water regulation.

"(2) RESERVATION OF FUNDS.—To provide technical assistance pursuant to this subsection, each State may reserve from capitalization grants received in any year an amount that does not exceed the greater of—

"(A) an amount equal to 2 percent of the amount of the capitalization grants received by the State pursuant to this section; or

"(B) $300,000.

"(e) ALLOTMENT PERIOD.—

"(1) PERIOD OF AVAILABILITY FOR FINANCIAL ASSISTANCE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the sums allotted to a State pursuant to subsection (b) for a fiscal year shall be available to the State for obligation during the fiscal year for which the sums are authorized and during the following fiscal year.

"(B) FUNDS MADE AVAILABLE FOR FISCAL YEARS 1995 AND 1996.—The sums allotted to a State pursuant to subsection (b) from funds that are made available by appropriations for each of fiscal years 1995 and 1996 shall be available to the State for obligation during each of fiscal years 1995 through 1998.

"(2) REALLOTMENT OF UNOBLIGATED FUNDS.—Prior to obligating new allotments made available to the State pursuant to subsection (b), each State shall obligate funds accumulated before a date that is 1 year prior to the date of the obligation of a new allotment from loan repayments and interest earned on amounts deposited into a State loan fund. The amount of any allotment that is not obligated by a State by the last day of the period of availability established by paragraph (1) shall be immediately reallotted by the Administrator on the basis of the same ratio as is applicable to sums allotted under subsection (b), except that the Administrator may reserve and allocate 10 percent of the remaining amount for financial assistance to Indian Tribes in addition to the amount allotted under subsection (c). None of the funds reallotted by the Administrator shall be reallotted to any State that has not obligated all sums allotted to the State pursuant to this section during the period in which the sums were available for obligation.

"(3) ALLOTMENT OF WITHHELD FUNDS.—All funds withheld by the Administrator pursuant to subsection (g) and section 1442(e)(3) shall be allotted by the Administrator on the basis of the same ratio as is applicable to funds allotted under subsection (b). None of the funds allotted by the Administrator pursuant to this paragraph shall be allotted to a State unless the State has met the requirements of section 1418(a).

"(f) DIRECT GRANTS.—

"(1) IN GENERAL.—The Administrator is authorized to make grants for the improvement of public water systems of Indian Tribes, the District of Columbia, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, and Guam and, if funds are appropriated to carry out this part for fiscal year 1995, the Republic of Palau.

"(2) ALASKA NATIVE VILLAGES.—In the case of a grant for a project under this subsection in an Alaska Native village, the Administrator is also authorized to make grants to the State of Alaska for the benefit of Native villages. An amount not to exceed 4 percent of the grant amount may be used by the State of Alaska for project management.

"(g) NEW SYSTEM CAPACITY.—Beginning in fiscal year 1999, the Administrator shall withhold the percentage prescribed in the following sentence of each capitalization grant made pursuant to this section to a State unless the State has met the requirements of section 1418(a). The percentage withheld shall be 5 percent for fiscal year 1999, 10 percent for fiscal year 2000, and 15 percent for each subsequent fiscal year.

"ELIGIBLE ASSISTANCE

"SEC. 1473. (a) IN GENERAL.—The amounts deposited into a State loan fund, including any amounts equal to the amounts of loan repayments and interest earned on the amounts deposited, may be used by the State to carry out projects that are consistent with this section.

"(b) PROJECTS ELIGIBLE FOR ASSISTANCE.—

"(1) IN GENERAL.—The amounts deposited into a State loan fund shall be used only for providing financial assistance for capital expenditures and associated costs (but excluding the cost of land acquisition unless the cost is incurred to acquire land for the construction of a treatment facility or for a consolidation project) for—

"(A) a project that will facilitate compliance with national primary drinking water regulations promulgated pursuant to section 1412;

"(B) a project that will facilitate the consolidation of public water systems or the use of an alternative source of water supply;

"(C) a project that will upgrade a drinking water treatment system; and

"(D) the development of a public water system to replace private drinking water supplies if the private water supplies pose a significant threat to human health.

"(2) OPERATOR TRAINING.—Associated costs eligible for assistance under this part include the costs of training and certifying the persons who will operate facilities that receive assistance pursuant to paragraph (1).

"(3) LIMITATION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), no assistance under this part shall be provided to a public water system that—

"(i) does not have the technical, managerial, and financial capability to ensure compliance with the requirements of this title; and

"(ii) has a history of—

"(I) past violations of any maximum contaminant level or treatment technique established by a regulation or a variance; or

"(II) significant noncompliance with monitoring requirements or any other requirement of a national primary drinking water regulation or variance.

"(B) RESTRUCTURING.—A public water system described in subparagraph (A) may receive assistance under this part if—

"(i) the owner or operator of the system agrees to undertake feasible and appropriate changes in operations (including ownership, management, accounting, rates, maintenance, consolidation, alternative water supply, or other procedures) if the State determines that such measures are necessary to ensure that the system has the technical,

managerial, and financial capability to comply with the requirements of this title over the long term; and

"(ii) the use of the assistance will ensure compliance.

"(c) ELIGIBLE PUBLIC WATER SYSTEMS.—A State loan fund, or the Administrator in the case of direct grants under section 1472(f), may provide financial assistance only to community water systems, publicly owned water systems (other than systems owned by Federal agencies), and nonprofit noncommunity water systems.

"(d) TYPES OF ASSISTANCE.—Except as otherwise limited by State law, the amounts deposited into a State loan fund under this section may be used only—

"(1) to make loans, on the condition that—

"(A) the interest rate for each loan is less than or equal to the market interest rate, including an interest free loan;

"(B) principal and interest payments on each loan will commence not later than 1 year after completion of the project for which the loan was made, and each loan will be fully amortized not later than 20 years after the completion of the project, except that in the case of a disadvantaged community (as defined in subsection (e)(1)), a State may provide an extended term for a loan, if the extended term—

"(i) terminates not later than the date that is 30 years after the date of project completion; and

"(ii) does not exceed the expected design life of the project;

"(C) the recipient of each loan will establish a dedicated source of revenue (or, in the case of a privately-owned system, demonstrate that there is adequate security) for the repayment of the loan; and

"(D) the State loan fund will be credited with all payments of principal and interest on each loan;

"(2) to buy or refinance the debt obligation of a municipality or an intermunicipal or interstate agency within the State at an interest rate that is less than or equal to the market interest rate in any case in which a debt obligation is incurred after October 14, 1993, or to refinance a debt obligation for a project constructed to comply with a regulation established pursuant to an amendment to this title made by the Safe Drinking Water Act Amendments of 1986 (Public Law 99–339; 100 Stat. 642);

"(3) to guarantee, or purchase insurance for, a local obligation (all of the proceeds of which finance a project eligible for assistance under subsection (b)) if the guarantee or purchase would improve credit market access or reduce the interest rate applicable to the obligation;

"(4) as a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds issued by the State if the proceeds of the sale of the bonds will be deposited into the State loan fund; and

"(5) to earn interest on the amounts deposited into the State loan fund.

"(e) ASSISTANCE FOR DISADVANTAGED COMMUNITIES.—

"(1) DEFINITION OF DISADVANTAGED COMMUNITY.—In this subsection, the term 'disadvantaged community' means the service area of a public water system that meets affordability criteria established after public review and comment by the State in which the public water system is located. The Administrator may publish information to assist States in establishing affordability criteria.

"(2) LOAN SUBSIDY.—Notwithstanding subsection (d), in any case in which the State makes a loan pursuant to subsection (d) to a disadvantaged community or to a community that the State expects to become a disadvantaged community as the result of a proposed project, the State may provide additional subsidization (including forgiveness of principal).

"(3) TOTAL AMOUNT OF SUBSIDIES.—For each fiscal year, the total amount of loan subsidies made by a State pursuant to paragraph (2) may not exceed 30 percent of the amount of the capitalization grant received by the State for the year.

"(f) SOURCE WATER QUALITY PROTECTION AND CAPACITY DEVELOPMENT.—

"(1) IN GENERAL.—Notwithstanding subsection (b)(1), a State may—

"(A) provide assistance, only in the form of a loan, to—

"(i) any public water system described in subsection (c) to acquire land or a conservation easement from a willing seller or grantor, if the purpose of the acquisition is to protect the source water of the system from contamination; or

"(ii) any community water system described in subsection (c) to provide funding in accordance with section 1419(d)(1)(C)(i);

"(B) provide assistance, including technical and financial assistance, to any public water system as part of a capacity development strategy developed and implemented in accordance with section 1418(c); and

"(C) make expenditures from the capitalization grant of the State for fiscal years 1996 and 1997 to delineate and assess source water protection areas in accordance with section 1419, except that funds set aside for such expenditure shall be obligated within 4 fiscal years.

"(2) LIMITATION.—For each fiscal year, the total amount of assistance provided and expenditures made by a State under this subsection may not exceed 15 percent of the amount of the capitalization grant received by the State for that year and may not exceed 10 percent of that amount for any one of the following activities:

"(A) To acquire land or conservation easements pursuant to paragraph (1)(A)(i).

"(B) To provide funding to implement recommendations of source water quality protection partnerships pursuant to paragraph (1)(A)(ii).

"(C) To provide assistance through a capacity development strategy pursuant to paragraph (1)(B).

"(D) To make expenditures to delineate or assess source water protection areas pursuant to paragraph (1)(C).

"STATE LOAN FUND ADMINISTRATION

"SEC. 1474. (a) ADMINISTRATION, TECHNICAL ASSISTANCE, AND MANAGEMENT.—

"(1) ADMINISTRATION.—Each State that has a State loan fund is authorized to expend from the annual capitalization grant of the State a reasonable amount, not to exceed 4 percent of the capitalization grant made to the State, for the costs of the administration of the State loan fund.

"(2) STATE PROGRAM MANAGEMENT ASSISTANCE.—

"(A) IN GENERAL.—Each State that has a loan fund is authorized to expend from the annual capitalization grant of the State an amount, determined pursuant to this paragraph, to carry out the public water system supervision program under section 1443(a) and to—

"(i) administer, or provide technical assistance through, source water quality protection programs, including a partnership program under section 1419; and

"(ii) develop and implement a capacity development strategy under section 1418(c) in the State.

"(B) LIMITATION.—Amounts expended by a State pursuant to this paragraph for any fiscal year may not exceed an amount that is equal to the amount of the grant funds available to the State for that fiscal year under section 1443(a).

"(C) STATE FUNDS.—For any fiscal year, funds may not be expended pursuant to this paragraph unless the Administrator determines that the amount of State funds made available to carry out the public water system supervision program under section 1443(a) for the fiscal year is not less than the amount of State funds made available to carry out the program for fiscal year 1993.

"(b) INTENDED USE PLANS.—

"(1) IN GENERAL.—After providing for public review and comment, each State that has entered into a capitalization agreement pursuant to this part shall annually prepare a plan that identifies the intended uses of the amounts available to the State loan fund of the State.

"(2) CONTENTS.—An intended use plan shall include—

"(A) a list of the projects to be assisted in the first fiscal year that begins after the date of the plan, including a description of the project, the expected terms of financial assistance, and the size of the community served;

"(B) the criteria and methods established for the distribution of funds; and

"(C) a description of the financial status of the State loan fund and the short-term and long-term goals of the State loan fund.

"(3) USE OF FUNDS.—

"(A) IN GENERAL.—An intended use plan shall provide, to the maximum extent practicable, that priority for the use of funds be given to projects that—

"(i) address the most serious risk to human health;

"(ii) are necessary to ensure compliance with the requirements of this title (including requirements for filtration); and

"(iii) assist systems most in need on a per household basis according to State affordability criteria.

"(B) LIST OF PROJECTS.—Each State shall, after notice and opportunity for public comment, publish and periodically update a list of projects in the State that are eligible for assistance under this part, including the priority assigned to each project and, to the extent known, the expected funding schedule for each project.

"STATE LOAN FUND MANAGEMENT

"SEC. 1475. (a) IN GENERAL.—Not later than 1 year after the date of enactment of this part, and annually thereafter, the Administrator shall conduct such reviews and audits as the Administrator considers appropriate, or require each State to have the reviews and audits independently conducted, in accordance with the single audit requirements of chapter 75 of title 31, United States Code.

"(b) STATE REPORTS.—Not later than 2 years after the date of enactment of this part, and every 2 years thereafter, each State that administers a State loan fund shall publish and submit to the Administrator a report on the activities of the State under this part, including the findings of the most recent audit of the State loan fund.

"(c) DRINKING WATER NEEDS SURVEY AND ASSESSMENT.—Not later than 1 year after the date of enactment of this part, and every 4 years thereafter, the Administrator shall submit to Congress a survey and assessment of the needs for facilities in each State eligible for assistance under this part (including,

in the case of the State of Alaska, the needs of Native villages (as defined in section 3(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602 (c))). The survey and assessment conducted pursuant to this subsection shall—

"(1) identify, by State, the needs for projects or facilities owned or controlled by community water systems eligible for assistance under this part on the date of the assessment (other than refinancing for a project pursuant to section 1473(d)(2));

"(2) estimate the needs for eligible facilities over the 20-year period following the date of the assessment;

"(3) identify, by size category, the population served by public water systems with needs identified pursuant to paragraph (1); and

"(4) include such other information as the Administrator determines to be appropriate.

"(d) EVALUATION.—The Administrator shall conduct an evaluation of the effectiveness of the State loan funds through fiscal year 1999. The evaluation shall be submitted to Congress at the same time as the President submits to Congress, pursuant to section 1108 of title 31, United States Code, an appropriations request for fiscal year 2001 relating to the budget of the Environmental Protection Agency.

"ENFORCEMENT

"SEC. 1476. The failure or inability of any public water system to receive funds under this part or any other loan or grant program, or any delay in obtaining the funds, shall not alter the obligation of the system to comply in a timely manner with all applicable drinking water standards and requirements of this title.

"REGULATIONS AND GUIDANCE

"SEC. 1477. The Administrator shall publish such guidance and promulgate such regulations as are necessary to carry out this part, including guidance and regulations to ensure that—

"(1) each State commits and expends funds from the State loan fund in accordance with the requirements of this part and applicable Federal and State laws; and

"(2) the States and eligible public water systems that receive funds under this part use accounting procedures that conform to generally accepted accounting principles, auditing procedures that conform to chapter 75 of title 31, United States Code (commonly known as the 'Single Audit Act of 1984'), and such fiscal procedures as the Administrator may prescribe.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 1478. (a) GENERAL AUTHORIZATION.—There are authorized to be appropriated to the Environmental Protection Agency to carry out this part $600,000,000 for fiscal year 1994 and $1,000,000,000 for each of fiscal years 1995 through 2003.

"(b) HEALTH EFFECTS RESEARCH.—From funds appropriated pursuant to this section for each fiscal year, the Administrator shall reserve $10,000,000 for health effects research on drinking water contaminants authorized by section 1442. In allocating funds made available under this subsection, the Administrator shall give priority to research concerning the health effects of cryptosporidium, disinfection byproducts, and arsenic, and the implementation of a research plan for subpopulations at greater risk of adverse effects pursuant to section 1442(1).

"(c) MONITORING FOR UNREGULATED CONTAMINANTS.—From funds appropriated pursuant to this section for each fiscal year beginning with fiscal year 1997, the Administrator shall reserve $2,000,000 to pay the costs of monitoring for unregulated contaminants under section 1445(a)(2)(D).

"(d) SMALL SYSTEM TECHNICAL ASSISTANCE.—

"(1) IN GENERAL.—Subject to paragraph (2), from funds appropriated pursuant to this section for each fiscal year for which the appropriation made pursuant to subsection (a) exceeds $800,000,000, the Administrator shall reserve to carry out section 1442(g) an amount that is equal to any amount by which the amount made available to carry out section 1442(g) is less than the amount referred to in the third sentence of section 1442(g).

"(2) MAXIMUM AMOUNT.—For each fiscal year, the amount reserved under paragraph (1) shall be not greater than an amount equal to the lesser of—

"(A) 2 percent of the funds appropriated pursuant to this section for the fiscal year; or

"(B) $10,000,000.".

SEC. 4. SELECTION OF CONTAMINANTS; SCHEDULE.

(a) STANDARDS.—Section 1412(b) (42 U.S.C. 300g–1(b)) is amended by striking "(b)(1)" and all that follows through the end of paragraph (3) and inserting the following:

"(b) STANDARDS.—

"(1) IDENTIFICATION OF CONTAMINANTS FOR LISTING.—

"(A) GENERAL AUTHORITY.—The Administrator shall publish a maximum contaminant level goal and promulgate a national primary drinking water regulation for each contaminant (other than a contaminant referred to in paragraph (2) for which a national primary drinking water regulation has been promulgated as of the date of enactment of the Safe Drinking Water Act Amendments of 1995) if the Administrator determines, based on adequate data and appropriate peer-reviewed scientific information and an assessment of health risks, conducted in accordance with sound and objective scientific practices, that—

"(i) the contaminant may have an adverse effect on the health of persons; and

"(ii) the contaminant is known to occur or there is a substantial likelihood that the contaminant will occur in public water systems with a frequency and at levels of public health concern.

"(B) SELECTION AND LISTING OF CONTAMINANTS FOR CONSIDERATION.—

"(i) IN GENERAL.—Not later than July 1, 1997, the Administrator (after consultation with the Secretary of Health and Human Services) shall publish and periodically, but not less often than every 5 years, update a list of contaminants that are known or anticipated to occur in drinking water provided by public water systems and that may warrant regulation under this title.

"(ii) RESEARCH AND STUDY PLAN.—At such time as a list is published under clause (i), the Administrator shall describe available and needed information and research with respect to—

"(I) the health effects of the contaminants;

"(II) the occurrence of the contaminants in drinking water; and

"(III) treatment techniques and other means that may be feasible to control the contaminants.

"(iii) COMMENT.—The Administrator shall seek comment on each list and any research plan that is published from officials of State and local governments, operators of public water systems, the scientific community, and the general public.

"(C) DETERMINATION.—

"(i) IN GENERAL.—Except as provided in clause (ii), not later than July 1, 2001, and every 5 years thereafter, the Administrator shall take one of the following actions for not fewer than 5 contaminants:

"(I) Publish a determination that information available to the Administrator does not warrant the issuance of a national primary drinking water regulation.

"(II) Publish a determination that a national primary drinking water regulation is warranted based on information available to the Administrator, and proceed to propose a maximum contaminant level goal and national primary drinking water regulation not later than 2 years after the date of publication of the determination.

"(III) Propose a maximum contaminant level goal and national primary drinking water regulation.

"(ii) INSUFFICIENT INFORMATION.—If the Administrator determines that available information is insufficient to make a determination for a contaminant under clause (i), the Administrator may publish a determination to continue to study the contaminant. Not later than 5 years after the Administrator determines that further study is necessary for a contaminant pursuant to this clause, the Administrator shall make a determination under clause (i).

"(iii) ASSESSMENT.—The determinations under clause (i) shall be based on an assessment of—

"(I) the available scientific knowledge that is consistent with the requirements of paragraph (3)(A) and useful in determining the nature and extent of adverse effects on the health of persons that may occur due to the presence of the contaminant in drinking water;

"(II) information on the occurrence of the contaminant in drinking water; and

"(III) the treatment technologies, treatment techniques, or other means that may be feasible in reducing the contaminant in drinking water provided by public water systems.

"(iv) PRIORITIES.—In making determinations under this subparagraph, the Administrator shall give priority to those contaminants not currently regulated that are associated with the most serious adverse health effects and that present the greatest potential risk to the health of persons due to the presence of the contaminant in drinking water provided by public water systems.

"(v) REVIEW.—Each document setting forth the determination for a contaminant under clause (i) shall be available for public comment at such time as the determination is published.

"(vi) JUDICIAL REVIEW.—Determinations made by the Administrator pursuant to clause (i)(I) shall be considered final agency actions for the purposes of section 1448. No determination under clause (i)(I) shall be set aside by a court pursuant to a review authorized under that section, unless the court finds that the determination is arbitrary and capricious.

"(D) URGENT THREATS TO PUBLIC HEALTH.—The Administrator may promulgate an interim national primary drinking water regulation for a contaminant without listing the contaminant under subparagraph (B) or publishing a determination for the contaminant under subparagraph (C) to address an urgent threat to public health as determined by the Administrator after consultation with and written response to any comments provided by the Secretary of Health and Human Services, acting through the director of the Centers for Disease Control and Prevention or

the director of the National Institutes of Health. A determination for any contaminant in accordance with subparagraph (C) subject to an interim regulation under this subparagraph shall be issued not later than 3 years after the date on which the regulation is promulgated and the regulation shall be repromulgated, or revised if appropriate, not later than 5 years after that date.

"(E) MONITORING DATA AND OTHER INFORMATION.—The Administrator may require, in accordance with section 1445(a)(2), the submission of monitoring data and other information necessary for the development of studies, research plans, or national primary drinking water regulations.

"(2) SCHEDULES AND DEADLINES.—

"(A) IN GENERAL.—In the case of the contaminants listed in the Advance Notice of Proposed Rulemaking published in volume 47, Federal Register, page 9352, and in volume 48, Federal Register, page 45502, the Administrator shall publish maximum contaminant level goals and promulgate national primary drinking water regulations—

"(i) not later than 1 year after June 19, 1986, for not fewer than 9 of the listed contaminants;

"(ii) not later than 2 years after June 19, 1986, for not fewer than 40 of the listed contaminants; and

"(iii) not later than 3 years after June 19, 1986, for the remainder of the listed contaminants.

"(B) SUBSTITUTION OF CONTAMINANTS.—If the Administrator identifies a drinking water contaminant the regulation of which, in the judgment of the Administrator, is more likely to be protective of public health (taking into account the schedule for regulation under subparagraph (A)) than a contaminant referred to in subparagraph (A), the Administrator may publish a maximum contaminant level goal and promulgate a national primary drinking water regulation for the identified contaminant in lieu of regulating the contaminant referred to in subparagraph (A). Substitutions may be made for not more than 7 contaminants referred to in subparagraph (A). Regulation of a contaminant identified under this subparagraph shall be in accordance with the schedule applicable to the contaminant for which the substitution is made.

"(C) DISINFECTANTS AND DISINFECTION BYPRODUCTS.—

"(i) INFORMATION COLLECTION RULE.—

"(I) IN GENERAL.—Not later than December 31, 1995, the Administrator shall, after notice and opportunity for public comment, promulgate an information collection rule to obtain information that will facilitate further revisions to the national primary drinking water regulation for disinfectants and disinfection byproducts, including information on microbial contaminants such as cryptosporidium.

"(II) EXTENSION.—The Administrator may extend the deadline under subclause (I) for up to 180 days if the Administrator determines that progress toward approval of an appropriate analytical method to screen for cryptosporidium is sufficiently advanced and approval is likely to be completed within the additional time period.

"(ii) ADDITIONAL DEADLINES.—The time intervals between promulgation of a final information collection rule, an Interim Enhanced Surface Water Treatment Rule, a Final Enhanced Surface Water Treatment Rule, a Stage I Disinfectants and Disinfection Byproducts Rule, and a Stage II Disinfectants and Disinfection Byproducts Rule shall be in accordance with the schedule published in volume 59, Federal Register, page 6361 (February 10, 1994), in table III.13 of the proposed Information Collection Rule. If a delay occurs with respect to the promulgation of any rule in the timetable established by this subparagraph, all subsequent rules shall be completed as expeditiously as practicable subject to agreement by all the parties to the negotiated rulemaking, but no later than a revised date that reflects the interval or intervals for the rules in the timetable.

"(D) PRIOR REQUIREMENTS.—The requirements of subparagraphs (C) and (D) of section 1412(b)(3) (as in effect before the amendment made by section 4(a) of the Safe Drinking Water Act Amendments of 1995), and any obligation to promulgate regulations pursuant to such subparagraphs not promulgated as of the date of enactment of the Safe Drinking Water Act Amendments of 1995, are superseded by this paragraph and paragraph (1).".

(b) CONFORMING AMENDMENTS.—

(1) Section 1412(a)(3) (42 U.S.C. 300g–1(a)(3)) is amended by striking "paragraph (1), (2), or (3) of subsection (b)" each place it appears and inserting "paragraph (1) or (2) of subsection (b)".

(2) Section 1415(d) (42 U.S.C. 300g–4(d)) is amended by striking "section 1412(b)(3)" and inserting "section 1412(b)(7)(A)".

SEC. 5. RISK ASSESSMENT, MANAGEMENT, AND COMMUNICATION.

Section 1412(b) (42 U.S.C. 300g–1(b)) (as amended by section 4) is further amended by inserting after paragraph (2) the following:

"(3) RISK ASSESSMENT, MANAGEMENT AND COMMUNICATION.—

"(A) USE OF SCIENCE IN DECISIONMAKING.—In carrying out this section, and, to the degree that an Agency action is based on science in carrying out this title, the Administrator shall use—

"(i) the best available, peer-reviewed science and supporting studies conducted in accordance with sound and objective scientific practices; and

"(ii) data collected by accepted methods or best available methods (if the reliability of the method and the nature of the decision justifies use of the data).

"(B) PUBLIC INFORMATION.—In carrying out this section, the Administrator shall ensure that the presentation of information on public health effects is comprehensive, informative and understandable. The Administrator shall, in a document made available to the public in support of a regulation promulgated under this section, specify, to the extent practicable—

"(i) each population addressed by any estimate of public health effects;

"(ii) the expected risk or central estimate of risk for the specific populations;

"(iii) each appropriate upper-bound or lower-bound estimate of risk;

"(iv) each uncertainty identified in the process of the assessment of public health effects and research that would assist in resolving the uncertainty; and

"(v) peer-reviewed studies known to the Administrator that support, are directly relevant to, or fail to support any estimate of public health effects and the methodology used to reconcile inconsistencies in the scientific data.

"(C) HEALTH RISK REDUCTION AND COST ANALYSIS.—

"(i) MAXIMUM CONTAMINANT LEVELS.—Not later than 90 days prior to proposing any national primary drinking water regulation that includes a maximum contaminant level, the Administrator shall, with respect to a maximum contaminant level that would be considered in accordance with paragraph (4) in a proposed regulation and each alternative maximum contaminant level that would be considered in a proposed regulation pursuant to paragraph (5) or (6)(A), publish, seek public comment on, and use for the purposes of paragraphs (4), (5), and (6) an analysis of—

"(I) the health risk reduction benefits (including non-quantifiable health benefits identified and described by the Administrator, except that such benefits shall not be used by the Administrator for purposes of determining whether a maximum contaminant level is or is not justified unless there is a factual basis in the rulemaking record to conclude that such benefits are likely to occur) expected as the result of treatment to comply with each level;

"(II) the health risk reduction benefits (including non-quantifiable health benefits identified and described by the Administrator, except that such benefits shall not be used by the Administrator for purposes of determining whether a maximum contaminant level is or is not justified unless there is a factual basis in the rulemaking record to conclude that such benefits are likely to occur) expected from reductions in co-occurring contaminants that may be attributed solely to compliance with the maximum contaminant level, excluding benefits resulting from compliance with other proposed or promulgated regulations;

"(III) the costs (including non-quantifiable costs identified and described by the Administrator, except that such costs shall not be used by the Administrator for purposes of determining whether a maximum contaminant level is or is not justified unless there is a factual basis in the rulemaking record to conclude that such costs are likely to occur) expected solely as a result of compliance with the maximum contaminant level, including monitoring, treatment, and other costs and excluding costs resulting from compliance with other proposed or promulgated regulations;

"(IV) the incremental costs and benefits associated with each alternative maximum contaminant level considered;

"(V) the effects of the contaminant on the general population and on groups within the general population such as infants, children, pregnant women, the elderly, individuals with a history of serious illness, or other subpopulations that are identified as likely to be at greater risk of adverse health effects due to exposure to contaminants in drinking water than the general population;

"(VI) any increased health risk that may occur as the result of compliance, including risks associated with co-occurring contaminants; and

"(VII) other relevant factors, including the quality and extent of the information, the uncertainties in the analysis supporting subclauses (I) through (VI), and factors with respect to the degree and nature of the risk.

"(ii) TREATMENT TECHNIQUES.—Not later than 90 days prior to proposing a national primary drinking water regulation that includes a treatment technique in accordance with paragraph (7)(A), the Administrator shall publish and seek public comment on an analysis of the health risk reduction benefits and costs likely to be experienced as the result of compliance with the treatment technique and alternative treatment techniques that would be considered in a proposed regulation, taking into account, as appropriate, the factors described in clause (i).

"(iii) APPROACHES TO MEASURE AND VALUE BENEFITS.—The Administrator may identify

valid approaches for the measurement and valuation of benefits under this subparagraph, including approaches to identify consumer willingness to pay for reductions in health risks from drinking water contaminants.

"(iv) FORM OF NOTICE.—Whenever a national primary drinking water regulation is expected to result in compliance costs greater than $75,000,000 per year, the Administrator shall provide the notice required by clause (i) or (ii) through an advanced notice of proposed rulemaking.

"(v) AUTHORIZATION.—There are authorized to be appropriated to the Administrator, acting through the Office of Ground Water and Drinking Water, to conduct studies, assessments, and analyses in support of regulations or the development of methods, $35,000,000 for each of fiscal years 1996 through 2003.".

SEC. 6. STANDARD-SETTING; REVIEW OF STANDARDS.

(a) IN GENERAL.—Section 1412(b) (42 U.S.C. 300g–1(b)) is amended—

(1) in paragraph (4)—

(A) by striking "(4) Each" and inserting the following:

"(4) GOALS AND STANDARDS.—

"(A) MAXIMUM CONTAMINANT LEVEL GOALS.—Each";

(B) in subparagraph (A) (as so designated), by inserting after the first sentence the following: "The maximum contaminant level goal for contaminants that are known or likely to cause cancer in humans may be set at a level other than zero, if the Administrator determines, based on the best available, peer-reviewed science, that there is a threshold level below which there is unlikely to be any increase in cancer risk and the Administrator sets the maximum contaminant level goal at that level with an adequate margin of safety.";

(C) in the last sentence—

(i) by striking "Each national" and inserting the following:

"(B) MAXIMUM CONTAMINANT LEVELS.— Except as provided in paragraphs (5) and (6), each national"; and

(ii) by striking "maximum level" and inserting "maximum contaminant level"; and

(D) by adding at the end the following:

"(C) DETERMINATION.—At the time the Administrator proposes a national primary drinking water regulation under this paragraph, the Administrator shall publish a determination as to whether the benefits of the maximum contaminant level justify, or do not justify, the costs based on the analysis conducted under paragraph (3)(C).";

(2) by striking "(5) For the" and inserting the following:

"(D) DEFINITION OF FEASIBLE.—For the";

(3) in the second sentence of paragraph (4)(D) (as so designated), by striking "paragraph (4)" and inserting "this paragraph";

(4) by striking "(6) Each national" and inserting the following:

"(E) FEASIBLE TECHNOLOGIES.—Each national";

(5) in paragraph (4)(E) (as so designated), by striking "this paragraph" and inserting "this subsection"; and

(6) by inserting after paragraph (4) (as so amended) the following:

"(5) ADDITIONAL HEALTH RISK CONSIDERATIONS.—

"(A) IN GENERAL.—Notwithstanding paragraph (4), the Administrator may establish a maximum contaminant level for a contaminant at a level other than the feasible level, if the technology, treatment techniques, and other means used to determine the feasible level would result in an increase in the health risk from drinking water by—

"(i) increasing the concentration of other contaminants in drinking water; or

"(ii) interfering with the efficacy of drinking water treatment techniques or processes that are used to comply with other national primary drinking water regulations.

"(B) ESTABLISHMENT OF LEVEL.—If the Administrator establishes a maximum contaminant level or levels or requires the use of treatment techniques for any contaminant or contaminants pursuant to the authority of this paragraph—

"(i) the level or levels or treatment techniques shall minimize the overall risk of adverse health effects by balancing the risk from the contaminant and the risk from other contaminants the concentrations of which may be affected by the use of a treatment technique or process that would be employed to attain the maximum contaminant level or levels; and

"(ii) the combination of technology, treatment techniques, or other means required to meet the level or levels shall not be more stringent than is feasible (as defined in paragraph (4)(D)).

"(6) ADDITIONAL HEALTH RISK REDUCTION AND COST CONSIDERATIONS.—

"(A) IN GENERAL.—Notwithstanding paragraph (4), if the Administrator determines based on an analysis conducted under paragraph (3)(C) that the benefits of a maximum contaminant level promulgated in accordance with paragraph (4) would not justify the costs of complying with the level, the Administrator may, after notice and opportunity for public comment, promulgate a maximum contaminant level for the contaminant that maximizes health risk reduction benefits at a cost that is justified by the benefits.

"(B) EXCEPTION.—The Administrator shall not use the authority of this paragraph to promulgate a maximum contaminant level for a contaminant, if the benefits of compliance with a national primary drinking water regulation for the contaminant that would be promulgated in accordance with paragraph (4) experienced by—

"(i) persons served by large public water systems; and

"(ii) persons served by such other systems as are unlikely, based on information provided by the States, to receive a variance under section 1415(e);

would justify the costs to the systems of complying with the regulation. This subparagraph shall not apply if the contaminant is found almost exclusively in small systems (as defined in section 1415(e)).

"(C) DISINFECTANTS AND DISINFECTION BYPRODUCTS.—The Administrator may not use the authority of this paragraph to establish a maximum contaminant level in a Stage I or Stage II national primary drinking water regulation for contaminants that are disinfectants or disinfection byproducts (as described in paragraph (2)), or to establish a maximum contaminant level or treatment technique requirement for the control of cryptosporidium. The authority of this paragraph may be used to establish regulations for the use of disinfection by systems relying on ground water sources as required by paragraph (8).

"(D) JUDICIAL REVIEW.—A determination by the Administrator that the benefits of a maximum contaminant level or treatment requirement justify or do not justify the costs of complying with the level shall be reviewed by the court pursuant to section 1448 only as part of a review of a final national primary drinking water regulation that has been promulgated based on the determination and shall not be set aside by the court under that section, unless the court finds that the determination is arbitrary and capricious.".

(b) DISINFECTANTS AND DISINFECTION BYPRODUCTS.—The Administrator of the Environmental Protection Agency may use the authority of section 1412(b)(5) of the Public Health Service Act (as amended by subsection (a)) to promulgate the Stage I rulemaking for disinfectants and disinfection byproducts as proposed in volume 59, Federal Register, page 38668 (July 29, 1994). Unless new information warrants a modification of the proposal as provided for in the "Disinfection and Disinfection Byproducts Negotiated Rulemaking Committee Agreement", nothing in such section shall be construed to require the Administrator to modify the provisions of the rulemaking as proposed.

(c) REVIEW OF STANDARDS.—Section 1412(b) (42 U.S.C. 300g–1(b)) is amended by striking paragraph (9) and inserting the following:

"(9) REVIEW AND REVISION.—The Administrator shall, not less often than every 6 years, review and revise, as appropriate, each national primary drinking water regulation promulgated under this title. Any revision of a national primary drinking water regulation shall be promulgated in accordance with this section, except that each revision shall maintain or provide for greater protection of the health of persons.".

SEC. 7. ARSENIC.

Section 1412(b) (42 U.S.C. 300g–1(b)) is amended by adding at the end the following:

"(12) ARSENIC.—

"(A) SCHEDULE AND STANDARD.—Notwithstanding paragraph (2), the Administrator shall promulgate a national primary drinking water regulation for arsenic in accordance with the schedule established by this paragraph and pursuant to this subsection.

"(B) RESEARCH PLAN.—Not later than 180 days after the date of enactment of this paragraph, the Administrator shall develop a comprehensive plan for research in support of drinking water rulemaking to reduce the uncertainty in assessing health risks associated with exposure to low levels of arsenic. The Administrator shall consult with the Science Advisory Board established by section 8 of the Environmental Research, Development, and Demonstration Act of 1978 (42 U.S.C. 4365), other Federal agencies, and interested public and private entities.

"(C) RESEARCH PROJECTS.—The Administrator shall carry out the research plan, taking care to avoid duplication of other research in progress. The Administrator may enter into cooperative research agreements with other Federal agencies, State and local governments, and other interested public and private entities to carry out the research plan.

"(D) ASSESSMENT.—Not later than 3½ years after the date of enactment of this paragraph, the Administrator shall review the progress of the research to determine whether the health risks associated with exposure to low levels of arsenic are sufficiently well understood to proceed with a national primary drinking water regulation. The Administrator shall consult with the Science Advisory Board, other Federal agencies, and other interested public and private entities as part of the review.

"(E) PROPOSED REGULATION.—The Administrator shall propose a national primary drinking water regulation for arsenic not later than January 1, 2000.

"(F) FINAL REGULATION.—Not later than January 1, 2001, after notice and opportunity

for public comment, the Administrator shall promulgate a national primary drinking water regulation for arsenic.".

SEC. 8. RADON.

Section 1412(b) (42 U.S.C. 300g-1(b)) (as amended by section 7) is further amended by adding at the end the following:

"(13) RADON IN DRINKING WATER.—

"(A) REGULATION.—Notwithstanding paragraph (2), not later than 180 days after the date of enactment of this paragraph, the Administrator shall promulgate a national primary drinking water regulation for radon.

"(B) MAXIMUM CONTAMINANT LEVEL.—Notwithstanding any other provision of law, the regulation shall provide for a maximum contaminant level for radon of 3,000 picocuries per liter.

"(C) REVISION.—

"(i) IN GENERAL.—Subject to clause (ii), a revision to the regulation promulgated under subparagraph (A) may be made pursuant to this subsection. The revision may include a maximum contaminant level less stringent than 3,000 picocuries per liter as provided in paragraphs (4) and (9) or a maximum contaminant level more stringent than 3,000 picocuries per liter as provided in clause (ii).

"(ii) MAXIMUM CONTAMINANT LEVEL.—

"(I) CRITERIA FOR REVISION.—The Administrator shall not revise the maximum contaminant level for radon to a more stringent level than the level established under subparagraph (B) unless—

"(aa) the revision is made to reflect consideration of risks from the ingestion of radon in drinking water and episodic uses of drinking water;

"(bb) the revision is supported by peer-reviewed scientific studies conducted in accordance with sound and objective scientific practices; and

"(cc) based on the studies, the National Academy of Sciences and the Science Advisory Board, established by section 8 of the Environmental Research, Development, and Demonstration Act of 1978 (42 U.S.C. 4365), consider a revision of the maximum contaminant level to be appropriate.

"(II) AMOUNT OF REVISION.—If the Administrator determines to revise the maximum contaminant level for radon in accordance with subclause (I), the maximum contaminant level shall be revised to a level that is no more stringent than is necessary to reduce risks to human health from radon in drinking water to a level that is equivalent to risks to human health from radon in outdoor air based on the national average concentration of radon in outdoor air.".

SEC. 9. SULFATE.

Section 1412(b) (42 U.S.C. 300g-1(b)) (as amended by section 8) is further amended by adding at the end the following:

"(14) SULFATE.—

"(A) ADDITIONAL RESEARCH.—Prior to promulgating a national primary drinking water regulation for sulfate the Administrator and the Director of the Centers for Disease Control shall jointly conduct additional research to establish a reliable dose-response relationship for the adverse health effects that may result from exposure to sulfate in drinking water, including the health effects that may be experienced by groups within the general population (including infants and travelers) that are potentially at greater risk of adverse health effects as the result of such exposure. The research shall be conducted in consultation with interested States, shall be based on the best available, peer-reviewed science and supporting studies conducted in accordance with sound and objective scientific practices and shall be completed not later than 30 months after the date of enactment of this paragraph.

"(B) PROPOSED AND FINAL RULE.—Prior to promulgating a national primary drinking water regulation for sulfate and after consultation with interested States, the Administrator shall publish a notice of proposed rulemaking that shall supersede the proposal published in December, 1994. For purposes of the proposed and final rule, the Administrator may specify in the regulation requirements for public notification and options for the provision of alternative water supplies to populations at risk as a means of complying with the regulation in lieu of a best available treatment technology or other means. The Administrator shall, pursuant to the authorities of this subsection and after notice and opportunity for public comment, promulgate a final national primary drinking water regulation for sulfate not later than 48 months after the date of enactment of this paragraph.

"(C) EFFECT ON OTHER LAWS.—

"(i) FEDERAL LAWS.—Notwithstanding part C, section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321), subtitle C or D of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.), or section 107 or 121(d) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607 and 9621(d)), no national primary drinking water regulation for sulfate shall be—

"(I) used as a standard for determining compliance with any provision of any law other than this subsection;

"(II) used as a standard for determining appropriate cleanup levels or whether cleanup should be undertaken with respect to any facility or site;

"(III) considered to be an applicable or relevant and appropriate requirement for any such cleanup; or

"(IV) used for the purpose of defining injury to a natural resource;

unless the Administrator, by rule and after notice and opportunity for public comment, determines that the regulation is appropriate for a use described in subclause (I), (II), (III), or (IV).

"(ii) STATE LAWS.—This subparagraph shall not affect any requirement of State law, including the applicability of any State standard similar to the regulation published under this paragraph as a standard for any cleanup action, compliance action, or natural resource damage action taken pursuant to such a law.".

SEC. 10. FILTRATION AND DISINFECTION.

(a) FILTRATION CRITERIA.—Section 1412(b)(7)(C)(i) is amended by adding at the end thereof the following: "Not later than 18 months after the date of enactment of the Safe Drinking Water Act Amendments of 1995, the Administrator shall amend the criteria issued under this clause to provide that a State exercising primary enforcement responsibility for public water systems may, on a case-by-case basis, establish treatment requirements as an alternative to filtration in the case of systems having uninhabited, undeveloped watersheds in consolidated ownership, and having control over access to, and activities in, those watersheds, if the State determines (and the Administrator concurs) that the quality of the source water and the alternative treatment requirements established by the State ensure significantly greater removal efficiencies of pathogenic organisms for which national primary drinking water regulations have been promulgated or that are of public health concern than would be achieved by the combination of filtration and chlorine disinfection (in compliance with this paragraph and paragraph (8)).".

(b) FILTRATION TECHNOLOGY FOR SMALL SYSTEMS.—Section 1412(b)(7)(C) (42 U.S.C. 300g-1(b)(7)(C)) is amended by adding at the end the following:

"(v) FILTRATION TECHNOLOGY FOR SMALL SYSTEMS.—At the same time as the Administrator proposes an Interim Enhanced Surface Water Treatment Rule pursuant to paragraph (2)(C)(ii), the Administrator shall propose a regulation that describes treatment techniques that meet the requirements for filtration pursuant to this subparagraph and are feasible for community water systems serving a population of 3,300 or fewer and noncommunity water systems.".

(c) GROUND WATER DISINFECTION.—The first sentence of section 1412(b)(8) (42 U.S.C. 300g-1(b)(8)) is amended—

(1) by striking "Not later than 36 months after the enactment of the Safe Drinking Water Act Amendments of 1986, the Administrator shall propose and promulgate" and inserting "At any time after the end of the 3-year period that begins on the date of enactment of the Safe Drinking Water Act Amendments of 1995 but not later than the date on which the Administrator promulgates a Stage II rulemaking for disinfectants and disinfection byproducts (as described in paragraph (2)), the Administrator shall also promulgate"; and

(2) by striking the period at the end and inserting the following: ", including surface water systems and, as necessary, ground water systems. After consultation with the States, the Administrator shall (as part of the regulations) promulgate criteria that the Administrator, or a State that has primary enforcement responsibility under section 1413, shall apply to determine whether disinfection shall be required as a treatment technique for any public water system served by ground water.".

SEC. 11. EFFECTIVE DATE FOR REGULATIONS.

Section 1412(b) (42 U.S.C. 300g-1(b)) is amended by striking paragraph (10) and inserting the following:

"(10) EFFECTIVE DATE.—A national primary drinking water regulation promulgated under this section shall take effect on the date that is 3 years after the date on which the regulation is promulgated unless the Administrator determines that an earlier date is practicable, except that the Administrator, or a State in the case of an individual system, may allow up to 2 additional years to comply with a maximum contaminant level or treatment technique if the Administrator or State determines that additional time is necessary for capital improvements.".

SEC. 12. TECHNOLOGY AND TREATMENT TECHNIQUES; TECHNOLOGY CENTERS.

(a) SYSTEM TREATMENT TECHNOLOGIES.—Section 1412(b) (42 U.S.C. 300g-1(b)) (as amended by section 9) is further amended by adding at the end the following:

"(15) SYSTEM TREATMENT TECHNOLOGIES.—

"(A) GUIDANCE OR REGULATIONS.—

"(i) IN GENERAL.—At the same time as the Administrator promulgates a national primary drinking water regulation pursuant to this section, the Administrator shall issue guidance or regulations describing all treatment technologies for the contaminant that is the subject of the regulation that are feasible with the use of best technology, treatment techniques, or other means that the Administrator finds, after examination for efficacy under field conditions and not solely under laboratory conditions, are available

taking cost into consideration for public water systems serving—

"(I) a population of 10,000 or fewer but more than 3,300;

"(II) a population of 3,300 or fewer but more than 500; and

"(III) a population of 500 or fewer but more than 25.

"(ii) CONTENTS.—The guidance or regulations shall identify the effectiveness of the technology, the cost of the technology, and other factors related to the use of the technology, including requirements for the quality of source water to ensure adequate protection of human health, considering removal efficiencies of the technology, and installation and operation and maintenance requirements for the technology.

"(iii) LIMITATION.—The Administrator shall not issue guidance or regulations for a technology under this paragraph unless the technology adequately protects human health, considering the expected useful life of the technology and the source waters available to systems for which the technology is considered to be feasible.

"(B) REGULATIONS AND GUIDANCE.—Not later than 2 years after the date of enactment of this paragraph and after consultation with the States, the Administrator shall issue guidance or regulations under subparagraph (A) for each national primary drinking water regulation promulgated prior to the date of enactment of this paragraph for which a variance may be granted under section 1415(e). The Administrator may, at any time after a national primary drinking water regulation has been promulgated, issue guidance or regulations describing additional or new or innovative treatment technologies that meet the requirements of subparagraph (A) for public water systems described in subparagraph (A)(i) that are subject to the regulation.

"(C) NO SPECIFIED TECHNOLOGY.—A description under subparagraph (A) of the best technology or other means available shall not be considered to require or authorize that the specified technology or other means be used for the purpose of meeting the requirements of any national primary drinking water regulation.".

(b) TECHNOLOGIES AND TREATMENT TECHNIQUES FOR SMALL SYSTEMS.—Section 1412(b)(4)(E) (as amended by section 6(a)) is further amended by adding at the end the following: "The Administrator shall include in the list any technology, treatment technique, or other means that is feasible for small public water systems serving—

"(i) a population of 10,000 or fewer but more than 3,300;

"(ii) a population of 3,300 or fewer but more than 500; and

"(iii) a population of 500 or fewer but more than 25;

and that achieves compliance with the maximum contaminant level or treatment technique, including packaged or modular systems and point-of-entry or point-of-use treatment units that are owned, controlled and maintained by the public water system or by a person under contract with the public water system to ensure proper operation and maintenance and compliance with the maximum contaminant level and equipped with mechanical warnings to ensure that customers are automatically notified of operational problems. The Administrator shall not include in the list any point-of-use treatment technology, treatment technique, or other means to achieve compliance with a maximum contaminant level or treatment technique requirement for a microbial contaminant (or an indicator of a microbial contaminant). If the American National Standards Institute has issued product standards applicable to a specific type of point-of-entry or point-of-use treatment device, individual units of that type shall not be accepted for compliance with a maximum contaminant level or treatment technique requirement unless they are independently certified in accordance with such standards.".

(c) AVAILABILITY OF INFORMATION ON SMALL SYSTEM TECHNOLOGIES.—Section 1445 (42 U.S.C. 300j–4) is amended by adding at the end the following:

"(g) AVAILABILITY OF INFORMATION ON SMALL SYSTEM TECHNOLOGIES.—For purposes of paragraphs (4)(E) and (15) of section 1412(b), the Administrator may request information on the characteristics of commercially available treatment systems and technologies, including the effectiveness and performance of the systems and technologies under various operating conditions. The Administrator may specify the form, content, and date by which information shall be submitted by manufacturers, States, and other interested persons for the purpose of considering the systems and technologies in the development of regulations or guidance under paragraph (4)(E) or (15) of section 1412(b).".

(d) SMALL WATER SYSTEMS TECHNOLOGY CENTERS.—Section 1442 (42 U.S.C. 300j–1) is amended by adding at the end the following:

"(h) SMALL PUBLIC WATER SYSTEMS TECHNOLOGY ASSISTANCE CENTERS.—

"(1) GRANT PROGRAM.—The Administrator is authorized to make grants to institutions of higher learning to establish and operate not fewer than 5 small public water system technology assistance centers in the United States.

"(2) RESPONSIBILITIES OF THE CENTERS.—The responsibilities of the small public water system technology assistance centers established under this subsection shall include the conduct of research, training, and technical assistance relating to the information, performance, and technical needs of small public water systems or public water systems that serve Indian Tribes.

"(3) APPLICATIONS.—Any institution of higher learning interested in receiving a grant under this subsection shall submit to the Administrator an application in such form and containing such information as the Administrator may require by regulation.

"(4) SELECTION CRITERIA.—The Administrator shall select recipients of grants under this subsection on the basis of the following criteria:

"(A) The small public water system technology assistance center shall be located in a State that is representative of the needs of the region in which the State is located for addressing the drinking water needs of rural small communities or Indian Tribes.

"(B) The grant recipient shall be located in a region that has experienced problems with rural water supplies.

"(C) There is available to the grant recipient for carrying out this subsection demonstrated expertise in water resources research, technical assistance, and training.

"(D) The grant recipient shall have the capability to provide leadership in making national and regional contributions to the solution of both long-range and intermediate-range rural water system technology management problems.

"(E) The grant recipient shall have a demonstrated interdisciplinary capability with expertise in small public water system technology management and research.

"(F) The grant recipient shall have a demonstrated capability to disseminate the results of small public water system technology research and training programs through an interdisciplinary continuing education program.

"(G) The projects that the grant recipient proposes to carry out under the grant are necessary and appropriate.

"(H) The grant recipient has regional support beyond the host institution.

"(I) The grant recipient shall include the participation of water resources research institutes established under section 104 of the Water Resources Research Act of 1984 (42 U.S.C. 10303).

"(5) ALASKA.—For purposes of this subsection, the State of Alaska shall be considered to be a region.

"(6) CONSORTIA OF STATES.—At least 2 of the grants under this subsection shall be made to consortia of States with low population densities. In this paragraph, the term 'consortium of States with low population densities' means a consortium of States, each State of which has an average population density of less than 12.3 persons per square mile, based on data for 1993 from the Bureau of the Census.

"(7) ADDITIONAL CONSIDERATIONS.—At least one center established under this subsection shall focus primarily on the development and evaluation of new technologies and new combinations of existing technologies that are likely to provide more reliable or lower cost options for providing safe drinking water. This center shall be located in a geographic region of the country with a high density of small systems, at a university with an established record of developing and piloting small treatment technologies in cooperation with industry, States, communities, and water system associations.

"(8) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to make grants under this subsection $10,000,000 for each of fiscal years 1995 through 2003.".

SEC. 13. VARIANCES AND EXEMPTIONS.

(a) TECHNOLOGY AND TREATMENT TECHNIQUES FOR SYSTEMS ISSUED VARIANCES.—The second sentence of section 1415(a)(1)(A) (42 U.S.C. 300g–4(a)(1)(A)) is amended—

(1) by striking "only be issued to a system after the system's application of" and inserting "be issued to a system on condition that the system install"; and

(2) by inserting before the period at the end the following: ", and based upon an evaluation satisfactory to the State that indicates that alternative sources of water are not reasonably available to the system".

(b) EXEMPTIONS.—Section 1416 (42 U.S.C. 300g–5) is amended—

(1) in subsection (a)(1)—

(A) by inserting after "(which may include economic factors" the following: ", including qualification of the public water system as a system serving a disadvantaged community pursuant to section 1473(e)(1)"; and

(B) by inserting after "treatment technique requirement," the following: "or to implement measures to develop an alternative source of water supply,";

(2) in subsection (b)(1)(A)—

(A) by striking "(including increments of progress)" and inserting "(including increments of progress or measures to develop an alternative source of water supply)"; and

(B) by striking "requirement and treatment" and inserting "requirement or treatment"; and

(3) in subsection (b)(2)—

(A) by striking "(except as provided in subparagraph (B))" in subparagraph (A) and all that follows through "3 years after the date of the issuance of the exemption if" in subparagraph (B) and inserting the following:

"not later than 3 years after the otherwise applicable compliance date established in section 1412(b)(10).

"(B) No exemption shall be granted unless";

(B) in subparagraph (B)(i), by striking "within the period of such exemption" and inserting "prior to the date established pursuant to section 1412(b)(10)";

(C) in subparagraph (B)(ii), by inserting after "such financial assistance" the following: "or assistance pursuant to part G, or any other Federal or State program is reasonably likely to be available within the period of the exemption";

(D) in subparagraph (C)—

(i) by striking "500 service connections" and inserting "a population of 3,300"; and

(ii) by inserting ", but not to exceed a total of 6 years," after "for one or more additional 2-year periods"; and

(E) by adding at the end the following:

"(D) LIMITATION.—A public water system may not receive an exemption under this section if the system was granted a variance under section 1415(e).".

SEC. 14. SMALL SYSTEMS; TECHNICAL ASSISTANCE.

(a) SMALL SYSTEM VARIANCES.—Section 1415 (42 U.S.C. 300g-4) is amended by adding at the end the following:

"(e) SMALL SYSTEM VARIANCES.—

"(1) IN GENERAL.—The Administrator (or a State with primary enforcement responsibility for public water systems under section 1413) may grant to a public water system serving a population of 10,000 or fewer (referred to in this subsection as a 'small system') a variance under this subsection for compliance with a requirement specifying a maximum contaminant level or treatment technique contained in a national primary drinking water regulation, if the variance meets each requirement of this subsection.

"(2) AVAILABILITY OF VARIANCES.—A small system may receive a variance under this subsection if the system installs, operates, and maintains, in accordance with guidance or regulations issued by the Administrator, treatment technology that is feasible for small systems as determined by the Administrator pursuant to section 1412(b)(15).

"(3) CONDITIONS FOR GRANTING VARIANCES.—A variance under this subsection shall be available only to a system—

"(A) that cannot afford to comply, in accordance with affordability criteria established by the Administrator (or the State in the case of a State that has primary enforcement responsibility under section 1413), with a national primary drinking water regulation, including compliance through—

"(i) treatment;

"(ii) alternative source of water supply; or

"(iii) restructuring or consolidation (unless the Administrator (or the State in the case of a State that has primary enforcement responsibility under section 1413) makes a written determination that restructuring or consolidation is not feasible or appropriate based on other specified public policy considerations); and

"(B) for which the Administrator (or the State in the case of a State that has primary enforcement responsibility under section 1413) determines that the terms of the variance ensure adequate protection of human health, considering the quality of the source water for the system and the removal efficiencies and expected useful life of the treatment technology required by the variance.

"(4) APPLICATIONS.—An application for a variance for a national primary drinking water regulation under this subsection shall be submitted to the Administrator (or the State in the case of a State that has primary enforcement responsibility under section 1413) not later than the date that is the later of—

"(A) 3 years after the date of enactment of this subsection; or

"(B) 1 year after the compliance date of the national primary drinking water regulation as established under section 1412(b)(10) for which a variance is requested.

"(5) VARIANCE REVIEW AND DECISION.—

"(A) TIMETABLE.—The Administrator (or the State in the case of a State that has primary enforcement responsibility under section 1413) shall grant or deny a variance not later than 1 year after the date of receipt of the application.

"(B) PENALTY MORATORIUM.—Each public water system that submits a timely application for a variance under this subsection shall not be subject to a penalty in an enforcement action under section 1414 for a violation of a maximum contaminant level or treatment technique in the national primary drinking water regulation with respect to which the variance application was submitted prior to the date of a decision to grant or deny the variance.

"(6) COMPLIANCE SCHEDULES.—

"(A) VARIANCES.—A variance granted under this subsection shall require compliance with the conditions of the variance not later than 3 years after the date on which the variance is granted, except that the Administrator (or the State in the case of a State that has primary enforcement responsibility under section 1413) may allow up to 2 additional years to comply with a treatment technique, secure an alternative source of water, or restructure if the Administrator (or the State) determines that additional time is necessary for capital improvements, or to allow for financial assistance provided pursuant to part G or any other Federal or State program.

"(B) DENIED APPLICATIONS.—If the Administrator (or the State in the case of a State that has primary enforcement responsibility under section 1413) denies a variance application under this subsection, the public water system shall come into compliance with the requirements of the national primary drinking water regulation for which the variance was requested not later than 4 years after the date on which the national primary drinking water regulation was promulgated.

"(7) DURATION OF VARIANCES.—

"(A) IN GENERAL.—The Administrator (or the State in the case of a State that has primary enforcement responsibility under section 1413) shall review each variance granted under this subsection not less often than every 5 years after the compliance date established in the variance to determine whether the system remains eligible for the variance and is conforming to each condition of the variance.

"(B) REVOCATION OF VARIANCES.—The Administrator (or the State in the case of a State that has primary enforcement responsibility under section 1413) shall revoke a variance in effect under this subsection if the Administrator (or the State) determines that—

"(i) the system is no longer eligible for a variance;

"(ii) the system has failed to comply with any term or condition of the variance, other than a reporting or monitoring requirement, unless the failure is caused by circumstances outside the control of the system; or

"(iii) the terms of the variance do not ensure adequate protection of human health, considering the quality of source water available to the system and the removal efficiencies and expected useful life of the treatment technology required by the variance.

"(8) INELIGIBILITY FOR VARIANCES.—A variance shall not be available under this subsection for—

"(A) any maximum contaminant level or treatment technique for a contaminant with respect to which a national primary drinking water regulation was promulgated prior to January 1, 1986; or

"(B) a national primary drinking water regulation for a microbial contaminant (including a bacterium, virus, or other organism) or an indicator or treatment technique for a microbial contaminant.

"(9) REGULATIONS AND GUIDANCE.—

"(A) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection and in consultation with the States, the Administrator shall promulgate regulations for variances to be granted under this subsection. The regulations shall, at a minimum, specify—

"(i) procedures to be used by the Administrator or a State to grant or deny variances, including requirements for notifying the Administrator and consumers of the public water system applying for a variance and requirements for a public hearing on the variance before the variance is granted;

"(ii) requirements for the installation and proper operation of treatment technology that is feasible (pursuant to section 1412(b)(15)) for small systems and the financial and technical capability to operate the treatment system, including operator training and certification;

"(iii) eligibility criteria for a variance for each national primary drinking water regulation, including requirements for the quality of the source water (pursuant to section 1412(b)(15)(A)); and

"(iv) information requirements for variance applications.

"(B) AFFORDABILITY CRITERIA.—Not later than 18 months after the date of enactment of the Safe Drinking Water Act Amendments of 1995, the Administrator, in consultation with the States and the Rural Utilities Service of the Department of Agriculture, shall publish information to assist the States in developing affordability criteria. The affordability criteria shall be reviewed by the States not less often than every 5 years to determine if changes are needed to the criteria.

"(10) REVIEW BY THE ADMINISTRATOR.—

"(A) IN GENERAL.—The Administrator shall periodically review the program of each State that has primary enforcement responsibility for public water systems under section 1413 with respect to variances to determine whether the variances granted by the State comply with the requirements of this subsection. With respect to affordability, the determination of the Administrator shall be limited to whether the variances granted by the State comply with the affordability criteria developed by the State.

"(B) NOTICE AND PUBLICATION.—If the Administrator determines that variances granted by a State are not in compliance with affordability criteria developed by the State and the requirements of this subsection, the Administrator shall notify the State in writing of the deficiencies and make public the determination.

"(C) OBJECTIONS TO VARIANCES.—

"(i) BY THE ADMINISTRATOR.—The Administrator may review and object to any variance proposed to be granted by a State, if the objection is communicated to the State

not later than 90 days after the State proposes to grant the variance. If the Administrator objects to the granting of a variance, the Administrator shall notify the State in writing of each basis for the objection and propose a modification to the variance to resolve the concerns of the Administrator. The State shall make the recommended modification or respond in writing to each objection. If the State issues the variance without resolving the concerns of the Administrator, the Administrator may overturn the State decision to grant the variance if the Administrator determines that the State decision does not comply with this subsection.

"(ii) PETITION BY CONSUMERS.—Not later than 30 days after a State with primary enforcement responsibility for public water systems under section 1413 proposes to grant a variance for a public water system, any person served by the system may petition the Administrator to object to the granting of a variance. The Administrator shall respond to the petition not later than 60 days after the receipt of the petition. The State shall not grant the variance during the 60-day period. The petition shall be based on comments made by the petitioner during public review of the variance by the State.".

(b) TECHNICAL ASSISTANCE.—Section 1442(g) (42 U.S.C. 300j-1(g)) is amended—

(1) in the second sentence, by inserting "and multi-State regional technical assistance" after "'circuit-rider'"; and

(2) by striking the third sentence and inserting the following: "The Administrator shall ensure that funds made available for technical assistance pursuant to this subsection are allocated among the States equally. Each nonprofit organization receiving assistance under this subsection shall consult with the State in which the assistance is to be expended or otherwise made available before using the assistance to undertake activities to carry out this subsection. There are authorized to be appropriated to carry out this subsection $15,000,000 for each of fiscal years 1992 through 2003.".

SEC. 15. CAPACITY DEVELOPMENT; FINANCE CENTERS.

Part B (42 U.S.C. 300g et seq.) is amended by adding at the end the following:

"CAPACITY DEVELOPMENT

"SEC. 1418. (a) STATE AUTHORITY FOR NEW SYSTEMS.—Each State shall obtain the legal authority or other means to ensure that all new community water systems and new nontransient, noncommunity water systems commencing operation after October 1, 1998, demonstrate technical, managerial, and financial capacity with respect to each national primary drinking water regulation in effect, or likely to be in effect, on the date of commencement of operations.

"(b) SYSTEMS IN SIGNIFICANT NONCOMPLIANCE.—

"(1) LIST.—Beginning not later than 1 year after the date of enactment of this section, each State shall prepare, periodically update, and submit to the Administrator a list of community water systems and nontransient, noncommunity water systems that have a history of significant noncompliance with this title (as defined in guidelines issued prior to the date of enactment of this section or any revisions of the guidelines that have been made in consultation with the States) and, to the extent practicable, the reasons for noncompliance.

"(2) REPORT.—Not later than 5 years after the date of enactment of this section and as part of the capacity development strategy of the State, each State shall report to the Administrator on the success of enforcement mechanisms and initial capacity development efforts in assisting the public water systems listed under paragraph (1) to improve technical, managerial, and financial capacity.

"(c) CAPACITY DEVELOPMENT STRATEGY.—

"(1) IN GENERAL.—Not later than 4 years after the date of enactment of this section, each State shall develop and implement a strategy to assist public water systems in acquiring and maintaining technical, managerial, and financial capacity.

"(2) CONTENT.—In preparing the capacity development strategy, the State shall consider, solicit public comment on, and include as appropriate—

"(A) the methods or criteria that the State will use to identify and prioritize the public water systems most in need of improving technical, managerial, and financial capacity;

"(B) a description of the institutional, regulatory, financial, tax, or legal factors at the Federal, State, or local level that encourage or impair capacity development;

"(C) a description of how the State will use the authorities and resources of this title or other means to—

"(i) assist public water systems in complying with national primary drinking water regulations;

"(ii) encourage the development of partnerships between public water systems to enhance the technical, managerial, and financial capacity of the systems; and

"(iii) assist public water systems in the training and certification of operators;

"(D) a description of how the State will establish a baseline and measure improvements in capacity with respect to national primary drinking water regulations and State drinking water law; and

"(E) an identification of the persons that have an interest in and are involved in the development and implementation of the capacity development strategy (including all appropriate agencies of Federal, State, and local governments, private and nonprofit public water systems, and public water system customers).

"(3) REPORT.—Not later than 2 years after the date on which a State first adopts a capacity development strategy under this subsection, and every 3 years thereafter, the head of the State agency that has primary responsibility to carry out this title in the State shall submit to the Governor a report that shall also be available to the public on the efficacy of the strategy and progress made toward improving the technical, managerial, and financial capacity of public water systems in the State.

"(d) FEDERAL ASSISTANCE.—

"(1) IN GENERAL.—The Administrator shall support the States in developing capacity development strategies.

"(2) INFORMATIONAL ASSISTANCE.—

"(A) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Administrator shall—

"(i) conduct a review of State capacity development efforts in existence on the date of enactment of this section and publish information to assist States and public water systems in capacity development efforts; and

"(ii) initiate a partnership with States, public water systems, and the public to develop information for States on recommended operator certification requirements.

"(B) PUBLICATION OF INFORMATION.—The Administrator shall publish the information developed through the partnership under subparagraph (A)(ii) not later than 18 months after the date of enactment of this section.

"(3) VARIANCES AND EXEMPTIONS.—Based on information obtained under subsection (c)(2)(B), the Administrator shall, as appropriate, modify regulations concerning variances and exemptions for small public water systems to ensure flexibility in the use of the variances and exemptions. Nothing in this paragraph shall be interpreted, construed, or applied to affect or alter the requirements of section 1415 or 1416.

"(4) PROMULGATION OF DRINKING WATER REGULATIONS.—In promulgating a national primary drinking water regulation, the Administrator shall include an analysis of the likely effect of compliance with the regulation on the technical, financial, and managerial capacity of public water systems.

"(5) GUIDANCE FOR NEW SYSTEMS.—Not later than 2 years after the date of enactment of this section, the Administrator shall publish guidance developed in consultation with the States describing legal authorities and other means to ensure that all new community water systems and new nontransient, noncommunity water systems demonstrate technical, managerial, and financial capacity with respect to national primary drinking water regulations.

"(e) ENVIRONMENTAL FINANCE CENTERS.—

"(1) IN GENERAL.—The Administrator shall support the network of university-based Environmental Finance Centers in providing training and technical assistance to State and local officials in developing capacity of public water systems.

"(2) NATIONAL CAPACITY DEVELOPMENT CLEARINGHOUSE.—Within the Environmental Finance Center network in existence on the date of enactment of this section, the Administrator shall establish a national public water systems capacity development clearinghouse to receive, coordinate, and disseminate research and reports on projects funded under this title and from other sources with respect to developing, improving, and maintaining technical, financial, and managerial capacity at public water systems to Federal and State agencies, universities, water suppliers, and other interested persons.

"(3) CAPACITY DEVELOPMENT TECHNIQUES.—

"(A) IN GENERAL.—The Environmental Finance Centers shall develop and test managerial, financial, and institutional techniques—

"(i) to ensure that new public water systems have the technical, managerial, and financial capacity before commencing operation;

"(ii) to identify public water systems in need of capacity development; and

"(iii) to bring public water systems with a history of significant noncompliance with national primary drinking water regulations into compliance.

"(B) TECHNIQUES.—The techniques may include capacity assessment methodologies, manual and computer-based public water system rate models and capital planning models, public water system consolidation procedures, and regionalization models.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out subsection (e) $2,500,000 for each of fiscal years 1995 through 2003.".

SEC. 16. OPERATOR AND LABORATORY CERTIFICATION.

Section 1442 (42 U.S.C. 300j-1) is amended by inserting after subsection (d) the following:

"(e) CERTIFICATION OF OPERATORS AND LABORATORIES.—

"(1) REQUIREMENT.—Beginning 3 years after the date of enactment of the Safe Drinking Water Act Amendments of 1995—

"(A) no assistance may be provided to a public water system under part G unless the system has entered into an enforceable commitment with the State providing that any person who operates the system will be trained and certified according to requirements established by the Administrator or the State (in the case of a State with primary enforcement responsibility under section 1413) not later than the date of completion of the capital project for which the assistance is provided; and

"(B) a public water system that has received assistance under part G may be operated only by a person who has been trained and certified according to requirements established by the Administrator or the State (in the case of a State with primary enforcement responsibility under section 1413).

"(2) GUIDELINES.—Not later than 18 months after the date of enactment of the Safe Drinking Water Act Amendments of 1995 and after consultation with the States, the Administrator shall publish information to assist States in carrying out paragraph (1). In the case of a State with primary enforcement responsibility under section 1413 or any other State that has established a training program that is consistent with the guidance issued under this paragraph, the authority to prescribe the appropriate level of training for certification for all systems shall be solely the responsibility of the State. The guidance issued under this paragraph shall also include information to assist States in certifying laboratories engaged in testing for the purpose of compliance with sections 1445 and 1401(1).

"(3) NONCOMPLIANCE.—If a public water system in a State is not operated in accordance with paragraph (1), the Administrator is authorized to withhold from funds that would otherwise be allocated to the State under section 1472 or require the repayment of an amount equal to the amount of any assistance under part G provided to the public water system.".

SEC. 17. SOURCE WATER QUALITY PROTECTION PARTNERSHIPS.

Part B (42 U.S.C. 300g et seq.) (as amended by section 15) is further amended by adding at the end the following:

"SOURCE WATER QUALITY PROTECTION PARTNERSHIP PROGRAM

"SEC. 1419. (a) SOURCE WATER AREA DELINEATIONS.—Except as provided in subsection (c), not later than 5 years after the date of enactment of this section, and after an opportunity for public comment, each State shall—

"(1) delineate (directly or through delegation) the source water protection areas for community water systems in the State using hydrogeologic information considered to be reasonably available and appropriate by the State; and

"(2) conduct, to the extent practicable, vulnerability assessments in source water areas determined to be a priority by the State, including, to the extent practicable, identification of risks in source water protection areas to drinking water.

"(b) ALTERNATIVE DELINEATIONS AND VULNERABILITY ASSESSMENTS.—For the purposes of satisfying the requirements of subsection (a), a State may use delineations and vulnerability assessments conducted for—

"(1) ground water sources under a State wellhead protection program developed pursuant to section 1428;

"(2) surface or ground water sources under a State pesticide management plan developed pursuant to the Pesticide and Ground Water State Management Plan Regulation (subparts I and J of part 152 of title 40, Code of Federal Regulations), promulgated under section 3(d) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a(d)); or

"(3) surface water sources under a State watershed initiative or to satisfy the watershed criterion for determining if filtration is required under the Surface Water Treatment Rule (section 141.70 of title 40, Code of Federal Regulations).

"(c) FUNDING.—To carry out the delineations and assessments described in subsection (a), a State may use funds made available for that purpose pursuant to section 1473(f). If funds available under that section are insufficient to meet the minimum requirements of subsection (a), the State shall establish a priority-based schedule for the delineations and assessments within available resources.

"(d) PETITION PROGRAM.—

"(1) IN GENERAL.—

"(A) ESTABLISHMENT.—A State may establish a program under which an owner or operator of a community water system in the State, or a municipal or local government or political subdivision of a government in the State, may submit a source water quality protection partnership petition to the State requesting that the State assist in the local development of a voluntary, incentive-based partnership, among the owner, operator, or government and other persons likely to be affected by the recommendations of the partnership, to—

"(i) reduce the presence in drinking water of contaminants that may be addressed by a petition by considering the origins of the contaminants, including to the maximum extent practicable the specific activities that affect the drinking water supply of a community;

"(ii) obtain financial or technical assistance necessary to facilitate establishment of a partnership, or to develop and implement recommendations of a partnership for the protection of source water to assist in the provision of drinking water that complies with national primary drinking water regulations with respect to contaminants addressed by a petition; and

"(iii) develop recommendations regarding voluntary and incentive-based strategies for the long-term protection of the source water of community water systems.

"(B) STATE DETERMINATION.—Not later than 1 year after the date of enactment of this section, each State shall provide public notice and solicit public comment on the question of whether to develop a source water quality protection partnership petition program in the State, and publicly announce the determination of the State thereafter. If so requested by any public water system or local governmental entity, prior to making the determination, the State shall hold at least one public hearing to assess the level of interest in the State for development and implementation of a State source water quality partnership petition program.

"(C) FUNDING.—Each State may—

"(i) use funds set aside pursuant to section 1473(f) by the State to carry out a program described in subparagraph (A), including assistance to voluntary local partnerships for the development and implementation of partnership recommendations for the protection of source water such as source water quality assessment, contingency plans, and demonstration projects for partners within a source water area delineated under subsection (a); and

"(ii) provide assistance in response to a petition submitted under this subsection using funds referred to in subsections (e)(2)(B) and (g).

"(2) OBJECTIVES.—The objectives of a petition submitted under this subsection shall be to—

"(A) facilitate the local development of voluntary, incentive-based partnerships among owners and operators of community water systems, governments, and other persons in source water areas; and

"(B) obtain assistance from the State in directing or redirecting resources under Federal or State water quality programs to implement the recommendations of the partnerships to address the origins of drinking water contaminants that may be addressed by a petition (including to the maximum extent practicable the specific activities) that affect the drinking water supply of a community.

"(3) CONTAMINANTS ADDRESSED BY A PETITION.—A petition submitted to a State under this section may address only those contaminants—

"(A) that are pathogenic organisms for which a national primary drinking water regulation has been established or is required under section 1412(b)(2)(C); or

"(B) for which a national primary drinking water regulation has been promulgated or proposed and—

"(i) that are detected in the community water system for which the petition is submitted at levels above the maximum contaminant level; or

"(ii) that are detected by adequate monitoring methods at levels that are not reliably and consistently below the maximum contaminant level.

"(4) CONTENTS.—A petition submitted under this subsection shall, at a minimum—

"(A) include a delineation of the source water area in the State that is the subject of the petition;

"(B) identify, to the maximum extent practicable, the origins of the drinking water contaminants that may be addressed by a petition (including to the maximum extent practicable the specific activities contributing to the presence of the contaminants) in the source water area delineated under subparagraph (A);

"(C) identify any deficiencies in information that will impair the development of recommendations by the voluntary local partnership to address drinking water contaminants that may be addressed by a petition;

"(D) specify the efforts made to establish the voluntary local partnership and obtain the participation of—

"(i) the municipal or local government or other political subdivision of the State with jurisdiction over the source water area delineated under subparagraph (A); and

"(ii) each person in the source water area delineated under subparagraph (A)—

"(I) who is likely to be affected by recommendations of the voluntary local partnership; and

"(II) whose participation is essential to the success of the partnership;

"(E) outline how the voluntary local partnership has or will, during development and implementation of recommendations of the voluntary local partnership, identify, recognize and take into account any voluntary or other activities already being undertaken by persons in the source water area delineated under subparagraph (A) under Federal or State law to reduce the likelihood that contaminants will occur in drinking water at levels of public health concern; and

"(F) specify the technical, financial, or other assistance that the voluntary local partnership requests of the State to develop the partnership or to implement recommendations of the partnership.

"(e) APPROVAL OR DISAPPROVAL OF PETITIONS.—

"(1) IN GENERAL.—After providing notice and an opportunity for public comment on a petition submitted under subsection (d), the State shall approve or disapprove the petition, in whole or in part, not later than 120 days after the date of submission of the petition.

"(2) APPROVAL.—The State may approve a petition if the petition meets the requirements established under subsection (d). The notice of approval shall, at a minimum, include—

"(A) an identification of technical, financial, or other assistance that the State will provide to assist in addressing the drinking water contaminants that may be addressed by a petition based on—

"(i) the relative priority of the public health concern identified in the petition with respect to the other water quality needs identified by the State;

"(ii) any necessary coordination that the State will perform of the program established under this section with programs implemented or planned by other States under this section; and

"(iii) funds available (including funds available from a State revolving loan fund established under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) or part G and the appropriate distribution of the funds to assist in implementing the recommendations of the partnership;

"(B) a description of technical or financial assistance pursuant to Federal and State programs that is available to assist in implementing recommendations of the partnership in the petition, including—

"(i) any program established under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

"(ii) the program established under section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990 (16 U.S.C. 1455b);

"(iii) the agricultural water quality protection program established under chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838 et seq.);

"(iv) the sole source aquifer protection program established under section 1427;

"(v) the community wellhead protection program established under section 1428;

"(vi) any pesticide or ground water management plan;

"(vii) any voluntary agricultural resource management plan or voluntary whole farm or whole ranch management plan developed and implemented under a process established by the Secretary of Agriculture; and

"(viii) any abandoned well closure program; and

"(C) a description of activities that will be undertaken to coordinate Federal and State programs to respond to the petition.

"(3) DISAPPROVAL.—If the State disapproves a petition submitted under subsection (d), the State shall notify the entity submitting the petition in writing of the reasons for disapproval. A petition may be resubmitted at any time if—

"(A) new information becomes available;

"(B) conditions affecting the source water that is the subject of the petition change; or

"(C) modifications are made in the type of assistance being requested.

"(f) ELIGIBILITY FOR WATER QUALITY PROTECTION ASSISTANCE.—A sole source aquifer plan developed under section 1427, a wellhead protection plan developed under section 1428, and a source water quality protection measure assisted in response to a petition submitted under subsection (d) shall be eligible for assistance under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), including assistance provided under section 319 and title VI of such Act (33 U.S.C. 1329 and 1381 et seq.), if the project, measure, or practice would be eligible for assistance under such Act. In the case of funds made available under such section 319 to assist a source water quality protection measure in response to a petition submitted under subsection (d), the funds may be used only for a measure that addresses nonpoint source pollution.

"(g) GRANTS TO SUPPORT STATE PROGRAMS.—

"(1) IN GENERAL.—The Administrator may make a grant to each State that establishes a program under this section that is approved under paragraph (2). The amount of each grant shall not exceed 50 percent of the cost of administering the program for the year in which the grant is available.

"(2) APPROVAL.—In order to receive grant assistance under this subsection, a State shall submit to the Administrator for approval a plan for a source water quality protection partnership program that is consistent with the guidance published under paragraph (3). The Administrator shall approve the plan if the plan is consistent with the guidance published under paragraph (3).

"(3) GUIDANCE.—

"(A) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Administrator, in consultation with the States, shall publish guidance to assist—

"(i) States in the development of a source water quality protection partnership program; and

"(ii) municipal or local governments or political subdivisions of the governments and community water systems in the development of source water quality protection partnerships and in the assessment of source water quality.

"(B) CONTENTS OF THE GUIDANCE.—The guidance shall, at a minimum—

"(i) recommend procedures for the approval or disapproval by a State of a petition submitted under subsection (d);

"(ii) recommend procedures for the submission of petitions developed under subsection (d);

"(iii) recommend criteria for the assessment of source water areas within a State;

"(iv) describe technical or financial assistance pursuant to Federal and State programs that is available to address the contamination of sources of drinking water and to develop and respond to petitions submitted under subsection (d); and

"(v) specify actions taken by the Administrator to ensure the coordination of the programs referred to in clause (iv) with the goals and objectives of this title to the maximum extent practicable.

"(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as are necessary for fiscal years 1995 through 2003. Each State with a plan for a program approved under paragraph (2) shall receive an equitable portion of the funds available for any fiscal year.

"(h) STATUTORY CONSTRUCTION.—Nothing in this section—

"(1)(A) creates or conveys new authority to a State, political subdivision of a State, or community water system for any new regulatory measure; or

"(B) limits any authority of a State, political subdivision, or community water system; or

"(2) precludes a community water system, municipal or local government, or political subdivision of a government from locally developing and carrying out a voluntary, incentive-based, source water quality protection partnership to address the origins of drinking water contaminants of public health concern.".

SEC. 18. STATE PRIMACY; STATE FUNDING.

(a) STATE PRIMARY ENFORCEMENT RESPONSIBILITY.—Section 1413 (42 U.S.C. 300g–2) is amended—

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

"(1) has adopted drinking water regulations that are no less stringent than the national primary drinking water regulations promulgated by the Administrator under section 1412 not later than 2 years after the date on which the regulations are promulgated by the Administrator except that the Administrator may provide for an extension of not more than 2 years if, after submission and review of appropriate, adequate documentation from the State, the Administrator determines that the extension is necessary and justified;"; and

(2) by adding at the end the following:

"(c) INTERIM PRIMARY ENFORCEMENT AUTHORITY.—A State that has primary enforcement authority under this section with respect to each existing national primary drinking water regulation shall be considered to have primary enforcement authority with respect to each new or revised national primary drinking water regulation during the period beginning on the effective date of a regulation adopted and submitted by the State with respect to the new or revised national primary drinking water regulation in accordance with subsection (b)(1) and ending at such time as the Administrator makes a determination under subsection (b)(2) with respect to the regulation.".

(b) PUBLIC WATER SYSTEM SUPERVISION PROGRAM.—Section 1443(a) (42 U.S.C. 300j–2(a)) is amended—

(1) in paragraph (3)—

(A) by striking "(3) A grant" and inserting the following:

"(3) AMOUNT OF GRANT.—

"(A) IN GENERAL.—A grant"; and

(B) by adding at the end the following:

"(B) DETERMINATION OF COSTS.—To determine the costs of a grant recipient pursuant to this paragraph, the Administrator shall, in cooperation with the States and not later than 180 days after the date of enactment of this subparagraph, establish a resource model for the public water system supervision program and review and revise the model as necessary.

"(C) STATE COST ADJUSTMENTS.—The Administrator shall revise cost estimates used in the resource model for any particular State to reflect costs more likely to be experienced in that State, if—

"(i) the State requests the modification; and

"(ii) the revised estimates ensure full and effective administration of the public water system supervision program in the State and the revised estimates do not overstate the resources needed to administer the program.";

(2) in paragraph (7), by adding at the end a period and the following:

"For the purpose of making grants under paragraph (1), there are authorized to be appropriated such sums as are necessary for each of fiscal years 1992 and 1993 and

$100,000,000 for each of fiscal years 1994 through 2003."; and

(3) by adding at the end the following:

"(8) RESERVATION OF FUNDS BY THE ADMINISTRATOR.—If the Administrator assumes the primary enforcement responsibility of a State public water system supervision program, the Administrator may reserve from funds made available pursuant to this subsection, an amount equal to the amount that would otherwise have been provided to the State pursuant to this subsection. The Administrator shall use the funds reserved pursuant to this paragraph to ensure the full and effective administration of a public water system supervision program in the State.

"(9) STATE LOAN FUNDS.—

"(A) RESERVATION OF FUNDS.—For any fiscal year for which the amount made available to the Administrator by appropriations to carry out this subsection is less than the amount that the Administrator determines is necessary to supplement funds made available pursuant to paragraph (8) to ensure the full and effective administration of a public water system supervision program in a State (based on the resource model developed under paragraph (3)(B)), the Administrator may reserve from the funds made available to the State under section 1472 an amount that is equal to the amount of the shortfall.

"(B) DUTY OF ADMINISTRATOR.—If the Administrator reserves funds from the allocation of a State under subparagraph (A), the Administrator shall carry out in the State—

"(i) each of the activities that would be required of the State if the State had primary enforcement authority under section 1413; and

"(ii) each of the activities required of the State by this title, other than part C, but not made a condition of the authority.".

SEC. 19. MONITORING AND INFORMATION GATHERING.

(a) REGULATED CONTAMINANTS.—

(1) REVIEW OF EXISTING REQUIREMENTS.—Section 1445(a)(1) (42 U.S.C. 300j–4(a)(1)) is amended—

(A) by designating the first and second sentences as subparagraphs (A) and (B), respectively; and

(B) by adding at the end the following:

"(C) REVIEW.—The Administrator shall not later than 2 years after the date of enactment of this subparagraph, after consultation with public health experts, representatives of the general public, and officials of State and local governments, review the monitoring requirements for not fewer than 12 contaminants identified by the Administrator, and promulgate any necessary modifications.".

(2) ALTERNATIVE MONITORING PROGRAMS.—Section 1445(a)(1) (42 U.S.C. 300j–4(a)(1)) (as amended by paragraph (1)(B)) is further amended by adding at the end the following:

"(D) STATE-ESTABLISHED REQUIREMENTS.—

"(i) IN GENERAL.—Each State with primary enforcement responsibility under section 1413 may, by rule, establish alternative monitoring requirements for any national primary drinking water regulation, other than a regulation applicable to a microbial contaminant (or an indicator of a microbial contaminant). The alternative monitoring requirements established by a State under this clause may not take effect for any national primary drinking water regulation until after completion of at least 1 full cycle of monitoring in the State satisfying the requirements of paragraphs (1) and (2) of section 1413(a). The alternative monitoring requirements may be applicable to public water systems or classes of public water systems identified by the State, in lieu of the monitoring requirements that would otherwise be applicable under the regulation, if the alternative monitoring requirements—

"(I) are based on use of the best available science conducted in accordance with sound and objective scientific practices and data collected by accepted methods;

"(II) are based on the potential for the contaminant to occur in the source water based on use patterns and other relevant characteristics of the contaminant or the systems subject to the requirements;

"(III) in the case of a public water system or class of public water systems in which a contaminant has been detected at quantifiable levels that are not reliably and consistently below the maximum contaminant level, include monitoring frequencies that are not less frequent than the frequencies required in the national primary drinking water regulation for the contaminant for a period of 5 years after the detection; and

"(IV) in the case of each contaminant formed in the distribution system, are not applicable to public water systems for which treatment is necessary to comply with the national primary drinking water regulation.

"(ii) COMPLIANCE AND ENFORCEMENT.—The alternative monitoring requirements established by the State shall be adequate to ensure compliance with, and enforcement of, each national primary drinking water regulation. The State may review and update the alternative monitoring requirements as necessary.

"(iii) APPLICATION OF SECTION 1413.—

"(I) IN GENERAL.—Each State establishing alternative monitoring requirements under this subparagraph shall submit the rule to the Administrator as provided in section 1413(b)(1). Any requirements for a State to provide information supporting a submission shall be defined only in consultation with the States, and shall address only such information as is necessary to make a decision to approve or disapprove an alternative monitoring rule in accordance with the following sentence. The Administrator shall approve an alternative monitoring rule submitted under this clause for the purposes of section 1413, unless the Administrator determines in writing that the State rule for alternative monitoring does not ensure compliance with, and enforcement of, the national primary drinking water regulation for the contaminant or contaminants to which the rule applies.

"(II) EXCEPTIONS.—The requirements of section 1413(a)(1) that a rule be no less stringent than the national primary drinking water regulation for the contaminant or contaminants to which the rule applies shall not apply to the decision of the Administrator to approve or disapprove a rule submitted under this clause. Notwithstanding the requirements of section 1413(b)(2), the Administrator shall approve or disapprove a rule submitted under this clause within 180 days of submission. In the absence of a determination to disapprove a rule made by the Administrator within 180 days, the rule shall be deemed to be approved under section 1413(b)(2).

"(III) ADDITIONAL CONSIDERATIONS.—A State shall be considered to have primary enforcement authority with regard to an alternative monitoring rule, and the rule shall be effective, on a date (determined by the State) any time on or after submission of the rule, consistent with section 1413(c). A decision by the Administrator to disapprove an alternative monitoring rule under section 1413 or to withdraw the authority of the State to carry out the rule under clause (iv) may not be the basis for withdrawing primary enforcement responsibility for a national primary drinking water regulation or regulations from the State under section 1413.

"(iv) OVERSIGHT BY THE ADMINISTRATOR.—The Administrator shall review, not less often than every 5 years, any alternative monitoring requirements established by a State under clause (i) to determine whether the requirements are adequate to ensure compliance with, and enforcement of, national primary drinking water regulations. If the Administrator determines that the alternative monitoring requirements of a State are inadequate with respect to a contaminant, and after providing the State with an opportunity to respond to the determination of the Administrator and to correct any inadequacies, the Administrator may withdraw the authority of the State to carry out the alternative monitoring requirements with respect to the contaminant. If the Administrator withdraws the authority, the monitoring requirements contained in the national primary drinking water regulation for the contaminant shall apply to public water systems in the State.

"(v) NONPRIMACY STATES.—The Governor of any State that does not have primary enforcement responsibility under section 1413 on the date of enactment of this clause may submit to the Administrator a request that the Administrator modify the monitoring requirements established by the Administrator and applicable to public water systems in that State. After consultation with the Governor, the Administrator shall modify the requirements for public water systems in that State if the request of the Governor is in accordance with each of the requirements of this subparagraph that apply to alternative monitoring requirements established by States that have primary enforcement responsibility. A decision by the Administrator to approve a request under this clause shall be for a period of 3 years and may subsequently be extended for periods of 5 years.

"(vi) GUIDANCE.—The Administrator shall issue guidance in consultation with the States that States may use to develop State-established requirements pursuant to this subparagraph and subparagraph (E). The guidance shall identify options for alternative monitoring designs that meet the criteria identified in clause (i) and the requirements of clause (ii).".

(3) SMALL SYSTEM MONITORING.—Section 1445(a)(1) (42 U.S.C. 300j–4(a)(1)) (as amended by paragraph (2)) is further amended by adding at the end the following:

"(E) SMALL SYSTEM MONITORING.—The Administrator or a State that has primary enforcement responsibility under section 1413 may modify the monitoring requirements for any contaminant, other than a microbial contaminant or an indicator of a microbial contaminant, a contaminant regulated on the basis of an acute health effect, or a contaminant formed in the treatment process or in the distribution system, to provide that any public water system that serves a population of 10,000 or fewer shall not be required to conduct additional quarterly monitoring during any 3-year period for a specific contaminant if monitoring conducted at the beginning of the period for the contaminant fails to detect the presence of the contaminant in the water supplied by the public water system, and the Administrator or the State determines that the contaminant is unlikely to be detected by further monitoring in the period.".

(b) UNREGULATED CONTAMINANTS.—Section 1445(a) (42 U.S.C. 300j–4(a)) is amended by striking paragraphs (2) through (8) and inserting the following:

"(2) MONITORING PROGRAM FOR UNREGULATED CONTAMINANTS.—

"(A) ESTABLISHMENT.—The Administrator shall promulgate regulations establishing the criteria for a monitoring program for unregulated contaminants. The regulations shall require monitoring of drinking water supplied by public water systems and shall vary the frequency and schedule for monitoring requirements for systems based on the number of persons served by the system, the source of supply, and the contaminants likely to be found.

"(B) MONITORING PROGRAM FOR CERTAIN UNREGULATED CONTAMINANTS.—

"(i) INITIAL LIST.—Not later than 3 years after the date of enactment of the Safe Drinking Water Amendments of 1995 and every 5 years thereafter, the Administrator shall issue a list pursuant to subparagraph (A) of not more than 20 unregulated contaminants to be monitored by public water systems and to be included in the national drinking water occurrence data base maintained pursuant to paragraph (3).

"(ii) GOVERNORS' PETITION.—The Administrator shall include among the list of contaminants for which monitoring is required under this paragraph each contaminant recommended in a petition signed by the Governor of each of 7 or more States, unless the Administrator determines that the action would prevent the listing of other contaminants of a higher public health concern.

"(C) MONITORING BY LARGE SYSTEMS.—A public water system that serves a population of more than 10,000 shall conduct monitoring for all contaminants listed under subparagraph (B).

"(D) MONITORING PLAN FOR SMALL AND MEDIUM SYSTEMS.—

"(i) IN GENERAL.—Based on the regulations promulgated by the Administrator, each State shall develop a representative monitoring plan to assess the occurrence of unregulated contaminants in public water systems that serve a population of 10,000 or fewer. The plan shall require monitoring for systems representative of different sizes, types, and geographic locations in the State.

"(ii) GRANTS FOR SMALL SYSTEM COSTS.—From funds reserved under section 1478(c), the Administrator shall pay the reasonable cost of such testing and laboratory analysis as are necessary to carry out monitoring under the plan.

"(E) MONITORING RESULTS.—Each public water system that conducts monitoring of unregulated contaminants pursuant to this paragraph shall provide the results of the monitoring to the primary enforcement authority for the system.

"(F) WAIVER OF MONITORING REQUIREMENT.—The Administrator shall waive the requirement for monitoring for a contaminant under this paragraph in a State, if the State demonstrates that the criteria for listing the contaminant do not apply in that State.

"(G) ANALYTICAL METHODS.—The State may use screening methods approved by the Administrator under subsection (h) in lieu of monitoring for particular contaminants under this paragraph.

"(H) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this paragraph $10,000,000 for each of fiscal years 1995 through 2003.".

(c) NATIONAL DRINKING WATER OCCURRENCE DATABASE.—Section 1445(a) (42 U.S.C. 300j–4(a)) (as amended by subsection (b)) is further amended by adding at the end the following:

"(3) NATIONAL DRINKING WATER OCCURRENCE DATABASE.—

"(A) IN GENERAL.—Not later than 3 years after the date of enactment of the Safe Drinking Water Act Amendments of 1995, the Administrator shall assemble and maintain a national drinking water occurrence data base, using information on the occurrence of both regulated and unregulated contaminants in public water systems obtained under paragraph (2) and reliable information from other public and private sources.

"(B) USE.—The data shall be used by the Administrator in making determinations under section 1412(b)(1) with respect to the occurrence of a contaminant in drinking water at a level of public health concern.

"(C) PUBLIC RECOMMENDATIONS.—The Administrator shall periodically solicit recommendations from the appropriate officials of the National Academy of Sciences and the States, and any person may submit recommendations to the Administrator, with respect to contaminants that should be included in the national drinking water occurrence data base, including recommendations with respect to additional unregulated contaminants that should be listed under paragraph (2). Any recommendation submitted under this clause shall be accompanied by reasonable documentation that—

"(i) the contaminant occurs or is likely to occur in drinking water; and

"(ii) the contaminant poses a risk to public health.

"(D) PUBLIC AVAILABILITY.—The information from the data base shall be available to the public in readily accessible form.

"(E) REGULATED CONTAMINANTS.—With respect to each contaminant for which a national primary drinking water regulation has been established, the data base shall include information on the detection of the contaminant at a quantifiable level in public water systems (including detection of the contaminant at levels not constituting a violation of the maximum contaminant level for the contaminant).

"(F) UNREGULATED CONTAMINANTS.—With respect to contaminants for which a national primary drinking water regulation has not been established, the data base shall include—

"(i) monitoring information collected by public water systems that serve a population of more than 10,000, as required by the Administrator under paragraph (2);

"(ii) monitoring information collected by the States from a representative sampling of public water systems that serve a population of 10,000 or fewer; and

"(iii) other reliable and appropriate monitoring information on the occurrence of the contaminants in public water systems that is available to the Administrator.".

(d) INFORMATION.—

(1) MONITORING AND TESTING AUTHORITY.—Subparagraph (A) of section 1445(a)(1) (42 U.S.C. 300j–4(a)(1)) (as designated by subsection (a)(1)(A)) is amended—

(A) by inserting "by accepted methods" after "conduct such monitoring"; and

(B) by striking "such information as the Administrator may reasonably require" and all that follows through the period at the end and inserting the following: "such information as the Administrator may reasonably require—

"(i) to assist the Administrator in establishing regulations under this title or to assist the Administrator in determining, on a case-by-case basis, whether the person has acted or is acting in compliance with this title; and

"(ii) by regulation to assist the Administrator in determining compliance with national primary drinking water regulations promulgated under section 1412 or in administering any program of financial assistance under this title.

If the Administrator is requiring monitoring for purposes of testing new or alternative methods, the Administrator may require the use of other than accepted methods. Information requirements imposed by the Administrator pursuant to the authority of this subparagraph that require monitoring, the establishment or maintenance of records or reporting, by a substantial number of public water systems (determined in the sole discretion of the Administrator), shall be established by regulation as provided in clause (ii).".

(2) SCREENING METHODS.—Section 1445 (42 U.S.C. 300j–4) (as amended by section 12(c)) is further amended by adding at the end the following:

"(h) SCREENING METHODS.—The Administrator shall review new analytical methods to screen for regulated contaminants and may approve such methods as are more accurate or cost-effective than established reference methods for use in compliance monitoring.".

SEC. 20. PUBLIC NOTIFICATION.

Section 1414 (42 U.S.C. 300g–3) is amended by striking subsection (c) and inserting the following:

"(c) NOTICE TO PERSONS SERVED.—

"(1) IN GENERAL.—Each owner or operator of a public water system shall give notice to the persons served by the system—

"(A) of any failure on the part of the public water system to—

"(i) comply with an applicable maximum contaminant level or treatment technique requirement of, or a testing procedure prescribed by, a national primary drinking water regulation; or

"(ii) perform monitoring required by section 1445(a);

"(B) if the public water system is subject to a variance granted under section 1415(a)(1)(A), 1415(a)(2), or 1415(e) for an inability to meet a maximum contaminant level requirement or is subject to an exemption granted under section 1416, of—

"(i) the existence of the variance or exemption; and

"(ii) any failure to comply with the requirements of any schedule prescribed pursuant to the variance or exemption; and

"(C) of the concentration level of any unregulated contaminant for which the Administrator has required public notice pursuant to paragraph (2)(E).

"(2) FORM, MANNER, AND FREQUENCY OF NOTICE.—

"(A) IN GENERAL.—The Administrator shall, by regulation, and after consultation with the States, prescribe the manner, frequency, form, and content for giving notice under this subsection. The regulations shall—

"(i) provide for different frequencies of notice based on the differences between violations that are intermittent or infrequent and violations that are continuous or frequent; and

"(ii) take into account the seriousness of any potential adverse health effects that may be involved.

"(B) STATE REQUIREMENTS.—

"(i) IN GENERAL.—A State may, by rule, establish alternative notification requirements—

"(I) with respect to the form and content of notice given under and in a manner in accordance with subparagraph (C); and

"(II) with respect to the form and content of notice given under subparagraph (D).

"(ii) CONTENTS.—The alternative requirements shall provide the same type and amount of information as required pursuant to this subsection and regulations issued under subparagraph (A).

"(iii) RELATIONSHIP TO SECTION 1413.—Nothing in this subparagraph shall be construed or applied to modify the requirements of section 1413.

"(C) VIOLATIONS WITH POTENTIAL TO HAVE SERIOUS ADVERSE EFFECTS ON HUMAN HEALTH.—Regulations issued under subparagraph (A) shall specify notification procedures for each violation by a public water system that has the potential to have serious adverse effects on human health as a result of short-term exposure. Each notice of violation provided under this subparagraph shall—

"(i) be distributed as soon as practicable after the occurrence of the violation, but not later than 24 hours after the occurrence of the violation;

"(ii) provide a clear and readily understandable explanation of—

"(I) the violation;

"(II) the potential adverse effects on human health;

"(III) the steps that the public water system is taking to correct the violation; and

"(IV) the necessity of seeking alternative water supplies until the violation is corrected;

"(iii) be provided to the Administrator or the head of the State agency that has primary enforcement responsibility under section 1413 as soon as practicable, but not later than 24 hours after the occurrence of the violation; and

"(iv) as required by the State agency in general regulations of the State agency, or on a case-by-case basis after the consultation referred to in clause (iii), considering the health risks involved—

"(I) be provided to appropriate broadcast media;

"(II) be prominently published in a newspaper of general circulation serving the area not later than 1 day after distribution of a notice pursuant to clause (i) or the date of publication of the next issue of the newspaper; or

"(III) be provided by posting or door-to-door notification in lieu of notification by means of broadcast media or newspaper.

"(D) WRITTEN NOTICE.—

"(i) IN GENERAL.—Regulations issued under subparagraph (A) shall specify notification procedures for violations other than the violations covered by subparagraph (C). The procedures shall specify that a public water system shall provide written notice to each person served by the system by notice—

"(I) in the first bill (if any) prepared after the date of occurrence of the violation;

"(II) in an annual report issued not later than 1 year after the date of occurrence of the violation; or

"(III) by mail or direct delivery as soon as practicable, but not later than 1 year after the date of occurrence of the violation.

"(ii) FORM AND MANNER OF NOTICE.—The Administrator shall prescribe the form and manner of the notice to provide a clear and readily understandable explanation of—

"(I) the violation;

"(II) any potential adverse health effects; and

"(III) the steps that the system is taking to seek alternative water supplies, if any, until the violation is corrected.

"(E) UNREGULATED CONTAMINANTS.—The Administrator may require the owner or operator of a public water system to give notice to the persons served by the system of the concentration levels of an unregulated contaminant required to be monitored under section 1445(a).

"(3) REPORTS.—

"(A) ANNUAL REPORT BY STATE.—

"(i) IN GENERAL.—Not later than January 1, 1997, and annually thereafter, each State that has primary enforcement responsibility under section 1413 shall prepare, make readily available to the public, and submit to the Administrator an annual report on violations of national primary drinking water regulations by public water systems in the State, including violations with respect to—

"(I) maximum contaminant levels;

"(II) treatment requirements;

"(III) variances and exemptions; and

"(IV) monitoring requirements determined to be significant by the Administrator after consultation with the States.

"(ii) DISTRIBUTION.—The State shall publish and distribute summaries of the report and indicate where the full report is available for review.

"(B) ANNUAL REPORT BY ADMINISTRATOR.—Not later than July 1, 1997, and annually thereafter, the Administrator shall prepare and make available to the public an annual report summarizing and evaluating reports submitted by States pursuant to subparagraph (A) and notices submitted by public water systems serving Indian Tribes provided to the Administrator pursuant to subparagraph (C) or (D) of paragraph (2) and making recommendations concerning the resources needed to improve compliance with this title. The report shall include information about public water system compliance on Indian reservations and about enforcement activities undertaken and financial assistance provided by the Administrator on Indian reservations, and shall make specific recommendations concerning the resources needed to improve compliance with this title on Indian reservations.".

SEC. 21. ENFORCEMENT; JUDICIAL REVIEW.

(a) IN GENERAL.—Section 1414 (42 U.S.C. 300g–3) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) in clause (i), by striking "any national primary drinking water regulation in effect under section 1412" and inserting "any applicable requirement"; and

(II) by striking "with such regulation or requirement" and inserting "with the requirement"; and

(ii) in subparagraph (B), by striking "regulation or" and inserting "applicable"; and

(B) by striking paragraph (2) and inserting the following:

"(2) ENFORCEMENT IN NONPRIMACY STATES.—

"(A) IN GENERAL.—If, on the basis of information available to the Administrator, the Administrator finds, with respect to a period in which a State does not have primary enforcement responsibility for public water systems, that a public water system in the State—

"(i) for which a variance under section 1415 or an exemption under section 1416 is not in effect, does not comply with any applicable requirement; or

"(ii) for which a variance under section 1415 or an exemption under section 1416 is in effect, does not comply with any schedule or other requirement imposed pursuant to the variance or exemption;

the Administrator shall issue an order under subsection (g) requiring the public water system to comply with the requirement, or commence a civil action under subsection (b).

"(B) NOTICE.—If the Administrator takes any action pursuant to this paragraph, the Administrator shall notify an appropriate local elected official, if any, with jurisdiction over the public water system of the action prior to the time that the action is taken.";

(2) in the first sentence of subsection (b), by striking "a national primary drinking water regulation" and inserting "any applicable requirement";

(3) in subsection (g)—

(A) in paragraph (1), by striking "regulation, schedule, or other" each place it appears and inserting "applicable";

(B) in paragraph (2)—

(i) in the first sentence—

(I) by striking "effect until after notice and opportunity for public hearing and," and inserting "effect,"; and

(II) by striking "proposed order" and inserting "order"; and

(ii) in the second sentence, by striking "proposed to be"; and

(C) in paragraph (3)—

(i) by striking subparagraph (B) and inserting the following:

"(B) EFFECT OF PENALTY AMOUNTS.—In a case in which a civil penalty sought by the Administrator under this paragraph does not exceed $5,000, the penalty shall be assessed by the Administrator after notice and opportunity for a public hearing (unless the person against whom the penalty is assessed requests a hearing on the record in accordance with section 554 of title 5, United States Code). In a case in which a civil penalty sought by the Administrator under this paragraph exceeds $5,000, but does not exceed $25,000, the penalty shall be assessed by the Administrator after notice and opportunity for a hearing on the record in accordance with section 554 of title 5, United States Code."; and

(ii) in subparagraph (C), by striking "paragraph exceeds $5,000" and inserting "subsection for a violation of an applicable requirement exceeds $25,000"; and

(4) by adding at the end the following:

"(h) CONSOLIDATION INCENTIVE.—

"(1) IN GENERAL.—An owner or operator of a public water system may submit to the State in which the system is located (if the State has primary enforcement responsibility under section 1413) or to the Administrator (if the State does not have primary enforcement responsibility) a plan (including specific measures and schedules) for—

"(A) the physical consolidation of the system with 1 or more other systems;

"(B) the consolidation of significant management and administrative functions of the system with 1 or more other systems; or

"(C) the transfer of ownership of the system that may reasonably be expected to improve drinking water quality.

"(2) CONSEQUENCES OF APPROVAL.—If the State or the Administrator approves a plan pursuant to paragraph (1), no enforcement action shall be taken pursuant to this part with respect to a specific violation identified in the approved plan prior to the date that is the earlier of the date on which consolidation is completed according to the plan or the date that is 2 years after the plan is approved.

"(i) DEFINITION OF APPLICABLE REQUIREMENT.—In this section, the term 'applicable requirement' means—

"(1) a requirement of section 1412, 1414, 1415, 1416, 1417, 1441, or 1445;

"(2) a regulation promulgated pursuant to a section referred to in paragraph (1);

"(3) a schedule or requirement imposed pursuant to a section referred to in paragraph (1); and

"(4) a requirement of, or permit issued under, an applicable State program for which the Administrator has made a determination that the requirements of section 1413 have been satisfied, or an applicable State program approved pursuant to this part.".

(b) STATE AUTHORITY FOR ADMINISTRATIVE PENALTIES.—Section 1413(a) (42 U.S.C. 300g-2(a)) is amended—

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

(2) by striking the period at the end of paragraph (5) and inserting "; and"; and

(3) by adding at the end the following:

"(6) has adopted authority for administrative penalties (unless the constitution of the State prohibits the adoption of the authority) in a maximum amount—

"(A) in the case of a system serving a population of more than 10,000, that is not less than $1,000 per day per violation; and

"(B) in the case of any other system, that is adequate to ensure compliance (as determined by the State);

except that a State may establish a maximum limitation on the total amount of administrative penalties that may be imposed on a public water system per violation.".

(c) JUDICIAL REVIEW.—Section 1448(a) (42 U.S.C. 300j-7(a)) is amended—

(1) in paragraph (2) of the first sentence, by inserting "final" after "any other";

(2) in the second sentence, by striking "or issuance of the order" and inserting "or any other final Agency action"; and

(3) by adding at the end the following "In any petition concerning the assessment of a civil penalty pursuant to section 1414(g)(3)(B), the petitioner shall simultaneously send a copy of the complaint by certified mail to the Administrator and the Attorney General. The court shall set aside and remand the penalty order if the court finds that there is not substantial evidence in the record to support the finding of a violation or that the assessment of the penalty by the Administrator constitutes an abuse of discretion.".

SEC. 22. FEDERAL AGENCIES.

(a) IN GENERAL.—Subsections (a) and (b) of section 1447 (42 U.S.C. 300j-6) are amended to read as follows:

"(a) COMPLIANCE.—

"(1) IN GENERAL.—Each Federal agency shall be subject to, and comply with, all Federal, State, interstate, and local substantive and procedural requirements, administrative authorities, and process and sanctions concerning the provision of safe drinking water or underground injection in the same manner, and to the same extent, as any nongovernmental entity is subject to, and shall comply with, the requirements, authorities, and process and sanctions.

"(2) ADMINISTRATIVE ORDERS AND PENALTIES.—The Federal, State, interstate, and local substantive and procedural requirements, administrative authorities, and process and sanctions referred to in paragraph (1) include all administrative orders and all civil and administrative penalties or fines, regardless of whether the penalties or fines are punitive or coercive in nature or are imposed for isolated, intermittent, or continuing violations.

"(3) LIMITED WAIVER OF SOVEREIGN IMMUNITY.—The United States expressly waives any immunity otherwise applicable to the United States with respect to any requirement, administrative authority, or process or sanction referred to in paragraph (2) (including any injunctive relief, administrative order, or civil or administrative penalty or fine referred to in paragraph (2), or reasonable service charge). The reasonable service charge referred to in the preceding sentence includes—

"(A) a fee or charge assessed in connection with the processing, issuance, renewal, or amendment of a permit, variance, or exemption, review of a plan, study, or other document, or inspection or monitoring of a facility; and

"(B) any other nondiscriminatory charge that is assessed in connection with a Federal, State, interstate, or local safe drinking water regulatory program.

"(4) CIVIL PENALTIES.—No agent, employee, or officer of the United States shall be personally liable for any civil penalty under this subsection with respect to any act or omission within the scope of the official duties of the agent, employee, or officer.

"(5) CRIMINAL SANCTIONS.—An agent, employee, or officer of the United States may be subject to a criminal sanction under a State, interstate, or local law concerning the provision of drinking water or underground injection. No department, agency, or instrumentality of the executive, legislative, or judicial branch of the Federal Government shall be subject to a sanction referred to in the preceding sentence.

"(b) WAIVER OF COMPLIANCE.—

"(1) IN GENERAL.—The President may waive compliance with subsection (a) by any department, agency, or instrumentality in the executive branch if the President determines waiving compliance with such subsection to be in the paramount interest of the United States.

"(2) WAIVERS DUE TO LACK OF APPROPRIATIONS.—No waiver described in paragraph (1) shall be granted due to the lack of an appropriation unless the President has specifically requested the appropriation as part of the budgetary process and Congress has failed to make available the requested appropriation.

"(3) PERIOD OF WAIVER.—A waiver under this subsection shall be for a period of not to exceed 1 year, but an additional waiver may be granted for a period of not to exceed 1 year on the termination of a waiver if the President reviews the waiver and makes a determination that it is in the paramount interest of the United States to grant an additional waiver.

"(4) REPORT.—Not later than January 31 of each year, the President shall report to Congress on each waiver granted pursuant to this subsection during the preceding calendar year, together with the reason for granting the waiver.".

(b) ADMINISTRATIVE PENALTY ORDERS.—Section 1447 (42 U.S.C. 300j-6) is amended by adding at the end the following:

"(d) ADMINISTRATIVE PENALTY ORDERS.—

"(1) IN GENERAL.—If the Administrator finds that a Federal agency has violated an applicable requirement under this title, the Administrator may issue a penalty order assessing a penalty against the Federal agency.

"(2) PENALTIES.—The Administrator may, after notice to the agency, assess a civil penalty against the agency in an amount not to exceed $25,000 per day per violation.

"(3) PROCEDURE.—Before an administrative penalty order issued under this subsection becomes final, the Administrator shall provide the agency an opportunity to confer with the Administrator and shall provide the agency notice and an opportunity for a hearing on the record in accordance with chapters 5 and 7 of title 5, United States Code.

"(4) PUBLIC REVIEW.—

"(A) IN GENERAL.—Any interested person may obtain review of an administrative penalty order issued under this subsection. The review may be obtained in the United States District Court for the District of Columbia or in the United States District Court for the district in which the violation is alleged to have occurred by the filing of a complaint with the court within the 30-day period beginning on the date the penalty order becomes final. The person filing the complaint shall simultaneously send a copy of the complaint by certified mail to the Administrator and the Attorney General.

"(B) RECORD.—The Administrator shall promptly file in the court a certified copy of the record on which the order was issued.

"(C) STANDARD OF REVIEW.—The court shall not set aside or remand the order unless the court finds that there is not substantial evidence in the record, taken as a whole, to support the finding of a violation or that the assessment of the penalty by the Administrator constitutes an abuse of discretion.

"(D) PROHIBITION ON ADDITIONAL PENALTIES.—The court may not impose an additional civil penalty for a violation that is subject to the order unless the court finds that the assessment constitutes an abuse of discretion by the Administrator.".

(c) CITIZEN ENFORCEMENT.—The first sentence of section 1449(a) (42 U.S.C. 300j-8(a)) is amended—

(1) in paragraph (1), by striking ", or" and inserting a semicolon;

(2) in paragraph (2), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(3) for the collection of a penalty (and associated costs and interest) against any Federal agency that fails, by the date that is 1 year after the effective date of a final order to pay a penalty assessed by the Administrator under section 1447(d), to pay the penalty.".

(d) WASHINGTON AQUEDUCT.—Section 1447 (42 U.S.C. 300j-6) (as amended by subsection (b)) is further amended by adding at the end the following:

"(e) WASHINGTON AQUEDUCT.—The Washington Aqueduct Authority, the Army Corps of Engineers, and the Secretary of the Army shall not pass the cost of any penalty assessed under this title on to any customer, user, or other purchaser of drinking water from the Washington Aqueduct system, including finished water from the Dalecarlia or McMillan treatment plant.".

SEC. 23. RESEARCH.

Section 1442 (42 U.S.C. 300j-1) (as amended by section 12(d)) is further amended—

(1) by redesignating paragraph (3) of subsection (b) as paragraph (3) of subsection (d) and moving such paragraph to appear after paragraph (2) of subsection (d);

(2) by striking subsection (b) (as so amended);

(3) by redesignating subparagraph (B) of subsection (a)(2) as subsection (b) and moving such subsection to appear after subsection (a);

(4) in subsection (a)—

(A) by striking paragraph (2) (as so amended) and inserting the following:

"(2) INFORMATION AND RESEARCH FACILITIES.—In carrying out this title, the Administrator is authorized to—

"(A) collect and make available information pertaining to research, investigations, and demonstrations with respect to providing a dependably safe supply of drinking water, together with appropriate recommendations in connection with the information; and

"(B) make available research facilities of the Agency to appropriate public authorities, institutions, and individuals engaged in studies and research relating to this title.";

(B) by striking paragraph (3);

(C) by redesignating paragraph (11) as paragraph (3) and moving such paragraph to appear before paragraph (4); and

(D) by adding at the end the following:

"(11) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator to carry out research authorized by this section $25,000,000 for each of fiscal years 1994 through 2003, of which $4,000,000 shall be available for each fiscal year for research on the health effects of arsenic in drinking water.";

(5) in subsection (b) (as so amended)—

(A) by striking "subparagraph" each place it appears and inserting "subsection"; and

(B) by adding at the end the following: "There are authorized to be appropriated to carry out this subsection $8,000,000 for each of fiscal years 1995 through 2003.";

(6) in the first sentence of subsection (c), by striking "eighteen months after the date of enactment of this subsection" and inserting "2 years after the date of enactment of the Safe Drinking Water Act Amendments of 1995, and every 5 years thereafter";

(7) in subsection (d) (as amended by paragraph (1))—

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

(B) in paragraph (2), by striking the period at the end and inserting a semicolon;

(C) in paragraph (3), by striking the period at the end and inserting "; and";

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

"(4) develop and maintain a system for forecasting the supply of, and demand for, various professional occupational categories and other occupational categories needed for the protection and treatment of drinking water in each region of the United States."; and

(E) by adding at the end the following: "There are authorized to be appropriated to carry out this subsection $10,000,000 for each of fiscal years 1994 through 2003."; and

(8) by adding at the end the following:

"(i) BIOLOGICAL MECHANISMS.—In carrying out this section, the Administrator shall conduct studies to—

"(1) understand the mechanisms by which chemical contaminants are absorbed, distributed, metabolized, and eliminated from the human body, so as to develop more accurate physiologically based models of the phenomena;

"(2) understand the effects of contaminants and the mechanisms by which the contaminants cause adverse effects (especially noncancer and infectious effects) and the variations in the effects among humans, especially subpopulations at greater risk of adverse effects, and between test animals and humans; and

"(3) develop new approaches to the study of complex mixtures, such as mixtures found in drinking water, especially to determine the prospects for synergistic or antagonistic interactions that may affect the shape of the dose-response relationship of the individual chemicals and microbes, and to examine noncancer endpoints and infectious diseases, and susceptible individuals and subpopulations.

"(j) RESEARCH PRIORITIES.—To establish long-term priorities for research under this section, the Administrator shall develop, and periodically update, an integrated risk characterization strategy for drinking water quality. The strategy shall identify unmet needs, priorities for study, and needed improvements in the scientific basis for activities carried out under this title. The initial strategy shall be made available to the public not later than 3 years after the date of enactment of this subsection.

"(k) RESEARCH PLAN FOR HARMFUL SUBSTANCES IN DRINKING WATER.—

"(1) DEVELOPMENT OF PLAN.—The Administrator shall—

"(A) not later than 180 days after the date of enactment of this subsection, after consultation with the Secretary of Health and Human Services, the Secretary of Agriculture, and, as appropriate, the heads of other Federal agencies, develop a research plan to support the development and implementation of the most current version of the—

"(i) enhanced surface water treatment rule (59 Fed. Reg. 38832 (July 29, 1994));

"(ii) disinfectant and disinfection byproducts rule (Stage 2) (59 Fed. Reg. 38668 (July 29, 1994)); and

"(iii) ground water disinfection rule (availability of draft summary announced at 57 Fed. Reg. 33960 (July 31, 1992)); and

"(B) carry out the research plan, after consultation and appropriate coordination with the Secretary of Agriculture and the heads of other Federal agencies.

"(2) CONTENTS OF PLAN.—

"(A) IN GENERAL.—The research plan shall include, at a minimum—

"(i) an identification and characterization of new disinfection byproducts associated with the use of different disinfectants;

"(ii) toxicological studies and, if warranted, epidemiological studies to determine what levels of exposure from disinfectants and disinfection byproducts, if any, may be associated with developmental and birth defects and other potential toxic end points;

"(iii) toxicological studies and, if warranted, epidemiological studies to quantify the carcinogenic potential from exposure to disinfection byproducts resulting from different disinfectants;

"(iv) the development of practical analytical methods for detecting and enumerating microbial contaminants, including giardia, cryptosporidium, and viruses;

"(v) the development of reliable, efficient, and economical methods to determine the viability of individual cryptosporidium oocysts;

"(vi) the development of dose-response curves for pathogens, including cryptosporidium and the Norwalk virus;

"(vii) the development of indicators that define treatment effectiveness for pathogens and disinfection byproducts; and

"(viii) bench, pilot, and full-scale studies and demonstration projects to evaluate optimized conventional treatment, ozone, granular activated carbon, and membrane technology for controlling pathogens (including cryptosporidium) and disinfection byproducts.

"(B) RISK DEFINITION STRATEGY.—The research plan shall include a strategy for determining the risks and estimated extent of disease resulting from pathogens, disinfectants, and disinfection byproducts in drinking water, and the costs and removal efficiencies associated with various control methods for pathogens, disinfectants, and disinfection byproducts.

"(3) IMPLEMENTATION OF PLAN.—In carrying out the research plan, the Administrator shall use the most cost-effective mechanisms available, including coordination of research with, and use of matching funds from, institutions and utilities.

"(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $12,500,000 for each of fiscal years 1997 through 2003.

"(l) SUBPOPULATIONS AT GREATER RISK.—

"(1) RESEARCH PLAN.—The Administrator shall conduct a continuing program of peer-reviewed research to identify groups within the general population that may be at greater risk than the general population of adverse health effects from exposure to contaminants in drinking water. Not later than 1 year after the date of enactment of this subsection, the Administrator shall develop and implement a research plan to establish whether and to what degree infants, children, pregnant women, the elderly, individuals with a history of serious illness, or other subpopulations that can be identified and characterized are likely to experience elevated health risks, including risks of cancer, from contaminants in drinking water.

"(2) CONTENTS OF PLAN.—To the extent appropriate, the research shall be—

"(A) integrated into the health effects research plan carried out by the Administrator to support the regulation of specific contaminants under this Act; and

"(B) designed to identify—

"(i) the nature and extent of the elevated health risks, if any;

"(ii) the groups likely to experience the elevated health risks;

"(iii) biological mechanisms and other factors that may contribute to elevated health risks for groups within the general population;

"(iv) the degree of variability of the health risks to the groups from the health risks to the general population;

"(v) the threshold, if any, at which the elevated health risks for a specific contaminant occur; and

"(vi) the probability of the exposure to the contaminants by the identified group.

"(3) REPORT.—Not later than 4 years after the date of enactment of this subsection and periodically thereafter as new and significant information becomes available, the Administrator shall report to Congress on the results of the research.

"(4) USE OF RESEARCH.—In characterizing the health effects of drinking water contaminants under this Act, the Administrator shall consider all relevant factors, including the results of research under this subsection, the margin of safety for variability in the general population, and sound scientific practices (including the 1993 and 1994 reports of the National Academy of Sciences) regarding subpopulations at greater risk for adverse health effects.".

SEC. 24. DEFINITIONS.

(a) IN GENERAL.—Section 1401 (42 U.S.C. 300f) is amended—

(1) in paragraph (1)—

(A) in subparagraph (D), by inserting "accepted methods for" before "quality control"; and

(B) by adding at the end the following: "At any time after promulgation of a regulation referred to in this paragraph, the Administrator may add equally effective quality control and testing procedures by guidance published in the Federal Register. The procedures shall be treated as an alternative

for public water systems to the quality control and testing procedures listed in the regulation.";

(2) in paragraph (13)—

(A) by striking "The" and inserting "(A) Except as provided in subparagraph (B), the"; and

(B) by adding at the end the following:

"(B) For purposes of part G, the term 'State' means each of the 50 States and the Commonwealth of Puerto Rico.";

(3) in paragraph (14), by adding at the end the following: "For purposes of part G, the term includes any Native village (as defined in section 3(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(c))).''; and

(4) by adding at the end the following:

"(15) COMMUNITY WATER SYSTEM.—The term 'community water system' means a public water system that—

"(A) serves at least 15 service connections used by year-round residents of the area served by the system; or

"(B) regularly serves at least 25 year-round residents.

"(16) NONCOMMUNITY WATER SYSTEM.—The term 'noncommunity water system' means a public water system that is not a community water system.".

(b) PUBLIC WATER SYSTEM.—

(1) IN GENERAL.—Section 1401(4) (42 U.S.C. 300f(4)) is amended—

(A) in the first sentence, by striking "piped water for human consumption" and inserting "water for human consumption through pipes or other constructed conveyances";

(B) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(C) by striking "(4) The" and inserting the following:

"(4) PUBLIC WATER SYSTEM.—

"(A) IN GENERAL.—The"; and

(D) by adding at the end the following:

"(B) CONNECTIONS.—

"(i) IN GENERAL.—For purposes of subparagraph (A), a connection to a system that delivers water by a constructed conveyance other than a pipe shall not be considered a connection, if—

"(I) the water is used exclusively for purposes other than residential uses (consisting of drinking, bathing, and cooking, or other similar uses);

"(II) the Administrator or the State (in the case of a State exercising primary enforcement responsibility for public water systems) determines that alternative water to achieve the equivalent level of public health protection provided by the applicable national primary drinking water regulation is provided for residential or similar uses for drinking and cooking; or

"(III) the Administrator or the State (in the case of a State exercising primary enforcement responsibility for public water systems) determines that the water provided for residential or similar uses for drinking and cooking is centrally treated or treated at the point of entry by the provider, a pass-through entity, or the user to achieve the equivalent level of protection provided by the applicable national primary drinking water regulations.

"(ii) IRRIGATION DISTRICTS.—An irrigation district in existence prior to May 18, 1994, that provides primarily agricultural service through a piped water system with only incidental residential use shall not be considered to be a public water system if the system or the residential users of the system comply with subclause (II) or (III) of clause (i).

"(C) TRANSITION PERIOD.—A water supplier that would be a public water system only as a result of modifications made to this paragraph by the Safe Drinking Water Act Amendments of 1995 shall not be considered a public water system for purposes of the Act until the date that is two years after the date of enactment of this subparagraph, if during such two-year period the water supplier complies with the monitoring requirements of the Surface Water Treatment Rule and no indicator of microbial contamination is exceeded during that period. If a water supplier does not serve 15 service connections (as defined in subparagraphs (A) and (B)) or 25 people at any time after the conclusion of the two-year period, the water supplier shall not be considered a public water system.".

SEC. 25. WATERSHED AND GROUND WATER PROTECTION.

(a) STATE GROUND WATER PROTECTION GRANTS.—Section 1443 (42 U.S.C. 300j-2) is amended—

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

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

"(c) STATE GROUND WATER PROTECTION GRANTS.—

"(1) IN GENERAL.—The Administrator may make a grant to a State for the development and implementation of a State program to ensure the coordinated and comprehensive protection of ground water resources within the State.

"(2) GUIDANCE.—Not later than 1 year after the date of enactment of the Safe Drinking Water Act Amendments of 1995, and annually thereafter, the Administrator shall publish guidance that establishes procedures for application for State ground water protection program assistance and that identifies key elements of State ground water protection programs.

"(3) CONDITIONS OF GRANTS.—

"(A) IN GENERAL.—The Administrator shall award grants to States that submit an application that is approved by the Administrator. The Administrator shall determine the amount of a grant awarded pursuant to this paragraph on the basis of an assessment of the extent of ground water resources in the State and the likelihood that awarding the grant will result in sustained and reliable protection of ground water quality.

"(B) INNOVATIVE PROGRAM GRANTS.—The Administrator may also award a grant pursuant to this paragraph for innovative programs proposed by a State for the prevention of ground water contamination.

"(C) ALLOCATION OF FUNDS.—The Administrator shall, at a minimum, ensure that, for each fiscal year, not less than 1 percent of funds made available to the Administrator by appropriations to carry out this subsection are allocated to each State that submits an application that is approved by the Administrator pursuant to this subsection.

"(D) LIMITATION ON GRANTS.—No grant awarded by the Administrator may be used for a project to remediate ground water contamination.

"(4) COORDINATION WITH OTHER GRANT PROGRAMS.—The awarding of grants by the Administrator pursuant to this subsection shall be coordinated with the awarding of grants pursuant to section 319(i) of the Federal Water Pollution Control Act (33 U.S.C. 1329(i)) and the awarding of other Federal grant assistance that provides funding for programs related to ground water protection.

"(5) AMOUNT OF GRANTS.—The amount of a grant awarded pursuant to paragraph (1) shall not exceed 50 percent of the eligible costs of carrying out the ground water protection program that is the subject of the grant (as determined by the Administrator) for the 1-year period beginning on the date that the grant is awarded. The State shall pay a State share to cover the costs of the ground water protection program from State funds in an amount that is not less than 50 percent of the cost of conducting the program.

"(6) EVALUATIONS AND REPORTS.—Not later than 3 years after the date of enactment of the Safe Drinking Water Act Amendments of 1995, and every 3 years thereafter, the Administrator shall evaluate the State ground water protection programs that are the subject of grants awarded pursuant to this subsection and report to Congress on the status of ground water quality in the United States and the effectiveness of State programs for ground water protection.

"(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $20,000,000 for each of fiscal years 1995 through 2003.".

(b) CRITICAL AQUIFER PROTECTION.—Section 1427 (42 U.S.C. 300h-6) is amended—

(1) in subsection (b)(1), by striking "not later than 24 months after the enactment of the Safe Drinking Water Act Amendments of 1986"; and

(2) in the first sentence of subsection (n), by adding at the end the following:

"1992-2003 ..... 15,000,000.".

(c) WELLHEAD PROTECTION AREAS.—Section 1428(k) (42 U.S.C. 300h-7(k)) is amended by adding at the end the following:

"1992-2003 ..... 30,000,000.".

(d) UNDERGROUND INJECTION CONTROL GRANT.—Section 1443(b)(5) (42 U.S.C. 300j-2(b)(5)) is amended by adding at the end the following:

"1992-2003 ..... 15,000,000.".

(e) REPORT TO CONGRESS ON PRIVATE DRINKING WATER.—Section 1450 (42 U.S.C. 300j-9) is amended by striking subsection (h) and inserting the following:

"(h) REPORT TO CONGRESS ON PRIVATE DRINKING WATER.—The Administrator shall conduct a study to determine the extent and seriousness of contamination of private sources of drinking water that are not regulated under this title. Not later than 3 years after the date of enactment of the Safe Drinking Water Act Amendments of 1995, the Administrator shall submit to Congress a report that includes the findings of the study and recommendations by the Administrator concerning responses to any problems identified under the study. In designing and conducting the study, including consideration of research design, methodology, and conclusions and recommendations, the Administrator shall consult with experts outside the Agency, including scientists, hydrogeologists, well contractors and suppliers, and other individuals knowledgeable in ground water protection and remediation.".

(f) NATIONAL CENTER FOR GROUND WATER RESEARCH.—The Administrator of the Environmental Protection Agency, acting through the Robert S. Kerr Environmental Research Laboratory, is authorized to reestablish a partnership between the Laboratory and the National Center for Ground Water Research, a university consortium, to conduct research, training, and technology transfer for ground water quality protection and restoration.

(g) WATERSHED PROTECTION DEMONSTRATION PROGRAM.—

(1) The heading of section 1443 (42 U.S.C.) is amended to read as follows:

"Grants for State and local programs"

(2) Section 1443 (42 U.S.C.) is amended by adding at the end thereof the following:

"(e) WATERSHED PROTECTION DEMONSTRATION PROGRAM.—

"(1) IN GENERAL.—

"(A) ASSISTANCE FOR DEMONSTRATION PROJECTS.—The Administrator is authorized to provide technical and financial assistance to units of State or local government for projects that demonstrate and assess innovative and enhanced methods and practices to develop and implement watershed protection programs including methods and practices that protect both surface and ground water. In selecting projects for assistance under this subsection, the Administrator shall give priority to projects that are carried out to satisfy criteria published under section 1412(b)(7)(C) or that are identified through programs developed and implemented pursuant to section 1428.

"(B) MATCHING REQUIREMENTS.—Federal assistance provided under this subsection shall not exceed 35 percent of the total cost of the protection program being carried out for any particular watershed or ground water recharge area.

"(2) NEW YORK CITY WATERSHED PROTECTION PROGRAM.—

"(A) IN GENERAL.—Pursuant to the authority of paragraph (1), the Administrator is authorized to provide financial assistance to the State of New York for demonstration projects implemented as part of the watershed program for the protection and enhancement of the quality of source waters of the New York City water supply system. Demonstration projects which shall be eligible for financial assistance shall be certified to the Administrator by the State of New York as satisfying the purposes of this subsection and shall include those projects that demonstrate, assess, or provide for comprehensive monitoring, surveillance, and research with respect to the efficacy of phosphorus offsets or trading, wastewater diversion, septic system siting and maintenance, innovative or enhanced wastewater treatment technologies, innovative methodologies for the control of storm water runoff, urban, agricultural, and forestry best management practices for controlling nonpoint source pollution, operator training, compliance surveillance and that establish watershed or basin-wide coordinating, planning or governing organizations. In certifying projects to the Administrator, the State of New York shall give priority to these monitoring and research projects that have undergone peer review.

"(B) REPORT.—Not later than 5 years after the date on which the Administrator first provides assistance pursuant to this paragraph, the Governor of the State of New York shall submit a report to the Administrator on the results of projects assisted.

"(3) AUTHORIZATION.—There are authorized to be appropriated to the Administrator such sums as are necessary to carry out this subsection for each of fiscal years 1997 through 2003 including $15,000,000 for each of such fiscal years for the purpose of providing assistance to the State of New York to carry out paragraph (2).".

SEC. 26. LEAD PLUMBING AND PIPES; RETURN FLOWS.

(a) FITTINGS AND FIXTURES.—Section 1417 (42 U.S.C. 300g–6) is amended—

(1) in subsection (a)—

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

"(1) PROHIBITIONS.—

"(A) IN GENERAL.—No person may use any pipe, any pipe or plumbing fitting or fixture, any solder, or any flux, after June 19, 1986, in the installation or repair of—

"(i) any public water system; or

"(ii) any plumbing in a residential or nonresidential facility providing water for human consumption,

that is not lead free (within the meaning of subsection (d)).

"(B) LEADED JOINTS.—Subparagraph (A) shall not apply to leaded joints necessary for the repair of cast iron pipes.";

(B) in paragraph (2)(A), by inserting after "Each" the following: "owner or operator of a"; and

(C) by adding at the end the following:

"(3) UNLAWFUL ACTS.—Effective 2 years after the date of enactment of this paragraph, it shall be unlawful—

"(A) for any person to introduce into commerce any pipe, or any pipe or plumbing fitting or fixture, that is not lead free, except for a pipe that is used in manufacturing or industrial processing;

"(B) for any person engaged in the business of selling plumbing supplies, except manufacturers, to sell solder or flux that is not lead free; or

"(C) for any person to introduce into commerce any solder or flux that is not lead free unless the solder or flux bears a prominent label stating that it is illegal to use the solder or flux in the installation or repair of any plumbing providing water for human consumption.";

(2) in subsection (d)—

(A) in paragraph (1), by striking "lead, and" and inserting "lead;";

(B) in paragraph (2), by striking "lead." and inserting "lead; and"; and

(C) by adding at the end the following:

"(3) when used with respect to plumbing fittings and fixtures, refers to plumbing fittings and fixtures in compliance with standards established in accordance with subsection (e).";

(3) by adding at the end the following:

"(e) PLUMBING FITTINGS AND FIXTURES.—

"(1) IN GENERAL.—The Administrator shall provide accurate and timely technical information and assistance to qualified third-party certifiers in the development of voluntary standards and testing protocols for the leaching of lead from new plumbing fittings and fixtures that are intended by the manufacturer to dispense water for human ingestion.

"(2) STANDARDS.—

"(A) IN GENERAL.—If a voluntary standard for the leaching of lead is not established by the date that is 1 year after the date of enactment of this subsection, the Administrator shall, not later than 2 years after the date of enactment of this subsection, promulgate regulations setting a health-effects-based performance standard establishing maximum leaching levels from new plumbing fittings and fixtures that are intended by the manufacturer to dispense water for human ingestion. The standard shall become effective on the date that is 5 years after the date of promulgation of the standard.

"(B) ALTERNATIVE REQUIREMENT.—If regulations are required to be promulgated under subparagraph (A) and have not been promulgated by the date that is 5 years after the date of enactment of this subsection, no person may import, manufacture, process, or distribute in commerce a new plumbing fitting or fixture, intended by the manufacturer to dispense water for human ingestion, that contains more than 4 percent lead by dry weight.".

(b) WATER RETURN FLOWS.—Section 3013 of Public Law 102–486 (42 U.S.C. 13551) is repealed.

(c) RECORDS AND INSPECTIONS.—Subparagraph (A) of section 1445(a)(1) (42 U.S.C. 300j–4(a)(1)) (as designated by section 19(a)(1)(A)) is amended by striking "Every person" and all that follows through "is a grantee," and inserting "Every person who is subject to any requirement of this title or who is a grantee".

SEC. 27. BOTTLED WATER.

Section 410 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 349) is amended—

(1) by striking "Whenever" and inserting "(a) Except as provided in subsection (b), whenever"; and

(2) by adding at the end the following:

"(b)(1) After the Administrator of the Environmental Protection Agency publishes a proposed maximum contaminant level, but not later than 180 days after the Administrator of the Environmental Protection Agency publishes a final maximum contaminant level, for a contaminant under section 1412 of the Public Health Service Act (42 U.S.C. 300g–1), the Secretary, after public notice and comment, shall issue a regulation that establishes a quality level for the contaminant in bottled water or make a finding that a regulation is not necessary to protect the public health because the contaminant is contained in water in the public water systems (as defined under section 1401(4) of such Act (42 U.S.C. 300f(4)) and not in water used for bottled drinking water. In the case of any contaminant for which a national primary drinking water regulation was promulgated before the date of enactment of the Safe Drinking Water Act Amendments of 1995, the Secretary shall issue the regulation or make the finding required by this paragraph not later than 1 year after that date.

"(2) The regulation shall include any monitoring requirements that the Secretary determines to be appropriate for bottled water.

"(3) The regulation—

"(A) shall require that the quality level for the contaminant in bottled water be as stringent as the maximum contaminant level for the contaminant published by the Administrator of the Environmental Protection Agency; and

"(B) may require that the quality level be more stringent than the maximum contaminant level if necessary to provide ample public health protection under this Act.

"(4)(A) If the Secretary fails to establish a regulation within the period described in paragraph (1), the regulation with respect to the final maximum contaminant level published by the Administrator of the Environmental Protection Agency (as described in such paragraph) shall be considered, as of the date on which the Secretary is required to establish a regulation under paragraph (1), as the final regulation for the establishment of the quality level for a contaminant required under paragraph (1) for the purpose of establishing or amending a bottled water quality level standard with respect to the contaminant.

"(B) Not later than 30 days after the end of the period described in paragraph (1), the Secretary shall, with respect to a maximum contaminant level that is considered as a quality level under subparagraph (A), publish a notice in the Federal Register that sets forth the quality level and appropriate monitoring requirements required under paragraphs (1) and (2) and that provides that the quality level standard and requirements shall take effect on the date on which the final regulation of the maximum contaminant level takes effect or 18 months after the

notice is issued pursuant to this subparagraph, whichever is later.".

SEC. 28. OTHER AMENDMENTS.

(a) CAPITAL IMPROVEMENTS FOR THE WASHINGTON AQUEDUCT.—

(1) AUTHORIZATIONS.—

(A) AUTHORIZATION OF MODERNIZATION.—Subject to approval in, and in such amounts as may be provided in appropriations Acts, the Chief of Engineers of the Army Corps of Engineers is authorized to modernize the Washington Aqueduct.

(B) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Army Corps of Engineers borrowing authority in amounts sufficient to cover the full costs of modernizing the Washington Aqueduct. The borrowing authority shall be provided by the Secretary of the Treasury, under such terms and conditions as are established by the Secretary of the Treasury, after a series of contracts with each public water supply customer has been entered into under paragraph (2).

(2) CONTRACTS WITH PUBLIC WATER SUPPLY CUSTOMERS.—

(A) CONTRACTS TO REPAY CORPS DEBT.—To the extent provided in appropriations Acts, and in accordance with subparagraphs (B) and (C), the Chief of Engineers of the Army Corps of Engineers is authorized to enter into a series of contracts with each public water supply customer under which the customer commits to repay a pro-rata share of the principal and interest owed by the Army Corps of Engineers to the Secretary of the Treasury under paragraph (1). Under each of the contracts, the customer that enters into the contract shall commit to pay any additional amount necessary to fully offset the risk of default on the contract.

(B) OFFSETTING OF RISK OF DEFAULT.—Each contract under subparagraph (A) shall include such additional terms and conditions as the Secretary of the Treasury may require so that the value to the Government of the contracts is estimated to be equal to the obligational authority used by the Army Corps of Engineers for modernizing the Washington Aqueduct at the time that each series of contracts is entered into.

(C) OTHER CONDITIONS.—Each contract entered into under subparagraph (A) shall—

(i) provide that the public water supply customer pledges future income from fees assessed to operate and maintain the Washington Aqueduct;

(ii) provide the United States priority over all other creditors; and

(iii) include other conditions that the Secretary of the Treasury determines to be appropriate.

(3) BORROWING AUTHORITY.—Subject to an appropriation under paragraph (1)(B) and after entering into a series of contracts under paragraph (2), the Secretary, acting through the Chief of Engineers of the Army Corps of Engineers, shall seek borrowing authority from the Secretary of the Treasury under paragraph (1)(B).

(4) DEFINITIONS.—In this subsection:

(A) PUBLIC WATER SUPPLY CUSTOMER.—The term "public water supply customer" means the District of Columbia, the county of Arlington, Virginia, and the city of Falls Church, Virginia.

(B) VALUE TO THE GOVERNMENT.—The term "value to the Government" means the net present value of a contract under paragraph (2) calculated under the rules set forth in subparagraphs (A) and (B) of section 502(5) of the Congressional Budget Act of 1974 (2 U.S.C. 661a(5)), excluding section 502(5)(B)(i) of such Act, as though the contracts provided for the repayment of direct loans to the public water supply customers.

(C) WASHINGTON AQUEDUCT.—The term "Washington Aqueduct" means the water supply system of treatment plants, raw water intakes, conduits, reservoirs, transmission mains, and pumping stations owned by the Federal Government located in the metropolitan Washington, District of Columbia, area.

(b) DRINKING WATER ADVISORY COUNCIL.—The second sentence of section 1446(a) (42 U.S.C. 300j–6(a)) is amended by inserting before the period at the end the following: ", of which two such members shall be associated with small, rural public water systems".

(c) SHORT TITLE.—

(1) IN GENERAL.—The title (42 U.S.C. 1401 et seq.) is amended by inserting after the title heading the following:

"SHORT TITLE

"SEC. 1400. This title may be cited as the 'Safe Drinking Water Act'.".

(2) CONFORMING AMENDMENT.—Section 1 of Public Law 93–523 (88 Stat. 1660) is amended by inserting "of 1974" after "Water Act".

(d) TECHNICAL AMENDMENTS TO SECTION HEADINGS.—

(1) The section heading and subsection designation of subsection (a) of section 1417 (42 U.S.C. 300g–6) are amended to read as follows:

"PROHIBITION ON USE OF LEAD PIPES, FITTINGS, SOLDER, AND FLUX

"SEC. 1417. (a)".

(2) The section heading and subsection designation of subsection (a) of section 1426 (42 U.S.C. 300h–5) are amended to read as follows:

"REGULATION OF STATE PROGRAMS

"SEC. 1426. (a)".

(3) The section heading and subsection designation of subsection (a) of section 1427 (42 U.S.C. 300h–6) are amended to read as follows:

"SOLE SOURCE AQUIFER DEMONSTRATION PROGRAM

"SEC. 1427. (a)".

(4) The section heading and subsection designation of subsection (a) of section 1428 (42 U.S.C. 300h–7) are amended to read as follows:

"STATE PROGRAMS TO ESTABLISH WELLHEAD PROTECTION AREAS

"SEC. 1428. (a)".

(5) The section heading and subsection designation of subsection (a) of section 1432 (42 U.S.C. 300i–1) are amended to read as follows:

"TAMPERING WITH PUBLIC WATER SYSTEMS

"SEC. 1432. (a)".

(6) The section heading and subsection designation of subsection (a) of section 1451 (42 U.S.C. 300j–11) are amended to read as follows:

"INDIAN TRIBES

"SEC. 1451. (a)".

(7) The section heading and first word of section 1461 (42 U.S.C. 300j–21) are amended to read as follows:

"DEFINITIONS

"SEC. 1461. As".

(8) The section heading and first word of section 1462 (42 U.S.C. 300j–22) are amended to read as follows:

"RECALL OF DRINKING WATER COOLERS WITH LEAD-LINED TANKS

"SEC. 1462. For".

(9) The section heading and subsection designation of subsection (a) of section 1463 (42 U.S.C. 300j–23) are amended to read as follows:

"DRINKING WATER COOLERS CONTAINING LEAD

"SEC. 1463. (a)".

(10) The section heading and subsection designation of subsection (a) of section 1464 (42 U.S.C. 300j–24) are amended to read as follows:

"LEAD CONTAMINATION IN SCHOOL DRINKING WATER

"SEC. 1464. (a)".

(11) The section heading and subsection designation of subsection (a) of section 1465 (42 U.S.C. 300j–25) are amended to read as follows:

"FEDERAL ASSISTANCE FOR STATE PROGRAMS REGARDING LEAD CONTAMINATION IN SCHOOL DRINKING WATER

"SEC. 1465. (a)".

(e) PREVENTION AND CONTROL OF ZEBRA MUSSEL INFESTATION OF LAKE CHAMPLAIN.—

(1) FINDINGS.—Section 1002(a) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701(a)) is amended—

(A) by striking "and" at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(5) the zebra mussel was discovered on Lake Champlain during 1993 and the opportunity exists to act quickly to establish zebra mussel controls before Lake Champlain is further infested and management costs escalate.".

(2) EX OFFICIO MEMBERS OF AQUATIC NUISANCE SPECIES TASK FORCE.—Section 1201(c) of such Act (16 U.S.C. 4721(c)) is amended by inserting ", the Lake Champlain Basin Program," after "Great Lakes Commission".

(3) AQUATIC NUISANCE SPECIES PROGRAM.—Subsections (b)(6) and (i)(1) of section 1202 of such Act (16 U.S.C. 4722) is amended by inserting ", Lake Champlain," after "Great Lakes" each place it appears.

(4) AUTHORIZATION OF APPROPRIATIONS.—Section 1301(b) of such Act (16 U.S.C. 4741(b)) is amended—

(A) in paragraph (3), by inserting ", and the Lake Champlain Research Consortium," after "Laboratory"; and

(B) in paragraph (4)(A)—

(i) by inserting after "(33 U.S.C. 1121 et seq.)" the following: "and grants to colleges for the benefit of agriculture and the mechanic arts referred to in the first section of the Act of August 30, 1890 (26 Stat 417, chapter 841; 7 U.S.C. 322)"; and

(ii) by inserting "and the Lake Champlain basin" after "Great Lakes region".

(f) SOUTHWEST CENTER FOR ENVIRONMENTAL RESEARCH AND POLICY.—

(1) ESTABLISHMENT OF CENTER.—The Administrator of the Environmental Protection Agency shall take such action as may be necessary to establish the Southwest Center for Environmental Research and Policy (hereinafter referred to as "the Center").

(2) MEMBERS OF THE CENTER.—The Center shall consist of a consortium of American and Mexican universities, including New Mexico State University; the University of Utah; the University of Texas at El Paso; San Diego State University; Arizona State University; and four educational institutions in Mexico.

(3) FUNCTIONS.—Among its functions, the Center shall—

(A) conduct research and development programs, projects and activities, including training and community service, on United States-Mexico border environmental issues, with particular emphasis on water quality and safe drinking water;

(B) provide objective, independent assistance to the EPA and other Federal, State and local agencies involved in environmental policy, research, training and enforcement, including matters affecting water quality and safe drinking water throughout the southwest border region of the United States; and

(C) help to coordinate and facilitate the improvement of environmental policies and programs between the United States and Mexico, including water quality and safe drinking water policies and programs.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator $10,000,000 for each of the fiscal years 1996 through 2003 to carry out the programs, projects and activities of the Center. Funds made available pursuant to this paragraph shall be distributed by the Administrator to the university members of the Center located in the United States.

(g) ESTROGENIC SUBSTANCES SCREENING PROGRAM.—

(1) DEVELOPMENT.—Not later than 1 year after the date of enactment of this subsection, the Administrator shall develop a screening program, using appropriate validated test systems, to determine whether certain substances may have an effect in humans that is similar to an effect produced by a naturally occurring estrogen, or such other endocrine effect as the Administrator may designate.

(2) IMPLEMENTATION.—Not later than 2 years after the date of enactment of this subsection, after obtaining review of the screening program described in paragraph 1 by the scientific advisory panel established under section 25(d) of the Act of June 25, 1947 (chapter 125), and the Science Advisory Board established by section 8 of the Environmental Research, Development, and Demonstration Act of 1978 (42 U.S.C. 4365), the Administrator shall implement the program.

(3) SUBSTANCES.—In carrying out the screening program described in paragraph (1), the Administrator shall provide for the testing of all active and inert ingredients used in products described in section 103(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9603(e)), and may provide for the testing of any other substance if the Administrator determines that a widespread population may be exposed to the substance.

(4) EXEMPTION.—Notwithstanding paragraph (3), the Administrator may, by regulation, exempt from the requirements of this subsection a biologic substance or other substance if the Administrator determines that the substance does not have any effect in humans similar to an effect produced by a naturally occurring estrogen.

(5) COLLECTION OF INFORMATION.—

(A) IN GENERAL.—The Administrator shall issue an order to a person that manufactures a substance for which testing is required under this subsection to conduct testing in accordance with the screening program described in paragraph (1), and submit information obtained from the testing to the Administrator, within a time period that the Administrator determines is sufficient for the generation of the information.

(B) FAILURE TO SUBMIT INFORMATION.—

(i) SUSPENSION.—If a person referred to in subparagraph (A) fails to submit the information required under such subparagraph within the time period established by the order, the Administrator shall issue a notice of intent to suspend the sale or distribution of the substance by the person. Any suspension proposed under this subparagraph shall become final at the end of the 30-day period beginning on the date that the person receives the notice of intent to suspend, unless during that period a person adversely affected by the notice requests a hearing or the Administrator determines that the person referred to in subparagraph (A) has complied fully with this paragraph.

(ii) HEARING.—If a person requests a hearing under clause (i), the hearing shall be conducted in accordance with section 554 of title 5, United States Code. The only matter for resolution at the hearing shall be whether the person has failed to submit information required under this paragraph. A decision by the Administrator after completion of a hearing shall be considered to be a final agency action.

(iii) TERMINATION OF SUSPENSIONS.—The Administrator shall terminate a suspension under this subparagraph issued with respect to a person if the Administrator determines that the person has complied fully with this paragraph.

(6) AGENCY ACTION.—In the case of any substance that is found to have a potential adverse effect on humans as a result of testing and evaluation under this subsection, the Administrator shall take such action, including appropriate regulatory action by rule or by order under statutory authority available to the Administrator, as is necessary to ensure the protection of public health.

(7) REPORT TO CONGRESS.—Not later than 4 years after the date of enactment of this subsection, the Administrator shall prepare and submit to Congress a report containing—

(A) the findings of the Administrator resulting from the screening program described in paragraph (1);

(B) recommendations for further testing and research needed to evaluate the impact on human health of the substances tested under the screening program; and

(C) recommendations for any further actions (including any action described in paragraph (6)) that the Administrator determines are appropriate based on the findings.

(h) GRANTS TO ALASKA TO IMPROVE SANITATION IN RURAL AND NATIVE VILLAGES.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency may make grants to the State of Alaska for the benefit of rural and Native villages in Alaska to pay the Federal share of the cost of—

(A) the development and construction of water and wastewater systems to improve the health and sanitation conditions in the villages; and

(B) training, technical assistance, and educational programs relating to the operation and management of sanitation services in rural and Native villages.

(2) FEDERAL SHARE.—The Federal share of the cost of the activities described in paragraph (1) shall be 50 percent.

(3) ADMINISTRATIVE EXPENSES.—The State of Alaska may use an amount not to exceed 4 percent of any grant made available under this subsection for administrative expenses necessary to carry out the activities described in paragraph (1).

(4) CONSULTATION WITH THE STATE OF ALASKA.—The Administrator shall consult with the State of Alaska on a method of prioritizing the allocation of grants under paragraph (1) according to the needs of, and relative health and sanitation conditions in, each eligible village.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary for each of the fiscal years 1996 through 2003 to carry out this subsection.

(i) ASSISTANCE TO COLONIAS.—

(1) DEFINITIONS.—As used in this subsection—

(A) ELIGIBLE COMMUNITY.—The term "eligible community" means a low-income community with economic hardship that—

(i) is commonly referred to as a colonia;

(ii) is located along the United States-Mexico border (generally in an unincorporated area); and

(iii) lacks basic sanitation facilities such as a safe drinking water supply, household plumbing, and a proper sewage disposal system.

(B) BORDER STATE.—The term "border State" means Arizona, California, New Mexico and Texas.

(C) TREATMENT WORKS.—The term "treatment works" has the meaning provided in section 212(2) of the Federal Water Pollution Control Act (33 U.S.C. 1292(2)).

(2) GRANTS TO ALLEVIATE HEALTH RISKS.—The Administrator of the Environmental Protection Agency and the heads of other appropriate Federal agencies are authorized to award grants to any appropriate entity or border State to provide assistance to eligible communities for—

(A) the conservation, development, use and control (including the extension or improvement of a water distribution system) of water for the purpose of supplying drinking water; and

(B) the construction or improvement of sewers and treatment works for wastewater treatment.

(3) USE OF FUNDS.—Each grant awarded pursuant to paragraph (2) shall be used to provide assistance to one or more eligible community with respect to which the residents are subject to a significant health risk (as determined by the Administrator or the head of the Federal agency making the grant) attributable to the lack of access to an adequate and affordable drinking water supply system or treatment works for wastewater.

(4) OPERATION AND MAINTENANCE.—The Administrator and the heads of other appropriate Federal agencies, other entities or border States are authorized to use funds appropriated pursuant to this subsection to operate and maintain a treatment works or other project that is constructed with funds made available pursuant to this subsection.

(5) PLANS AND SPECIFICATIONS.—Each treatment works or other project that is funded by a grant awarded pursuant to this subsection shall be constructed in accordance with plans and specifications approved by the Administrator, the head of the Federal agency making the grant, or the border State in which the eligible community is located. The standards for construction applicable to a treatment works or other project eligible for assistance under title II of the Federal Water Pollution Control Act (33 U.S.C. 1281 et seq.) shall apply to the construction of a treatment works or project under this subsection in the same manner as the standards apply under such title.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as may be necessary for fiscal years 1996 through 2003.

MOTION OFFERED BY MR. BILILEY

Mr. BILILEY. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BLILEY moves to strike all after the enacting clause of S. 1316 and insert in lieu thereof the text of H.R. 3604 as passed by the Hosue, as follows:

[Bill not available at time of printing. Will be printed in a future issue of the RECORD.]

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia [Mr. BLILEY].

The motion was agreed to.

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

The title of the Senate bill was amended so as to read: "A bill to amend title XIV of the Public Health Service Act (the "Safe Drinking Water Act") and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 3604) laid on the table.

APPOINTMENT OF CONFEREES ON S. 1316

Mr. BLILEY. Mr. Speaker, I ask unanimous consent that the House insist on its amendments to the Senate bill, S. 1316, and request a conference with the Senate thereon.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. STUPAK

Mr. STUPAK. Mr. Speaker, I offer a motion to instruct.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. STUPAK moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendment to the bill S. 1316 be instructed to insist upon the provisions contained in section 506 of the House amendment.

The SPEAKER pro tempore. The gentleman from Virginia [Mr. BLILEY] will be recognized for 30 minutes, and the gentleman from Michigan [Mr. STUPAK] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Michigan [Mr. STUPAK].

□ 1730

Mr. STUPAK. Mr. Speaker, if I may, after I make my statement I ask unanimous consent that any remaining time I have be controlled by the gentleman from Michigan [Mr. DINGELL].

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Is there objection to the request of the gentleman from Michigan?

There was no objection.

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

Mr. Speaker, the subject of this motion to instruct is critical to the success of this conference.

On June 25, 1996, I came to the floor prepared to unequivocally support a bill that protects the environment and provides needed flexibility for local governments.

I was very concerned to learn that $375 million in earmarks were added to the agreed upon bi-partisan bill.

I introduced into the RECORD the administration's position on these earmarks. The administration position states, "The administration * * * strongly opposes the provisions added in title V which would jeopardize public health and undermine the SRF by limiting states' flexibility to prioritize project funding."

In addition to inserting this statement, I engaged the gentleman from New York, the chairman of the Water Resources and Environment Subcommittee in a colloquy on this issue. He pledged to maintain the 75-percent trigger in the final conference report.

By supporting this motion, the Members of the House will show their agreement with the gentleman from New York. Please do not let an urgent bill like the Safe Drinking Water Act fall prey to backroom pork politics. I urge the Members of the House to support this motion.

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

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

Mr. Speaker, I rise to speak on the motion to instruct conferees.

As my colleagues are aware, H.R. 3604 contains an authorization for a new State Revolving Fund for drinking water projects. This program will provide States with grants which they can use to make loans to public water systems to comply with the requirements of the Safe Drinking Water Act.

This SRF will go a long way to address the fact that the Safe Drinking Water Act imposes significant costs on States and local governments. H.R. 3604 makes other changes in the Safe Drinking Water Act to improve the cost-effectiveness of drinking water regulations. But the fact is that we will continue to need regulations for contaminants in drinking water, so we need this new SRF to help States and local governments pay for the costs of those regulations.

This bill also contains authorization for several grant programs which were developed by the Transportation Committee. The largest of these grant programs would authorize $50 million a year for other types of water projects. The bill contains a provision that says that these grant programs should not be funded unless and until the State Revolving Fund receives at least 75 percent of the authorized amounts. This is to ensure that the new State Revolving Fund for public water systems, which is important to the success of the Safe Drinking Water Act program, does not wither away for lack of funding.

It is my understanding that this motion to instruct conferees simply urges support for the 75 percent funding condition in the House bill. I support this provision and urge my colleagues to support the motion to instruct.

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

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

Mr. Speaker, this motion instructs the House conferees to stand by the firewall provisions of the House safe drinking water bill. The provisions protect the funds established for State-selected and State-controlled safe drinking water projects from any raids to funds from congressionally directed construction projects added to this bill at the last minute by the House leadership. Those cholesterol-rich pork provisions should be a matter of legitimate concern to every Member of this body.

While not everyone will agree with my assessment that these projects are 100 percent U.S. certified pork high in cholesterol, there is fortunately no dispute that they should not receive one cent of funding unless and until the State drinking water revolving fund is capitalized at sufficient levels.

Luckily there is language in this bill which passes the House that provides some firewall protection. I commend my colleagues on the Committee on Transportation and Infrastructure for agreeing to include this language. My motion to instruct makes it clear that the conferees not forget this explicit commitment in the House-passed bill.

Mr. Speaker, 3 weeks ago the House passed a bipartisan reauthorization of the safe Drinking Water Act. This measure makes necessary improvements to the act to ensure that the drinking water of this country is safe today and safe in the future. This measure will improve protection of our drinking water from microbiological contaminants that cause acute illnesses, even death, from single exposures. This measure will reduce the exposures to carcinogens, to endocrine disrupters and other long-term human health threats.

The bill gives the States and the water districts unprecedented flexibility to customize their own safe drinking water programs to meet individual needs in their own special circumstances, but with this progress and with this flexibility will come increased responsibility for the States and for the water districts and other suppliers of water to the communities. For this reason the House bill creates a State revolving fund to help the States and localities to meet the costs of complying with the Safe Drinking Water Act. This State revolving fund is authorized to be funded at $1 billion a year through the year 2003.

The fund is to be divided between the States by an objective formula. States can use money for grants and loans to their own water districts under rules that focus the money on projects that address the most serious health risks, ensure compliance with the Safe Drinking Water Act and assist the several water districts in the States with the greatest need on a per household basis.

Contrasted with this fair and impartial program are $375 million in grants.

These were added behind closed doors in dark secrecy to fund projects selected on the basis of pure raw politics. Under this program some 14 projects have already been earmarked. Of these 14 a few represent honest high priorities. Many include water totally unrelated to the Safe Drinking Water Act. Not surprising to observe, the overwhelming majority of these projects are for Republican Members including some of the freshmen from marginal districts.

Now, I want to be very clear with my colleagues on the subcommittee and full Committee on Transportation and Infrastructure. I do not object to Congress properly funding important and desirable projects to the districts of Members. As was pointed out in the debate on the bill itself, my own district has been receiving funds for water projects and other projects which I and my constituents are properly grateful for. But I do think that it is appropriate to raise questions when these projects are inserted without hearings, without cost-benefit analysis and under the cover of darkness rather than in the open light of day and only as an exercise of pure political muscle, and the bill is totally unrelated for the purposes of these projects themselves.

Mr. Speaker, as everyone knows, there is a limited pot of money available for all of our Federal programs. That includes in a very special way the monies available for drinking water assistance. In fact, while the fund is authorized at $1 billion annually, the administration budget provides only $550 million next year, and the Republicans here cut $100 million from that amount leaving a badly starved fund desperately needed by the States and local units of government for the improvement of drinking water safety for the people of this country.

Without some protections, some of the conferees may be tempted to divert some of the money from the drinking water fund so that pet projects selected for no reason other than the political value to particular Members will indeed be funded.

Luckily there is a modest sense of shame left in this body. The proponents of the raid have included language which provides that there will not be any luau, and for the benefit of my colleagues, that is a big Hawaiian dinner where roast pork is served as a principle diet, to consume this scrumptious pork unless and until the drinking water State revolving fund receives an appropriation equal to 75 percent of its authorization. That is the language that this motion addresses.

We are saying to our colleagues on the conference committee, do not make any changes in the firewall. At least have the shame not to go further.

I might add that this instruction becomes all the more crucial given the unprecedented structure that the leadership has created for this conference. In a movement that to the best of my knowledge has never seen any precedent in the House outside of tax legislation, the leadership will make the sponsors of these special projects the exclusive conferees on these provisions. That makes, in other words, the fox the guardian of the hen roost.

We asked the Parliamentarians to give us a list of the bills in this or other Congresses in which such extraordinary and remarkable appointments have been made naming as exclusive or even majority conferees a committee that was not the primary committee on the jurisdiction of the bill. Thus far we have been shown no other examples, and our research finds none. This leaves me to conclude that this was merely an exercise of raw and unadulterated power by the Speaker with no principled basis in the precedents of the House to support it. I trust therefore that it will lack future precedential value.

What it means in practical terms is that there will be no conference report and no safe drinking water bill enacted into law until the conferees from the Committee on Transportation and Infrastructure have gotten everything they want. That is a holdup, and it is quite shameful.

I want to remind my colleagues we face a critical deadline on this bill. If it is not on the President's desk and signed into law by August 1, there will be a $750 million loss in safe drinking water funds to several States. The money will not disappear. It will simply spill over into the funding of the Clean Water Act. While I do not doubt that it could be put to good use there, I believe that our States and our local water systems and ultimately the ratepayers want this money used for the safe drinking water revolving fund established by this bill. Thus the sole guardians of the firewall provisions will be the very individuals whose projects received dollar one if the firewall is to be stripped out. I hope our colleagues on the Committee on Transportation and Infrastructure will work with us to ensure quick conference, a quick resolution and a fair and a proper result.

With the firewall in place, the revolving fund should be largely shielded; and with this motion to instruct, the firewall should remain in place. We would then hopefully have a bill that both sides of this House will be proud of. It will also be a bill that can and will be signed by the President.

We can still pass this bill by August 1. I urge my colleagues to join me in voting for this motion to instruct the conferees.

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

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. BILIRAKIS].

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman from Virginia [Mr. BLILEY] for yielding this time to me, and I rise to speak on the motion to instruct.

I think the motion reflects the understandings reached concerning the inclusion of title V within H.R. 3604, the bill to amend and reauthorize the Safe Drinking Water Act approved by the Commerce Committee.

In general, H.R. 3604 provides for a new State revolving fund—or SRF. The express purpose of the SRF is to provide loans and loan guarantees for expenditures that will facilitate compliance with national drinking water standards. SRF funds may only be used for compliance efforts or for other efforts that would significantly further the health protection objectives of the Safe Drinking Water Act.

EPA has estimated that $8.6 billion is currently needed to bring public water systems into compliance with current standards. H.R. 3604 will go a long ways toward meeting this needs, but the fund needs to be insulated from demands which could compete with its basic purpose.

The language offered in the motion to instruct merely reflects the desire expressed by the Transportation and Infrastructure Committee to similarly protect the SRF. Statutory language to this effect was included in H.R. 2747, a bill reported from the Transportation and Infrastructure Committee to provide water supply infrastructure assistance. H.R. 3604 adopted nearly identical provisions. I therefore urge the adoption of the motion to instruct by the full House of Representatives.

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. BOEHLERT], a member of the Committee on Transportation and Infrastructure.

□ 1745

Mr. BOEHLERT. Mr. Speaker, I thank my colleague for yielding time to me.

Mr. Speaker, the gentleman's motion is a motion to instruct the House conferees to express the House position, a position developed by the Committee on Transportation and Infrastructure, so it is always a pleasure for me to stand on the floor of this House and to thank my colleague, the distinguished gentleman from Michigan [Mr. DINGELL], when he is endorsing a position taken by the subcommittee that I am privileged to chair.

I do not have a problem with his language, not at all. Our committee included that language regarding the 75-percent trigger in the safe drinking water bill precisely to address the same type of concerns, real or perceived, that the gentleman has raised. Title V of the House-passed drinking water bill will supplement, not undermine, let me stress that, supplement, not undermine the State revolving fund.

Everyone agrees our priorities should be to capitalize the State revolving fund. The 75-percent trigger is just one of several safeguards to ensure this remains a priority.

Once again, Mr. Speaker, I want to repeat, I am pleased to stand on this floor and thank the gentleman from Michigan, the senior Democrat on the Committee on Commerce, for recognizing the work of the Committee on Transportation and Infrastructure. It is through these partnerships that we address a very important national problem and get some results.

I want to comfort my colleague by reminding him that there are no earmarks in this bill, that the funding is contingent upon Congress first appropriating adequate amounts for the State revolving fund, and the grants program is intended for hardship communities and areas. My distinguished colleague, the gentleman from Michigan, I think would agree that they are the communities that deserve the most consideration as we try to go forward and guarantee a cleaner, safer, healthier environment for all Americans.

We have worked well together, and I am pleased to support the gentleman's instructions.

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

Mr. BLILEY. Mr. Speaker, I urge an "aye" vote, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Michigan [Mr. STUPAK].

The motion to instruct was agreed to.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

From the Committee on Commerce, for consideration of the Senate bill (except for sections 28(a) and 28(e)) and the House amendment (except for title V), and modifications committed to conference: Messrs. BLILEY, BILIRAKIS, CRAPO, BILBRAY, DINGELL, WAXMAN, and STUPAK.

From the Committee on Commerce, for consideration of sections 28(a) and 28(e) of the Senate bill, and modifications committed to conference: Messrs. BLILEY, BILIRAKIS, and DINGELL.

As additional conferees from the Committee on Science, for consideration of that portion of section 3 that adds a new section 1478 and sections 23, 25(f), and 28(f) of the Senate bill, and that portion of section 308 that adds a new section 1452(n) and section 402 and title VI of the House amendment, and modifications committed to conference: Messrs. WALKER, ROHRABACHER and ROEMER.

As additional conferees from the Committee on Transportation and Infrastructure, for the consideration of that portion of section 3 that adds a new section 1471(c) and sections 9, 17, 22(d), 25(a), 25(g), 28(a), 28(e), 28(h), and 28(i) of the Senate bill, and title V of the House amendment and modifications committed to conference: Messrs. SHUSTER, BOEHLERT, WAMP, BORSKI, and MENENDEZ, provided, Mr. BLUTE is appointed in lieu of Mr. WAMP for consideration of title V of the House amendment.

There was no objection.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

Mr. WELDON of Pennsylvania. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3230) to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. DELLUMS

Mr. DELLUMS. Mr. Speaker, I offer a motion to instruct.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. DELLUMS moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 3230 be instructed to insist upon—

(1) a total level of funding for operations and maintenance not less than the total of the amounts provided in section 301 of the House bill;

(2) a level of funding for military personnel not less than the amount provided in section 421 of the House bill; and

(3) a total level of funding for military construction and military family housing not less than the total of the amounts provided in division B of the House bill.

The SPEAKER pro tempore. The gentleman from California [Mr. DELLUMS] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. WELDON] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. DELLUMS].

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

Mr. Speaker, I offer a motion to instruct conferees today because of my concern that the resolution of issues between the House-passed defense authorization bill and the Senate amendment not be concluded at the expense of our men and women in uniform and their ability to perform their mission.

I am concerned that the conferees may overlook these vital requirements in favor of the plus-ups in major acquisition programs that the service chiefs have not asked for and for which there exists, in this gentleman's opinion, no legitimate military requirement.

Several important accounts are at stake, Mr. Speaker. We have very real quality-of-life concerns for our men and women in uniform and a need to ensure that our military construction accounts are funded sufficiently to meet those requirements. We are conducting operations and training that demand real resources, and our readiness accounts should not be depleted. Perhaps, most importantly, we need to ensure that our military personnel receive the pay and benefits for which they are more than deserving. The quickest way to a hollow force is the loss of neglected personnel.

Mr. Speaker, a consistent theme of this year's defense debate has been the "modernization crisis" caused by a "procurement holiday."

In this gentleman's opinion, Mr. Speaker, the testimony before our committee demonstrates the validity of the administration's modernization strategy. By being able to utilize the equipment made excess by the drawdown of our forces, we have been able to forestall procurement expenditures into the future.

Finally, Mr. Speaker, the House should stand by its authorization levels in the personnel, military construction, and readiness accounts, and send a clear message to the other body that in resolving the differences between our two bills that we will make only those investments in modernization that can be justified by requirements, by development and testing, and in relationship to our other priorities.

Last year the House passed, nearly unanimously, a measure instructing conferees not to recede from the House readiness funding level. Nonetheless, some readiness funding was indeed sacrificed to save procurement programs that the service chiefs had not requested.

In offering this motion, Mr. Speaker, it is this gentleman's hope that we will be able again to send a message to the other body that we remain serious about our commitment to our personnel, their quality of life, and their readiness, and that we will not retreat this year from our baseline commitment to meeting those needs.

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

□ 1800

Mr. WELDON of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise on behalf of the gentleman from South Carolina, FLOYD

SPENCE, the distinguished chairman of the Committee on National Security, and agree with my colleague in the motion to instruct. We on this side have looked at the motion and agree with the contents and think it is well stated. Certainly we agree with it, and we think our actions speak to the points raised in the motion to instruct.

The chairman of the full committee would be here, but at this point in time he is joining a number of our colleagues as we in this body pay tribute to the distinguished former chairman of our committee, Les Aspin, in unveiling the portrait of him which will hang in our committee hearing room. So Chairman SPENCE is speaking at this point in time or else he would be here on the floor to lead this discussion.

But I rise to say to my friend and colleague and distinguished ranking member of the full committee that we agree with him and we agree with the motion in terms of the three key issues and areas that he has focused on, and we think our actions in the bill in fact speak to those issues. We think that we have addressed the issue of modernization but, at the same point in time, have taken those steps in terms of readiness, in terms of quality of life, that will allow us to keep up the morale and protect the well-being of those troops that are serving this country today around the world.

In the area of key personnel actions, Mr. Speaker, we have included a 4.6 percent increase in the bachelor allowance for quarters to combine the department's highly touted underfunded 6-year effort to reduce out-of-pocket housing expenses. We support a 3 percent military pay raise. We provide for a substantial package of enhancements for permanent change of station move reimbursements, and we establish a minimum variable housing allowance to ensure all service personnel are compensated at a level sufficient to acquire safe and adequate housing in high-cost areas.

In the area of key infrastructure improvements, Mr. Speaker, we provide $214 million, 38 percent above the President's request, in added funding to the construction of new barracks and dormitories. We provide $303 million, 45 percent above the President's request, in added funding for the construction of new family housing units and the improvement of existing units. We provide $28 million, nearly 5 times the President's request, in added funding to build new child development centers. We provide $25 million, more than double the President's request in added funding to support the ability of the Secretary of Defense to enter into public-private partnerships to produce more military housing at a lower cost to the taxpayer.

Finally, Mr. Speaker, in terms of key morale, welfare and recreation improvements, we provide $60 million in additional funding for high priority MWR programs identified by the Defense Science Board Task Force on Quality of Life.

Mr. Speaker, there are just a few of the highlights, but they are totally consistent with the points raised by the distinguished ranking member of this committee. They are well founded, and therefore, on behalf of FLOYD SPENCE, I would say that the majority agrees with this motion to instruct.

We look forward to working with the distinguished ranking member as we move toward the conference and, as conferees are appointed, to negotiate the differences that we have with our Senate counterparts and reach a final bill that hopefully the President will sign into law.

Mr. PICKETT. Mr. Speaker, I rise in support of the motion offered by my good friend and colleague from California.

The military personnel provisions passed by the House of Representatives as part of the fiscal year 1997 defense authorization bill solidly support quality of life and readiness efforts. These provisions reflect the continued support of this House for our military service members.

To highlight just a few of these provisions, the military personnel titles include a 3 percent military pay raise, requested by the President, as well as a 4.6 percent increase in the basic allowance for quarters—BAQ. This increase in BAQ will fully fund a 1 percent reduction in out-of-pocket housing expenses for service members.

The military personnel titles passed by the House provide the Secretary of Defense with the authority to establish a minimum variable housing allowance so that even very junior service members can acquire safe and adequate housing in high cost areas. Additionally, there are provisions that make several enhancements to the reimbursements for permanent change of station moves. Military members should not be forced to use their personal savings to offset the cost of a Government-directed move.

To minimize the readiness impact of continued shortfalls in the Army military personnel account, the House bill includes nearly $150 million more than the President's budget request for the Army military personnel account.

The House bill also restores the nearly half a billion dollar shortfall in the defense health program. Medical care consistently rates as a top quality of life issue. Not resolving this issue would have dire consequences for active-duty family members and retirees who have a difficult enough time already trying to obtain medical care in military facilities. Failure to meet this need would involve a significant breach of faith with our military members and retirees.

I remind my colleagues that the most important component of readiness is people. The people serving in uniform today were selectively recruited and carefully trained. They are truly the finest force that the United States has ever had.

Readiness must be preserved both in the near-term and in the long-term. Readiness problems compound quickly and cannot be repaired easily or inexpensively. The military personnel that we put in harm's way deserve a full and continuing commitment from this Congress. The House of Representatives has met that commitment in the DOD bill we passed.

The military personnel provisions of the House bill continue the progress toward an improved quality of life for our military men and women while ensuring a well-trained, ready force. It confirms our commitment to readiness, training and taking care of the men and women who serve in our Armed Forces.

I urge my colleagues to ratify their effort by voting for Mr. DELLUM's motion to instruct House conferees to support the higher House figure for military personnel and readiness programs.

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

Mr. DELLUMS. Mr. Speaker, first I would like to thank my distinguished colleague for his remarks. I appreciate his comments and further appreciate the support. This is a bipartisan motion to instruct conferees.

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

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from California [Mr. DELLUMS].

The motion to instruct was agreed to.

A motion to reconsider was laid on the table.

MOTION TO CLOSE CONFERENCE COMMITTEE MEETINGS ON H.R. 3230, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997, WHEN CLASSIFIED NATIONAL SECURITY INFORMATION IS UNDER CONSIDERATION

Mr. WELDON of Pennsylvania. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. WELDON of Pennsylvania moves, pursuant to clause 6(a) of Rule XXVIII, that conference committee meetings on the bill H.R. 3230, to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, for military construction, and for defense programs of the Department of Energy, to prescribe personnel strengths for such fiscal year for the armed forces, and for other purposes, be closed to the public at such times as classified national security information is under consideration, provided, however, that any sitting Member of Congress shall have the right to attend any closed or open meeting.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. WELDON].

Under the rule, the vote on this motion must be taken by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 412, nays 3, not voting 18, as follows:

[Roll No. 326]

YEAS—412

Abercrombie
Ackerman
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
Blumenauer
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clay
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
Cummings
Cunningham
Danner
Davis
Deal
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
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
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
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
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wise
Woolsey
Wynn
Young (AK)
Zeliff
Zimmer

NAYS—3

DeFazio
Stark
Waters

NOT VOTING—18

Chapman
de la Garza
Durbin
Geren
Hall (OH)
Hunter
Lincoln
McDade
Miller (CA)
Murtha
Packard
Rose
Slaughter
Stupak
Wilson
Wolf
Yates
Young (FL)

□ 1834

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. WOLF. Mr. Speaker, I was away from the House on an official leave of absence on July 17 attending a memorial service at which I was a speaker. While I was out, I missed seven rollcall votes. Because I have each year since coming to Congress published and provided my constituents my entire voting record, I want the record to show that had I been in the House and voting on July 17, I would have cast the following votes:

"No" on rollcall 320, Hoyer amendment to H.R. 3756, fiscal year 1997 Treasury, Postal Service, General Government appropriations.

"No" on rollcall 321, Solomon amendment to H.R. 3756.

"No" on rollcall 322, Gutknecht amendment to H.R. 3756.

"Yes" on rollcall 323, on passage of H.R. 3756.

"Yes" on rollcall 324, motion to suspend the rules and pass H.R. 3166, Government Accountability Act of 1996.

"Yes" on rollcall 325, motion to suspend the rules and pass H.R. 3161, extend most-favored-nation status to Romania.

"Yes" on rollcall 326, motion to close portions of the conference on H.R. 3230, fiscal 1997 Defense authorization.

LEGISLATIVE PROGRAM

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

Mr. ARMEY. Mr. Speaker, I would like to advise our Members on both sides of the aisle that we have had the final vote for this evening. In just a few minutes we will be making a unanimous consent request that has been cleared on both sides of the aisle, that has been fully vetted, that would allow us, if accepted, to proceed with 2 hours of general debate this evening on the welfare reform bill.

We would then come back in the morning to open business at 9 a.m. We would have an agreed-upon number of 1-minutes at the outset of our morning's work and we would then go back to this bill for further debate, consideration of the amendments made in order under the rule, and then continue on that bill with the expectation of completing our work between 5 and 6, but certainly enabling everybody to make their 6 o'clock departure time tomorrow evening.

Mr. SABO. Mr. Speaker, if the majority leader would yield, my understanding is that the rule is likely to have 2 hours of general debate for tomorrow also; is that accurate?

Mr. ARMEY. Mr. Speaker, the gentleman is correct.

Mr. SABO. And 1 hour on the Castle-Tanner substitute?

Mr. ARMEY. There will be 1 hour on a majority substitute, whatever that should be.

Mr. SABO. Mr. Speaker, I thank the gentleman.

Mr. ARMEY. Mr. Speaker, one final point. I should also advise Members that in the matter of rearranging the schedule for the orderly conduct of our business, we have deferred consideration of campaign finance reform until Wednesday of next week.

PROVIDING FOR CONSIDERATION OF H.R. 3734, WELFARE AND MEDICAID REFORM ACT OF 1996

Mr. HOBSON. Mr. Speaker, I ask unanimous consent that it be in order at any time for the Speaker, pursuant to clause 1(b) of rule XXII, to declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 3734) to provide for reconciliation pursuant to section 201(a)(1) of the concurrent resolution on the budget for fiscal year 1997, that the first reading of the bill be dispensed with, that all points of order against consideration of

the bill be waived, that general debate be confined to the bill and be limited to 2 hours equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget, that after general debate the Committee of the Whole rise without motion, and that no further consideration of the bill be in order except pursuant to a subsequent order of the House.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Is there objection to the request of the gentleman from Ohio?

There was no objection.

HOUR OF MEETING ON TOMORROW

Mr. HOBSON. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 9 a.m. tomorrow.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 359

Mr. BEVILL. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 359.

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

There was no objection.

WELFARE AND MEDICAID REFORM ACT OF 1996

The SPEAKER pro tempore. Pursuant to the order of the House of today and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3734.

□ 1640

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3734) to provide for reconciliation pursuant to section 201(a)(1) of the concurrent resolution on the budget for fiscal year 1997, with Mr. GREENE of Utah in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the order of the House of today, the bill is considered as having been read the first time.

The gentleman from Ohio [Mr. KASICH] and the gentleman from Minnesota [Mr. SABO], will each control 60 minutes.

The Chair recognizes the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, today we have the beginning of a debate that really represents wonderful news for America. Frankly, the third time, they say in lore, is always a charm. Well, this is the third time we are going to bring to the floor, and we are going to pass, a welfare reform bill that ends welfare as we know it and provides a new level of opportunity for all Americans, opportunity for people who find themselves in need of assistance and opportunity for those folks who get up and go to work every morning and ask nothing from their government other than to have their level of taxation kept at a minimum and to have the maximum amount of personal liberty.

Now, Madam Chairman, this welfare bill that we are about to consider today is something that I think Americans have been asking for virtually all of my adult life. And let me tell my colleagues what it is about. If is founded on the basis of Judeo-Christianity. Judeo-Christianity says it is a sin not to help people who need help, but it also says it is equally a sin to continue to help people who need to learn how to help themselves.

What we have in this bill is a generous amount of continued assistance for those people who find themselves in real need. I was born and raised in a community where we had a public housing development just down the street, and we always believed that it was necessary that people get the kind of help they need to lift themselves up by their bootstraps, to get the kind of help from those people in our society who have been successful, who have been blessed; and that from those people who are the most successful there is a need and a reason and, frankly, an ultimatum in some respects to make sure that we help those who, through no fault of their own, find themselves dependent.

Now, at the same time, we also believed in the community where I was born and raised that we need to give people an opportunity to be able to lift themselves out of these situations that make them dependent. I think we all recognize in this country that if we have a program that traps people in dependence, it is wrong.

In other words, we do not want to have created a welfare system in our country where people have learned to depend on it and not to be able to depend on themselves.

□ 1845

Frankly, it is not fair to those folks. It is certainly not fair to their children who get raised in an environment where they seem to get confused about the issue of dependency and independence. I believe virtually everybody in this country wants to be independent from help from others. I believe that virtually everybody in this country wants to have a job. But I think that we have created some systems, including the current welfare system, that have provided too many of the wrong incentives for people to avoid work or to be lulled into a sense of dependency. It is wrong. It is wrong for the people on the system. It is wrong for their children.

So what we attempt to do in this welfare bill is to provide generous amounts of money so that the children of people on welfare can be taken care of while the people who are on welfare get trained and get a job. We say at the end of the day, you must go and find a job. We will train you. We will help you find a job. And at the end of the day, you are going to have to get off of welfare and you are going to have to go to work. I think that is what most people in this country want.

Second, however, it will not just be a victory for those who have found themselves trapped in the system that in some respects has robbed themselves and their children of the independence that they dream about. But this is a bill that in my judgment is a terrific victory for those who struggle every day to make ends meet.

There are the mothers and fathers who take their kids to day care. These are the mothers and fathers who on every paycheck sit down and try to figure out how they can make their ends meet. And these are people who do not get anything from the Government. They do not get food stamps. They do not get any form of welfare, any kind of subsidy from the Federal Government. These people get up and they go to work every day, and they struggle every day just to keep their heads above water. Frankly, they are the ones that are truly the American heroes in this country.

It is not the people who struck it rich and made a million dollars or in some cases made billions of dollars. It is not the NBA players who are signing contracts for $105 million. They are not our heroes. Our heroes are the mothers and fathers who fight their way off welfare. They are the mothers and fathers who have never been on it and work hard to stay off of it, and all they want to do is to raise their children in a God-fearing country with decent values and security.

This bill today represents a terrific victory for those people who get up every day and go to work. That is who we are passing this bill for, for those who find themselves stuck in a system that has not allowed them to become independent and, second, for those Americans who go to work every day, the real American heroes.

This bill is compassionate for those who really need the help. We recognize there are people in our society who, no matter what happens, are not ever going to get a job. Do you know what? We have got provisions that protect them. We recognize there are some people who will never become independent.

That is a fact of life. We have got to deal with it. But we also recognize that, if we have a strong training, if we have a strong child care section and if we have a strong work requirement and we say to people, at some point you must go to work, we think that is also compassionate.

So, we think we have a welfare bill that is balanced. We think also we have a welfare bill that essentially speaks to what Americans all across this country have wanted, help those who need help, but force those who need to learn how to help themselves to go to work. That is what this bill does. It is reinventing welfare as we know it.

As the American people find out what is in this bill, and this bill will pass the House, it will pass the Senate, and it will be sent to the President, we hope and pray he will sign it. If he does, it is going to be a victory for everybody in this country, those concerned about those that cannot help themselves, those who need to learn to start helping themselves, and those who get up every day and work hard to make sure that they are independent.

This is a good bill for America. This is a great day for the House. Let us keep our fingers crossed because the third time can be a charm.

Madam Chairman, I yield the balance of my time to the gentleman from Kansas [Mr. ROBERTS], chairman of the Committee on Agriculture, and I ask unanimous consent that the gentleman from Kansas be permitted to yield time to additional speakers.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. SABO. Madam Chairman, I ask unanimous consent to yield my first 30 minutes to the gentlewoman from California [Ms. ROYBAL-ALLARD] and that she have the authority to yield time.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The CHAIRMAN. The gentlewoman from California [Ms. ROYBAL-ALLARD] is recognized for 30 minutes.

Ms. ROYBAL-ALLARD. Madam Chairman, I yield 2 minutes to the gentleman from Arizona [Mr. PASTOR].

Mr. PASTOR. Madam Chairman, I want to thank my colleague for yielding the 2 minutes.

We heard the chairman of the Committee on the Budget talk about a victory for America as we debate this bill and the consequences of it. I have to tell my colleagues that they are going to hear some Members speak to inform us that this victory is not shared by all Americans. Americans who work hard, Americans who want to take care of the families, people who have been in this country for many years but because of their status as legal immigrants will not be able to share this victory.

There are a number of us who are concerned both on the substitute and also concerned with the base bill. We feel that the treatment of legal immigrants is very unfair. There is a misconception in this country, there is a misconception in this House that legal immigrants are people who recently came over and are here legally only for one reason, to get on public assistance. That is not the case. We will hear tonight that many of these people have been here for many, many years, have worked hard, have raised their children, and now, in many cases, will need the services and the opportunities that they have earned.

We will also hear that there will be many children that will be put in very hard situations by these bills. As adults, as Americans, as parents, as family members, we are concerned about the children that will not savor this taste of victory.

We will hear about other parts of the bills that will affect people on domestic violence, entitlements and will not savor the taste of victory.

So, Madam Chairman, we will rise in opposition to both bills.

Mr. ROBERTS. Madam Chairman, I yield 4 minutes to the distinguished gentleman from Michigan [Mr. CAMP], a former member of the sometimes powerful House Committee on Agriculture, a current valued member of the Committee on Ways and Means.

Mr. CAMP. Madam Chairman, today Congress is again attempting to end welfare as we know it. Over the last 19 months, my colleagues and I have twice written, debated, and adopted welfare reform legislation only to have our efforts vetoed by the President. How many more families will be trapped in the current system while time wastes in Washington?

Our current welfare system has deprived hope, diminished opportunity and destroyed lives. After 30 years and billions and billions of dollars, I ask, has the Federal Government solved the problems of poverty and dependency?

Just spending more money on the Washington welfare system will not work. Just spending more money on the current system will not help children. We need to start over. The bill before us today is a fresh start. It accomplishes five important goals for welfare reform.

First, it requires work in exchange for benefits. It encourages independence and self-reliance for able-bodied people. To help those that work, the bill provides more child care funding than current law and more than the President's proposal for working families. We have a moral obligation to improve the lives of our children, and we must do all we can to change the culture of poverty that our current welfare laws have created.

Second, this legislation also time limits welfare benefits to 5 years. While the goal is to move all families from welfare to work, some families may need more time or more help. So we retain an effective safety net. Our bill allows a hardship exemption from the time limit for up to 20 percent of those on welfare. The hard-working families in the Fourth Congressional District of Michigan and across the country believe welfare should be a hand up, not a handout. They very much support the requirement that able-bodied welfare recipients work for the benefits so generously provided by the American taxpayer.

Third, we do not give welfare to felons and noncitizens. Many people are not aware, the Federal Government sends checks to convicted felons serving time in prison. Cannot these tax dollars be better spent helping those families truly in need? Also many noncitizens have a proud tradition of hard work and achievement. They come to America to share in the American dream, which does not and should not include welfare dependency.

Fourth, this legislation also provides States with the flexibility to meet the needs of its citizens. My State of Michigan, under the leadership of Gov. John Engler, and other States, have made tremendous strides in moving people from welfare to work. These accomplishments, however, have come in spite of the Federal Government and the current welfare laws.

For too long the Federal Government has maintained policies which have created a culture of poverty, dependence and despair. This bill brings control of welfare back to the people where it belongs.

It is important to remember what the Government's role in promoting independence should be. While legislators can design programs to help those struggling to gain financial security, the Government cannot make them succeed. Changing one's attitude is something that can only be accomplished by that individual.

Personal responsibility is the focus of this legislation. Individuals must accept responsibility for their actions and work with Government programs to improve their lives.

The current Washington-based welfare system demands no responsibility, no work ethic, no learning, no commitment and, in the end, no pride. Instead, it promotes illegitimacy, rewards irresponsibility and discourages self-esteem. Our families and our children deserve better.

I urge my colleagues to support the bill.

Ms. ROYBAL-ALLARD. Madam Chairman, I yield myself 1½ minutes.

Madam Chairman, I, like other Members of this body, am in strong support of welfare reform. But I am not for reform regardless of the consequences. For that reason, I rise in strong opposition to H.R. 3734.

This bill will have many unintended consequences to women, children and families in this country. One of those consequences is its impact on victims of domestic violence. Current studies reveal that 25 to 60 percent of participants in welfare-to-work programs are victims of domestic abuse. For these women, the welfare system is often the only hope they have for escape and survival. This bill will effectively shred that safety net.

By eliminating the guarantee status of AFDC and imposing inflexible time limits and work requirements, H.R. 3734 will force many battered women to stay with their batterers or return to them for financial support.

With the passage of the Violence Against Women Act, Congress has taken a strong stance against domestic violence. Let us not turn our backs on the victims of this deplorable crime. The lives of battered women and their children depend on it.

I hope that my colleagues will vote no on H.R. 3734.

Mr. ROBERTS. Madam Chairman, I yield 2 minutes to the distinguished gentleman from Tennessee [Mr. WAMP].

Mr. WAMP. Madam Chairman, I thank the gentleman for yielding the time.

I want to just speak a moment to the separation of policy versus politics in this debate, because we know it is sound policy to address the welfare system in this country, replacing welfare with a working populous of able-bodied people. But there is also a political equation here. There has been for many months. We know that welfare reform has been passed twice by this Congress and vetoed both times. But our President, Bill Clinton, came into these chambers and delivered the State of the Union address in January, and he challenged us to send a clean welfare reform bill back to him.

□ 1900

There were some politics associated with whether or not he might sign it, take the credit and all of that. I want to say that as a freshman Member of this body, many of us have been very unfortunately blamed for some of the misfires of the last few months. We have been called unreasonable, radical, extremist. We, many of us, went to the leadership of our side, our party, Members like the gentleman from Nevada [Mr. ENSIGN] myself, and said let us disconnect Medicaid, health care for the poor, from welfare and do what the President asked us to do and send a clean welfare reform bill, and as the gentleman from Ohio [Mr. KASICH] articulated, the President is expected to sign this bill because we are sending him substantive welfare reform, effective and efficient welfare reform, but we are sending him the clean bill that he asked for. We did make that decision on this side of the aisle to disconnect the two so that he could not say I do not want Medicaid attached to this.

This comprehensive bill provides the job training, the child care, the career education, those components that we all believe should accompany a comprehensive welfare reform bill. This is going to be one of the greatest successes of this Congress. Yes, he will get credit, but we will get credit. We are doing the people's business.

Ms. ROYBAL-ALLARD. Madam Chairman, I yield 2 minutes to the gentlewoman from California [Ms. LOFGREN].

Ms. LOFGREN. Madam Chairman, I, until this Congress, was a member of the local government that had responsibility for administering the welfare program, and I felt, coming here, that there were a lot changes I want to make. There is no doubt that a lot of things need to be fixed in welfare programs in this country. We need to put people back to work, we need to have expectations for work, we need to pay attention to child care, we need to change the whole system. But what concerns me is that once again the bill that we will deal with goes too far.

As you know, I think, and I want to talk about legal immigrants, not illegal immigrants because they are eligible for nothing and should be eligible for nothing, but I want to talk about what is fair to taxpayers, and I will give my colleagues a couple of examples.

In my district there are large numbers of Vietnamese freedom fighters, people who fought communism who came to this country as originally refugees, ultimately became residents, and under the bill before us, if after paying taxes for years and years and years, 14 years, they get a stroke, they cannot get nursing home coverage.

Let me talk about another example. An immigrant who comes in with her husband, and her husband works for 50 years and dies, and then as she is an old person, she is 65, she has a stroke, and she is not eligible to get the kind of nursing home care that the widow of every other taxpayer in America can look to get.

Now, I do not think that is fair. There are some abuses among immigrant groups, and there are necessary steps that need to be taken, and in fact the Deal bill earlier this year did deal with those. But this is unfair. I think when we look at our taxpayers, if they are legal residents or citizens, we ought to make sure that people who have worked hard and paid their taxes are treated fairly, and this so-called reform bill fails in that regard.

Mr. ROBERTS. Madam Chairman, I yield 3½ minutes to the distinguished gentleman from Virginia [Mr. GOODLATTE] and take the House's time to thank him for his contributions in increasing the trafficking penalties and bringing integrity to the food stamp reforms that we have passed in the Committee on Agriculture and hope to pass on the House floor.

Mr. GOODLATTE. Madam Chairman, I thank the chairman of the Committee on Agriculture for his kind words.

Madam Chairman, I rise in support of the welfare reform bill under consideration today, especially the reforms to the Food Stamp Program. The Food Stamp Program provides benefits to more than 27 million people each month at a cost this year of more than $26 billion. It is growing out of control and badly in need of reform.

The Committee on Agriculture held eight hearings during the 104th Congress to review the Food Stamp Program, and many of the reforms included in this bill are based on the testimony received in these hearings. Witnesses appearing before the committee and the subcommittee on department operations, nutrition and foreign agriculture represented a wide variety of organizations. They included the administration, the General Accounting Office, the U.S. Department of Agriculture Office of Inspector General, the United States Secret Service, Governors, State and local welfare administrators. Representatives from organizations providing direct food assistance to needy families testified. Testimony was also received from grocers, agricultural organizations, churches and advocacy groups.

The following principles guided the committee in formulating the reforms to the Food Stamp Program. The Food Stamp Program is retained as a safety net. With other programs returned to the States in block grants, it is essential to be able to provide food as a basic need while States are undergoing the transition to State-designed welfare programs. States are permitted to use one set of rules for families applying for food stamps and AFDC. This provides one-stop service, making it more efficient. Therefore, the programs can become more taxpayer friendly by eliminating redtape.

The Food Stamp Program is taken off automatic pilot. All automatic spending increases are ended except annual increases in food benefits. Able-bodied individuals without dependents must work. In keeping with the effort to encourage private sector employment and help people regain their independence, able-bodied people who are from 18 to 50 years old with no dependents would be eligible for food stamps for a limited period of time and then must work or participate in a workfare or training program in order to receive food stamps.

States are permitted to establish programs to encourage employers to participate in an improved wage supplementation program so that welfare recipients have the opportunity to work in real jobs. This means practical work experience in the real world.

Forfeiture-of-property legislation, using forfeiture proceeds to reimburse law enforcement officials, is authorized. We want to stop criminals from profiting from the Food Stamp Program. Penalties for violating food stamp requirements are doubled, and the rules governing participation by retail and wholesale food stores have been tightened.

Under certain circumstances States may operate their own Food Stamp Program. Once a State has implemented an electronic benefits transfer, EBT system on a Statewide basis, reduces rates of error to acceptable levels or pays that part of the food stamp error over acceptable levels, the State will have the option of operating a Food Stamp Program under a block grant.

Madam Chairman, I urge my colleague to support this bill. The welfare system, including the Food Stamp Program, needs significant reform, and it is accomplished in this bill.

Ms. ROYBAL-ALLARD. Madam Chairman, I yield 2 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Madam Chairman, I want real welfare reform. All of us have tried to work to respond to those who would come in good faith. But I want to simply appeal to the women of America, the families of America. This Republican bill cuts some almost $60 billion from individuals across this Nation who, each time we ask them, they say I would like to work, I would like to get off welfare, and, yes, as an American I want to contribute to what America has to offer.

But these children are the ones that we are speaking about, children who may not have the child care necessary for their parents to transition from welfare to work because we lessen the opportunity for those families to have transitional child care. If the money runs out in the State, folks, if the bucket is empty, then they do not have an opportunity to go to work if the children are not cared for.

And then when we look at Medicaid, we find that Medicaid will not be available for a period of time for those families. Medicaid equals health care. It is important to recognize that we are concerned about those families when we have a 5-year limit cutoff whether they will have the inability to carry Medicaid to insure good health for their children and for themselves.

This is a bad bill. The Republican bill is a repeat, a deja vu, of cutting billions of dollars, but yet not responding to the fact that we all can compromise together insuring that families have child care and job training and, yes, work. This is short on work, and then when it is short on work, it is short on opportunity to protect our children. We do not give them good health care, we do not provide safe and warm places for them to stay while those parents, those mothers, are going out to work.

I am reminded that my constituents to a one want welfare reform. I have voted for good welfare reform. Let us go back to the table and not cut $60 billion just to make us feel good. Let us make sure that we work for the American people, who want real welfare reform.

Madam Chairman, I rise today to speak on H.R. 3734, the Republican welfare budget reconciliation, because of my concerns regarding some of the reform provisions.

While this effort at welfare reform contains both a few improvements and some further steps backward, it still poses dangers to children. This bill will abandon the basic Federal assurances of aid for poor children and families, make deep cuts in food stamp and SSI benefits. This bill would cause older children to lose their AFDC benefits, and provide inadequate child care funding for parents who are required to work, and it would eliminate almost all help for legal immigrants in need.

Welfare reform is synonymous with women and children which means that the $53 billion in spending cuts over 6 years will hurt them disproportionately. This bill will reduce food stamps by $23.2 billion, it will reduce Supplemental Security Income [SSI] by $9.6 billion and aid to legal immigrants by $17.1 billion.

In the State of Texas alone, 137,641 children would be denied aid by the year 2005 because of the federally mandated 5 year limit on receiving welfare benefits. There will be 46,986 babies in Texas who would be denied aid in the next 4 years because they were born in families already on welfare, and another 89,327 children in Texas would be denied aid if the State froze its spending on cash assistance at the 1994 levels.

This bill would lead another 60,000 Texas children into poverty.

This legislation is decidedly more mean spirited in its methods than any I have seen to date. It narrows the definition of disability for poor children seeking to qualify for Supplemental Security Income [SSI]. This bill would withhold vital cash aid for children with a wide range of serious disabilities including mental retardation, tuberculosis, autism, serious mental illness, head injuries, and arthritis.

Food stamp benefits would be cut severely, and the Federal guarantee of food aid could be eliminated on the State level as an option given to them by this legislation. The cuts to the Food Stamp Program would hurt 14 million children.

The victims of domestic violence and their children would still have no assurance that, if they escape the violence, they could at least survive with cash assistance until they are able to find work. This would cause many women and their children being forced by harsh economic realities back into the abusive environment they were attempting to escape.

I would like to caution my colleagues to carefully consider their vote on this bill. I will continue to be committed to working for compassionate and fair welfare reform.

Ms. ROYBAL-ALLARD. Madam Chairman, I yield 3 minutes to the distinguished gentleman from California [Mr. TORRES].

Mr. TORRES. Madam Chairman, I thank the gentlewoman for yielding this time to me.

I was struck by the message that the gentleman from Ohio [Mr. KASICH], the distinguished chairman of the Committee on the Budget, talked about the parables of sin and that it is sinful not to help. At the same time, he said it is a sin not to help one's self, and he talked about his community and where he was born and raised and how he grew up and how that community pulled itself up by the bootstraps. And that is well and good; that is the story of our country.

But what about when we have bad times? What about when we have depressions? What about my community when I was growing up, where I was born, when we had a Great Depression?

My father was deported because he was from the other side of the border and he was working here as a copper miner. My mother was left alone with my brother and I. We were on welfare, we were on relief. We suffered, we were hungry. I wore corduroy pants. My colleagues remember that, those that remember the Depression. I wore those corduroy tennis shoes. We stood in lines for food.

Thank heavens for relief or welfare, what it was called then, and, yes, we want to change welfare as we know it today, we want to reform the ills of people who exploit and cheat on welfare. But what about the people that cannot find jobs? What about the incapacitated?

What about the homeless who have lost their jobs and because of that they have lost their homes and had to move and live out of their vehicles or live in parks?

What about the elderly, who, as was mentioned here earlier, are legal immigrants who came here many, many years ago and worked hard and paid taxes and sent their sons and daughters to war to defend this Nation, and here they are in their time of need, elderly, widowed, alone, will not be given the kind of assistance because they are legal immigrants.

What a shame, what a shame of this country. We cannot tolerate this.

What about the children, the millions of children that will be put on the street because they will be pushed into poverty by this ill-thought-of, ill-conceived Republican bill? In 70 percent of these families one of the parents is probably already working, but yet those children will be denied. What about the children of immigrants in this country, children who were born here or have the fault, if my colleagues will, of choosing the wrong parents and will be denied Medicaid or food stamps, or disabled children who will be denied SSI benefits all because, as I said, they made the mistake of choosing their parents?

□ 1915

This is unconscionable. We need to come back to the table and negotiate a welfare bill that is right for this country in these times. We need to send the President a bill that he can sign. I simply say we need to work harder at this. We cannot allow this bill to be passed.

Ms. ROYBAL-ALLARD. Madam Chairman, I yield 3 minutes to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Madam Chairman, this is not welfare reform, this is welfare bashing. Welfare reform has become the political football in this election year. Children and families are going to be hurt if this bill is signed into law. Poor children in families will be hungrier and they will be poorer. Yes, some politicians will use this bill to get reelected, rather than spend their time to produce credible, sensible, welfare reform.

Madam Chairman, I believe in welfare reform and I believe we can do a better job. This bill gets rid of all the entitlements. That means you can have a family who has worked hard, mother and father worked hard for the last 20 years and all of a sudden they are downsized on the job, they lose their job, the job exported somewhere to a Third World country for cheap labor. They could go in for welfare benefits and, because there is no entitlement, they can say I am sorry, I cannot give it to you. Money has run out. Sorry, there is none left for you. That does not make good sense.

It puts a 5-year limit on the time that you can receive benefits. That does not make good sense. There are some people who could get off welfare in 6 months or a year, and some who may have college education and all they need to do is just get back into the workplace with a little assistance, a little experience. There are others who dropped out of school a long time ago, who may be illiterate. It is going to take them a longer time. They need to be job trained, they need to have their GEDs, they need to get some experience, they need to be helped to get back into the workplace.

It does not make good sense, Madam Chairman, to treat everybody the same. We must assess each individual and determine where their strengths are, where their weaknesses are. Most welfare recipients want to be independent. They do not like being on welfare. We need to have credible child care, we need to have credible job training programs. They will get off.

If politicians would simply use their time and their talent to create credible welfare reform for this country we could get people off welfare, but this is welfare bashing. This no entitlements, everybody off at the same time, this does nothing to deal with real welfare reform. Members are going to starve some children, they are going to take food stamps from a family of three that only makes about $6,200 a year, they are going to take food out of the mouths of hungry children in this election year, having people believing that they are protecting their taxpayer dollars.

I want to tell the Members, nobody is going to be protected. What we are going to have is more desperate families out there, more desperate mothers and fathers who will say, "I am not going to allow these children to be hungry, I am not going to allow them to be treated this way. I have done everything that I could. I worked hard every day.

"When I went to the welfare office after having worked 20 years, you told me there are no more entitlements. I cannot get any help." Is that fair? No.

I will tell the Members what is fair. It is fair to have entitlements and equal application of the law. I ask my colleagues in the House to reject this non-credible nonsensical welfare bill.

Mr. ROBERTS. Madam Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. KINGSTON].

Mr. KINGSTON. Madam Chairman, I have been listening to them, about children and so forth. This is the same rhetoric we heard from the same group when we passed welfare reform, when we tried to change some of the other entitlement programs, to not have a complete overhaul but to target the areas that are wasting money, to try to reduce the bureaucracy of Washington. Yet, we hear from the same people. To my knowledge, we have not heard from one Democrat who has ever supported a welfare reform bill on the floor of the House.

Madam Chairman, I think what we are really hearing is people who are against welfare reform. I am a father of four children. I do not want to see any kids starving out on the street. I do not want to throw any elderly out. I am hearing people debate a bill that is not even on the floor of the House.

I think it is time to get back to the fact that we are increasing food stamps. The school lunch program was mentioned. We are not even affecting the school lunch program by this bill. Madam Chairman, this Congress is concerned with a government policy that has spent over $5 trillion fighting poverty, and it has failed. It has not moved us down the road. I would hope that these folks would say, listen, it is time to say welfare should not be a way of life; that able-bodied people should be required to work in order to get public assistance.

One of the gentlemen earlier talked about coming to this country during the Depression. The FDR-type programs all had a work requirement. That gives people self-esteem. I heard President Clinton say one of the best things about people getting off of welfare is when the 12-year-old child at school, when he is asked "What does your Momma do?" instead of saying "She is on welfare," they can say, "She works. Here is where she works."

That is what we want to do. We want to get the poor independent instead of keeping them dependent so bureaucrat after bureaucrat in Washington can benefit from a government poverty program. They are poverty brokers in Washington, they are not people who want to make the recipients independent.

Ms. ROYBAL-ALLARD. Madam Chairman, I yield 30 seconds to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Madam Chairman, I think it is very important that we put the facts on the floor and that we not get so carried away with our rhetoric that we mischaracterize what has taken place here.

Every Democrat has voted for a welfare bill. Remember the Deal bill? I am sure the gentleman is familiar with that. It had tougher work requirements in it. If the gentleman would like to correct the record, I know the gentleman does not want to go on the record misquoted or misunderstood. The gentleman just said we had never voted for welfare reform. I think the gentleman needs to correct that.

Mr. KINGSTON. Madam Chairman, will the gentlewoman yield?

Ms. WATERS. I yield to the gentleman from Georgia.

Mr. KINGSTON. Madam Chairman, here is what I hear from Democrat after Democrat: We want welfare reform, but we——

Ms. WATERS. The gentleman needs to correct the record.

Mr. KINGSTON. If the gentlewoman would yield time, we can talk about it.

Ms. ROYBAL-ALLARD. Madam Chairman, I yield 3 minutes to the gentleman from New Jersey [Mr. PAYNE], chairman of the Congressional Black Caucus.

Mr. PAYNE of New Jersey. Madam Chairman, I rise in opposition to H.R. 3734. "End welfare as we know it" was what was said during the last campaign. Let us take a look at this question of ending welfare as we know it.

On June 27, 1996, the Committee on the Budget released the Republican vision, and I use that word loosely, of welfare reform; and some of the details that have surfaced, they certainly need to be looked at more closely.

Currently the welfare system in this country is one that in some cases does foster cycles of dependency. Many times an individual cannot get off of welfare rolls because she cannot get a job that will provide a living wage for herself or her family, get quality child care for her family, get adequate housing for her family, get adequate health care for her family.

If we are going to end welfare as we know it, does this bill help to accomplish those things? The answer is definitely no. Providing jobs and job security will change this type of system to promote one that encourages self-sufficiency. However, we are unwilling and we are unable to invest the necessary resources in our families.

However, without the adequate support in places, opportunity for employment, opportunity for day care, opportunity for an adequate salary, and to promote and encourage self-sufficiency, taking this punitive approach to drop people from the welfare rolls will certainly do more harm.

In our subcommittee a resolution that was brought up to say that if a person cannot find a job when the time expires, will they be able to continue to have benefits, and the Republican Members of the committee all voted no, throw the children out.

So because we are not addressing the root causes, the lack of adequate jobs, the underlying conditions of the problem will continue to exist. An experiment conducted in my home State of New Jersey and also in Illinois found that 80 percent of welfare recipients who found jobs were able to break the cycle of poverty. It was very simple. They were able to work their way out. Yet, only 2 percent of those that had to depend on the system were able to break the cycle of poverty. The answer is jobs.

We had 100 jobs available in the city of Newark. Fourteen hundred people started to get in line at 6 a.m. for those 100 jobs. It was not even 100. They said possibly up to 100, but maybe 50. Fourteen hundred people went and waited for hours and hours to apply for the jobs. So the answer is certainly there. Remember, there are 9 million children who receive welfare, which is about 65 percent of the welfare rolls. Today there are over 14 million children living in poverty. One out of five children go hungry every day. Let us defeat H.R. 3734.

Mr. ROBERTS. Madam Chairman, it is a pleasure to yield 2 minutes to the gentleman from Iowa [Mr. GANSKE], a gentleman whose testimony before the Committee on Ways and Means helped shape the reform bill that is now on the House floor.

Mr. GANSKE. Madam Chairman, before coming to Congress I was a physician in Des Moines, IA. My wife is a family physician. My wife has helped 13-year-old girls deliver their babies. I have taken care of 15-years-olds who have gunshot wounds to the head, and 17-year-olds who have needle track infections up and down their arms and probably have AIDS because of it.

I took care of 15-year-old young women who would bring their babies into my office with a cleft lip, a cleft palate, a hand deformity, and there would almost never be a dad there with them. My heart would go out to them because they had a hard road ahead of them. It is one thing to take care of a little baby who is 2 years old as a single parent. It is quite another thing to take care of a 15-year-old boy who has never had the advantage of a dad, who gets involved with a gang, and then ends up shooting himself or somebody else.

We have to do something about the illegitimacy problem. In Iowa alone there were 9,000 illegitimate births last year. Next to my office, in neighborhoods close to where I practiced, there was a 60-percent illegitimacy rate in Des Moines, IA. That is why I testified before the Committee on Ways and Means in February 1995. I advocated offering States an incentive to reduce their illegitimacy rates. Increase their block grant if they are successful.

I am happy that such a proposal was in our reform bill. It was twice vetoed by the President, but it is in the current bill. Starting in 1988, this bill increases a State's grants by 5 percent for lowering the illegitimacy rate by 1 percent, and 10 percent for lowering the illegitimacy rate by 2 percent below the 1995 level.

This legislation is needed. We need to give States the incentives to address the illegitimacy problem. It is a two-person problem. It is not a problem with the young women. That is why in this bill there are strong provisions to make the young fathers responsible economically for their children. We need to pass this bill.

Ms. ROYBAL-ALLARD. Madam Chairman, I yield 5 minutes to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Madam Chairman, I would hope that we stop personalizing and politicizing this bill. All I seem to hear is Democrats, Republicans, do this. I want to talk to Members about people. I want to talk to Members about legal immigrants, men and women who are here legally, pay their taxes, serve in the military, but are taking the biggest hit in all of the bills we are debating today.

The bill that is the centerpiece of the majority retains very harsh and uncompromising language. While we all support the strengthening of requirements and the sponsors of legal immigrants applying for either SSI, food stamps, or AFDC, the bill bans SSI and food stamps for virtually all legal immigrants and imposes a 5-year ban on all other Federal programs, including nonemergency Medicaid; imagine that, nonemergency Medicaid, for new legal immigrants. These bans would also cover legal immigrants who become disabled after entering the country, families with children, and current recipients.

Madam Chairman, .3 million immigrant children, .3 million, are affected. That is not right. that is not the traditions of this country.

□ 1930

Madam Chairman, this bill unfairly shifts costs to States with high numbers of legal immigrants. The bill requires virtually all Federal, State and local benefits programs to verify recipients' citizenship or alien status These are new unfunded mandates for State, local, and nonprofit service providers and barriers to participation for citizens.

Again, let us look at the facts. First of all, legal immigrants work hard and pay taxes. That has been documented. The foreign-born are more likely to work than the native-born, 77 to 74 percent.

In 1992, Business Week estimates legal immigrants work and earn at least $240 billion a year and they pay over $90 billion in taxes.

Legal immigrants are a net benefit to the economy. A new Urban Institute study: For every increase of 100 people in the native population, employment grew by 26 jobs; and for every increase of 100 in the immigrant population, employment grew by 46 jobs.

Research shows that immigrants actually complement native workers rather than substitute for native workers.

If no Mexican immigration had occurred between 1970 and 1980, 53,000 production jobs, 12,000 high-paying nonproduction jobs, and 25,000 jobs in related industries would have been lost. Again, this is the respected, bipartisan Urban Institute.

Last, welfare among legal immigrants is low. Among nonrefugee immigrants of working age who entered during the 1980's, 2 percent report welfare incomes versus 3.7 percent of working age natives.

Nonrefugee immigrants of working age are less prone to welfare use than natives according to a CATO study.

Madam Chairman, all of us here want welfare reform. It is not true that these gentleman on this side and others on that side have not voted for welfare reform. That is the number one issue among our constituents. What we are doing now is targeting illegal and legal immigrants indiscriminately. What we are doing is turning the clock back to a darker time when people in America, but only certain people in America, lived and worked under the shadow of second-class status. There is no justification for targeting immigrants who do not abuse the welfare system, who work hard, who play by the rules, who pay taxes, and who serve in the military at America's calling. Most immigrants are long-term residents who have lived in this country and have paid taxes for 10 years or more. Immigrants do not come to this country to take advantage of our welfare system.

So, Madam Chairman, here we face a number of welfare reform bills, substitutes. Let me say that legal immigrants take a hit in all bills. So as a

Hispanic American whose mother is Mexican and as many in this body that have an ethnic background that is not a pure American, I do not think there is one native American in this body—there is in the Senate—what we have and what we are doing is wrong, it should be rejected, and we should stand behind the best traditions of this country.

Mr. ROBERTS. Madam Chairman, I yield 1 minute to the distinguished gentleman from Nebraska [Mr. BARRETT], chairman of the Subcommittee on General Farm Commodities of the Committee on Agriculture.

Mr. BARRETT of Nebraska. I thank the chairman for yielding this time.

Madam Chairman, despite having invested more than $1 trillion, the Federal Government's 30-year war on poverty has instead created a war of poverty. Along with giving States and communities more flexibility in designing welfare programs, H.R. 3734 will provide welfare recipients with a better coordinated system of child care. The bill will provide $4.5 billion more for child care than is currently available and it will consolidate 7 separate programs that have often left child care providers, and families, confused and without assistance.

The bill is tough on getting welfare recipients back to work but without these improvements in child care assistance, welfare families may not be able to afford work and pay for child care at the same time.

Madam Chairman, while the bill provides more funds for child care, it will make other needed reforms that should save $53 billion by 2002. I would encourage the House to support the bill and help end a way of poverty that has permeated our Nation's welfare system for more than 30 years.

Ms. ROYBAL-ALLARD. Madam Chairman, I yield 3 minutes to the gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK of Hawaii. Madam Chairman, I thank my colleague from California for yielding me this time.

Madam Chairman, it grieves me to be here this evening to see the end of a period of almost 60 years in which this country's beliefs in its responsibility to the poor is going to be shattered. I speak of that element in our Aid to Dependent Children's program which is referred to as the entitlement. It was the safety net, it was the guarantee that all children, no matter where they lived, whatever region of this country they came from, whatever their ethnic background, that they would have the assurance of a Federal program which allowed them the eligibility to participate. No political situation, no situation on a local level, no Governor, no State could alter that eligibility which the Federal Government assured that child.

What we are debating here is a destruction of that very basic guarantee. If we destroy that guarantee, it will be 100 years from now before it ever can be restored. It was the genius of this country, as in the words of the chair of the Committee on the Budget, to understand that it was a sin not to provide for those less fortunate in our society that gave birth to this program. What is honored was the mothers of this country that found themselves without the necessary means to raise their children, and this country rose up to the responsibility and provided an entitlement program which said "Children everywhere in America, you will have this assurance," and we are about to break that guarantee by destroying that entitlement and putting the money simply into the State coffers without that guarantee. It is the destruction of that entitlement that troubles me the most.

We started on this debate with an effort to try to reform welfare. Every single Democrat joined in that when we voted for the Deal bill. No one should leave this floor with a belief that Democrats are not interested in improving the welfare system, because we all voted for it. But now we see a bill coming from the majority which takes about 50 percent of the cuts in this program from the hides of noncitizens of the United States. Is that fair?

The Chairman of the Committee on the Budget also said that this is a victory for everyone in America. It is not a victory for the children that will be left out of this program, and it is certainly not a victory for legal residents of this country who came to America with the promise of liberty and equal treatment, and they are going to find themselves now without the protections if they become disabled, without the protections if they should become impoverished, as every other American. That is what is wrong. This is not welfare reform. It is destruction of the basic guarantees of our democracy.

Mr. ROBERTS. Madam Chairman, I yield 2 minutes to the gentleman from Nevada [Mr. ENSIGN], a valued member of the Committee on Ways and Means.

Mr. ENSIGN. Madam Chairman, we have to ask ourselves a few questions here. First of all, does the current welfare system help children as the last speaker talked about? She talked about a safety net. Is the current welfare system a safety net or has it become a spider web that just absolutely grabs onto people and creates a dependency cycle that destroys families? Is the current welfare system compassionate? The answers to all of these questions are an obvious no, the current welfare system is not compassionate and it does destroy families.

What effect has our welfare system has on out-of-wedlock births? What effect has it had on crime rates? What effect has it had on the work ethic in America? Our bill gets people off welfare and into work. That is true compassion.

Our bill does stop noncitizens from receiving welfare benefits. I am sorry. I believe that welfare benefits should only be reserved for citizens of the United States. It is currently law in the United States that if you are a noncitizen that comes here and you go on the Government dole, that is grounds for deportation, has been the law, at least during this century. That is grounds for deportation here. We are an opportunity society. We want to attract people from around the world to come here to better their own lives and to better this country at the same time.

My mom when my parents were divorced when I was about 3 years of age would have made more money going on welfare because she had no child support. She had three kids to raise. But I saw my mom each and every single day get up and go to work, and that taught me a work ethic that we are robbing from welfare families today. The children of welfare families are losing that. That is not compassion. We want to be an opportunity society that takes people and provides them opportunities.

Our bill provides money for child care, $2 billion more than the President, and also transitional health care for children in the time that these welfare moms and welfare families are getting off of welfare and into work.

Ms. ROYBAL-ALLARD. Madam Chairman, I yield the balance of my time to the gentleman from California [Mr. BECERRA]

The CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. BECERRA. Madam Chairman, I thank the gentlewoman from California for yielding me this time.

Madam Chairman, let me begin by first thanking many of my colleagues and the folks within my own leadership in the Democratic caucus of the House for the time and effort that has been spent with many of us who have had concerns about welfare and meaningful reform of welfare. I want to thank those who took the time to hear us out. Unlike some of the folks on the other side of the aisle, there has been a great deal of effort on the part of our leadership and many of the members of our caucus, from both sides of the spectrum, to try to address issues of grave concern to us all.

As President Clinton has said, the current welfare system is broken and must be replaced. This is true for the sake of the people who are trapped by it as well as for the taxpayers who pay for it.

But when we began to consider reforming welfare, discussions centered on providing sufficient child care to enable recipients to leave welfare for work, on rewarding States for placing people in jobs, on restoring the guarantee of health coverage for poor families, on requiring States to maintain

their stake in moving people from welfare to work, and on protecting States and families in the event of economic recession and population growth. But this House bill has failed miserably in achieving these goals.

Instead, it relies on catchy slogans and soundbites of setting time limits so you are off if you do not make it, if you do not cut it. We block grant in this bill, give you a lump sum of money which looks good but never is enough to cover your needs in the States. And we talk about, as we have heard some of the Members on the other side of the aisle say, the noncitizen alien, and they use as graphic a term as they can to try to describe these human beings who are in this country, one, legally; are in this country, two, paying taxes; are in this country, three, willing and ready and obligated to serve in time of war, as many have, and are prepared to die, as many have, for this country even though they have yet not become U.S. citizens.

The effect of this bill, well, it is weak on work. They force people off of welfare, but they do not help them get into work. It will shove more children into poverty, and we know that from many of the studies, and everyone across the board says that.

Let me focus finally for the rest of my time on this one last issue: The hidden tax that you do not hear many people talk about. There is a tax in this bill. Let us go ahead and disclose it now.

□ 1945

Thirty billion dollars of the so-called savings that amount to $60 billion comes from a particular population of people, not because they are lazy and do not work, not because they have come into this country without documents. These are folks who happen to be immigrants; they haven't yet reached the stage of becoming citizens. But this population of legal residents in this country who are entitled to be here because this country has granted them permission has now been told you are going to pay a tax of about $2,000 per person, about $30 billion is being extracted from the hides of people who are entitled to be here, who are working and paying taxes.

Why? Well, they do not vote. They do not have a say in this place and chances are they are not going to contribute money to the coffers, campaign coffers of people who are hitting them. So there is no stake here or negative stake here in going after the legal immigrant.

So what we see is that these individuals are being told, and their children are being told, no, you have worked 5 years, 10 years, 15 years and now all of a sudden you have been hit by a car and you need some assistance with the medical bills because you cannot pay them all yourself, sorry. You happen to not yet have become a citizen, even though you have worked here for quite some time and paid taxes, and that hidden tax will cost those individuals about $2,000 per person, and if you exclude children, it is a much heavier hit for the adults.

More than 200 years ago we had some folks toss some tea over a harbor because of the issue of taxation without representation, yet we see it being done here today but in a very concealed way.

Finally, let me close by saying the following things: For some reason this Congress this session has decided it wants to hit my family in virtually everything I have to come up here to discuss, and in committee as well. It seems that I am having to defend my parents or my relatives. My parents who migrated to Sacramento, CA, would face many of the situations that are in this bill that would deny them services, even though my parents have worked hard in this country for decades. I am not sure why I have to constantly try to explain to my father that the Congress of the United States and this noble country is out to get them. They are fortunately now citizens, so they will not be impacted. But isn't it ironic just because they happen to have that day been able to become citizens things have changed?

It is a hidden tax. It is an unfair tax and that must change. We need meaningful reform. Let's change welfare as we know it, as the President said, but let us do it in a way that includes all Americans.

Mr. ROBERTS. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I think it is obvious that we all know that welfare reform is a front-burner topic, not only on this floor in this town, but certainly all throughout the Nation, and the American people want change.

I think the House of Representatives has responded to the American public. I believe that real welfare reform is represented in the bill that is being considered today. This bill represents real change.

I want to congratulate the members on the Committee on Agriculture and all Members who have worked so diligently on reforming the Food Stamp Program. That is the part of welfare reform for which the Committee on Agriculture is responsible. The very first hearing held by me and my Republican majority in the committee was on enforcement in the Food Stamp Program, and following that hearing, the chairman of the subcommittee, our late and beloved colleague, Mr. Bill Emerson, held four hearings on the Food Stamp Program. Bill was an expert in regard to the Food Stamp Program.

From the testimony received in these hearings, the committee formulated the principles that really guided our reform. The bill being debated today simply reflects those principles.

First, keep the Food Stamp Program, that was a tough fight, as a safety sunset so that food can be provided as a basic need while States are undergoing the transition to State-designated welfare programs.

Second, second principle, to harmonize welfare and the Food Stamp Program for families receiving benefits from both programs, not on a separate track. We streamlined that.

Third, take the Food Stamp Program off of automatic pilot. Started out 12 years ago at about $12 billion, went up to $27 billion and was ever increasing.

Fourth, able-bodied participants, able-bodied participants without dependents must work in private sector jobs.

Lastly, tighten controls on waste and abuse. Out of the $27 billion in the Food Stamp Program, estimated by the new Inspector General at the Department of Agriculture, anywhere from $3 billion to $5 billion is now going to fraud and abuse. So we are tightening those controls, and we curb the trafficking with increased penalties.

Now that is real reform. It is essentially the same bill that was approved by the House on December 21, last year, by a vote of 245 to 178. One significant exception, the food stamp funding cap is eliminated.

Now, that cap was eliminated as a concession to and at the request of the National Governors' Association, the Clinton administration, and the Secretary of Agriculture. We sat down and we worked with all of these folks. Food stamp reforms still include measures to control the cost of the Food Stamp Program, however.

The bill represents sound policy. The program is retained as a Federal safety net. States are allowed to harmonize their AFDC and Food Stamp programs. As I indicated, the food stamps are taken off of automatic pilot, except for the annual food benefit increases; able-bodied persons without dependents must work; and there are increased penalties for trafficking and fraud.

It is a good package. Through the reforms in this bill, the committee will meet its target under the 1997 budget resolution. But, first and foremost, we reform the program.

Last April, the Clinton administration submitted its welfare reform bill. There are many similarities between the two bills, since we adopted many of the USDA proposals and they in turn adopted many of ours. A review indicates that 55 percent of the provisions are identical; 72 percent are either identical or very similar—72 percent in agreement with the USDA and the Clinton administration. We worked hard to do that.

There are some differences. We take the Food Stamp Program off of automatic pilot for all but annual food increases. If needed, we can come back

in; we can appropriate the funds, and the administration bill does not.

We have a strong work requirement. We expect able-bodies persons, no dependents, between the ages of 18 and 50 to work or be in a training program after 4 months of food stamp benefits. The administration's work requirement, as far as I am concerned, is very weak. We allow States to operate work supplementation programs and the administration does not.

This program now provides benefits to an average of 27 million people each month at an annual cost of more than $26 billion. Everybody should agree that for the most part these benefits go to families in need of help and are used to buy food. There is no question in my mind that the Food Stamp Program helps poor people and those who have temporary fallen on hard times. However, there is also no question in my mind that the program is in need of real reform.

As I have indicated, this bill reflects the principle that the Food Stamp Program should remain a Federal program. States will be undergoing a transition to State-designed welfare programs. During this period, this Food Stamp Program will remain as a safety net and be able to provide food as a basic need. The program will remain at the Federal level and equal access to food for every American in need is still ensured.

Now, I mentioned we had taken the program off of automatic pilot except for the annual increases. The food stamp deductions are kept at the current levels instead of being adjusted automatically. Food stamp benefits will increase to reflect the increases in the cost of food. Food stamp spending will no longer grow out of control. Out of control: 1984, $12.4 billion, 232.4 million people participating; 1996, $26.4 billion, 27.5. Under this bill, 1997, $26 billion; by the year 2002, $30.4 billion. It increases, does not decrease.

It is a transition, but we stop that annual growth increase. If the economy goes down, food stamps went up. If the economy went up, food stamp spending went up and the participants went up.

The food stamp deductions, as I have indicated, are kept at the current levels, and as I have indicated, the spending will certainly no longer grow out of control. Oversight from the Committee on Agriculture is essential so that when reforms are needed, why, the committee will act.

I want to talk about the strong work program. Again, able-bodied persons between the ages of 18 and 50 years, no dependents, will be able to receive food stamps for 4 months. Eligibility will cease at the end of this period if they are not working at least 20 hours per week in a regular job. The rule will not apply to those who are in training programs such as approved by a Governor of a State.

A State may request a waiver of these rules if the unemployment rates are high or there is a lack of jobs in the area. Please remember that. We are not heartless. We just expect able-bodied people between 18 and 50 who have no one relying upon them to work at least half the time if they want to continue to receive the food stamps.

It is essential to begin to restore integrity to the program. Incidences of fraud and abuse and losses are steadily increasing. The public has lost confidence in the program. There are frequent reports in the press and on national television in regard to abuse. We held the hearing in the House Committee on Agriculture. The Inspector General of the Department, the new Inspector General, Roger Viadero, came down from the Department, showed on television the massive fraud in many food centers that were not food centers, they were trafficking centers for organized crime.

Abuse of the program usually occurs in three ways: Fraudulent receipt of benefits by recipients; street trafficking in food stamps by recipients; and trafficking offenses made by retail and wholesale grocers. We double the disqualification periods for food stamp participants who intentionally defraud the program. First offense, the period is changed to 1 year. Second offense, the disqualification period is changed to 2 years. And then if you are convicted of trafficking food stamps with a value over $500, adios, you are permanently disqualified.

As I have indicated, the trafficking by unethical wholesale and retail food stores is a serious problem, had it on tape, national television, sickened the American public, not fair to the recipient, not fair to the taxpayer. Also, benefits Congress appropriates for needy families are going to others who are making money from the program. Therefore, the bill limits the authorization period for stores and provides the Secretary of Agriculture with other means to ensure that only those stores abiding by the rules are authorized to accept food stamps. It is amazing that that was not changed before.

Finally, the bill includes a provision that all property used to traffic in food stamps and the proceeds traceable to any property used to traffic in food stamps will be subject to criminal forfeiture. They have to give it up.

This bill and the Committee on Agriculture's contribution to the bill, I think, represents good policy. We have kept the Food Stamp Program as a safety net for families in need of food. We have taken the program off of automatic pilot. We save $23 billion. Congress is back in control of spending on food stamps. States are provided with an option to harmonize food stamps with their new AFDC programs. We take steps to restore integrity to the Food Stamp Program by giving law enforcement and the Department additional means to curtail fraud and abuse. We encourage and facilitate the EBT programs. We begin a strong work program, again, so that able-bodied people, no dependents, between the ages of 18 and 50 years can receive food stamps for a limited amount of time without working.

This represents good food stamp policy and reform. I hope all Members will agree with me and support this bill.

Madam Chairman, I reserve the balance of my time.

Mr. SABO. Madam Chairman, how much time remains on both sides?

The CHAIRMAN. The gentleman from Minnesota [Mr. SABO] has 30 minutes remaining, and the gentleman from Kansas [Mr. ROBERTS] has 2¼ minutes remaining.

Mr. SABO. Madam Chairman, I yield myself 1 minute and 30 seconds.

Madam Chairman, as a State legislator in the 1970's, I regularly came to Washington to participate in meetings on welfare reform. It is something we have understood that needed to be done for many, many years, but there is a right way to do it and there is a wrong way to do it. Unfortunately, the majority Republican plan is one that does it the wrong way. It is weak on work and it punishes children.

Tomorrow we will have an opportunity to vote for a better alternative. The Castle-Tanner substitute, a genuine effort by some Democrats to work with some Members of the Republican side to develop a truly bipartisan plan. It is a plan that is fairer to children, tougher in requiring people to go to work, understands the diversity of this country, requires States to maintain their efforts, rather than allowing the States to pull billions of dollars out of the program, as the Republican plan does.

Madam Chairman, this country would be well-served if tomorrow a majority of this House in a bipartisan fashion would vote for the bipartisan substitute amendment that is going to be offered.

□ 2000

Mr. SABO. Madam Chairman, I ask unanimous consent that I be allowed to yield the remainder of my time to the gentleman from Texas, Mr. STENHOLM, and that Mr. STENHOLM have authority to yield to other Members.

The SPEAKER pro tempore (Ms. GREENE of Utah). Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. STENHOLM. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, it has been stated numerous times already tonight that the House now has a historic opportunity to move toward enactment of meaningful welfare reform legislation,

discouraging the cycle of dependency and moving welfare recipients into work. I could not agree more. But I believe the legislation I am supporting is the best way for the House to realize that opportunity.

There is a bipartisan welfare reform alternative that can be supported by a strong majority of members on both sides of the aisle and can be signed into law. That's how historic opportunities are realized.

My objections to the Majority bill come down to two simple concerns: I believe their proposal is weak on work and tough on kids. In my book, that's a bad equation that is fixed by the Castle-Tanner substitute.

This substitute achieves $53 billion in savings in welfare programs as required by the Majority-approved budget, while protecting children and providing States with the resources that CBO says they need to put welfare recipients to work.

Let me repeat. CBO says they need. How many times have we in this body heard unfunded Federal mandates. I would ask my friends on the other side of the aisle to take a good hard look at their language because CBO says it falls short regarding the very States we are attempting to work with. In fact, the Castle-Tanner substitute is the only proposal that has real work requirements that the Congressional Budget Office says States will be able to implement to move welfare recipients to work.

Madam Chairman, over the last two years, I have solicited the views of welfare providers, recipients, and local citizens in my district on what Congress should do to allow local communities to implement effective welfare reform. The citizens in my district expressed a very strong desire for local flexibility and adequate funding to design a workable welfare delivery system that would more efficiently and effectively move welfare recipients from welfare to work.

I am proud of the work performed by my constituents. They invested their time and energy, they engaged in dialogue with individuals of a different perspective, they developed common goals, and they promoted concrete suggestions for improvements. They did the work I asked of them and now it's my turn to do my part here in Washington. That is precisely how I ended up one of the strongest supporters of the Castle-Tanner substitute. It is the only welfare reform alternative that provides local communities with the support they need to move welfare recipients to work.

The welfare reform bill proposed by the majority falls well short of giving state and local governments that flexibility or the resources they need to implement welfare reform proposals. The National Governors Association adopted a resolution yesterday expressing "concerns about restrictions on states flexibility and unfunded costs" in the work requirements of H.R. 3734." That is the Governors' Association. The Republican bill rejects the NGA recommendations for state flexibility in developing work programs appropriate for local communities and does not provide any additional funds for states to meet the increased work requirements.

CBO has estimated that the Republican bill would fall $12.9 billion short of the funding for work programs necessary to meet the work requirements in the bill, and $800 million short of the costs of providing child care assistance to individuals required to work. The CBO report accompanying the Republican bill states:

> CBO * * * concludes that most states would fail to meet these [work] requirements * * * most states would simply accept the penalties rather than implement the requirements.

That is CBO. The same CBO we talk about day in and days out that we need to pay attention to. The Castle-Tanner substitute ensures that states would be able to meet the work requirements in the bill by providing $3 billion in additional mandatory funds that states can access in order to meet the costs of moving welfare recipients to work. In addition, Castle-Tanner adopts the recommendations of the National Governors Association regarding state flexibility in meeting work requirements.

Rhetoric about tough work requirements is either an empty promise or the greatest unfunded mandate Congress ever imposed if it is not backed up with funding for states and local governments to meet the work requirements. Welfare reform will fail to meet the goal of ending the cycle of dependency and moving welfare recipients to work if states do not have sufficient resources to operate work programs. As the CBO report makes abundantly clear, the work requirements in H.R. 3734 are illusory because states will not be able to implement them. If you support breaking the cycle of dependency and actually moving welfare recipients into work instead of just talking about it, vote for the Castle-Tanner substitute.

The Castle-Tanner substitute proves that it is possible to dramatically reform the welfare system in this country without harming children, while still achieving substantial budgetary savings.

As we said, we do have an historic opportunity to reform our failed welfare system. We cannot afford to waste this opportunity. The House can take a tremendous step toward ending the political gridlock and finding a bipartisan solution to the problems of our welfare system by passing the Castle-Tanner bill tomorrow. I urge my colleagues to vote for the bipartisan Castle-Tanner substitute.

Madam Chairman, I reserve the balance of my time.

Mr. ROBERTS. Madam Chairman, I yield 1 minute to the gentlewoman from Florida [Mrs. FOWLER].

Mrs. FOWLER. Madam Chairman, I have a few questions for the defenders of the present welfare system.

Is there compassion in a system run by Washington bureaucrats?

Is there compassion in a system that encourages illegitimacy and undermines traditional values like work and family?

Is it compassionate for generation after generation to be trapped in dependency and despair?

The answer is: No. Compassion is not measured by dollar signs. For thirty years, we have poured trillions of dollars into a system that does not work. It destroys families: devastates women; and crushes the hopes and dreams of children. There is nothing compassionate about our current welfare system.

The bill we are considering today replaces Washington bureaucrats with caring social workers at the State and local level. It gives States flexibility to develop their own solutions for helping the needy. It provides child care for welfare mothers who want to work. It rewards work while retaining a safety net for those who fall on hard times, and it provides for comprehensive child support enforcement.

I strongly encourage my colleagues to support this measure, because I believe it will save lives, restore hope, and help those who want to experience the American dream.

Mr. ROBERTS. Madam Chairman, I yield the remainder of my time to the gentlewoman from Kansas [Mrs. MEYERS], the distinguished chairman of the Committee on Small Business, the original author of welfare reform, and I ask unanimous consent that she be authorized to yield additional time to other Members.

Mr. CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. STENHOLM. Madam Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. PAYNE].

Mr. PAYNE of Virginia. Madam Chairman, I thank my colleague from Texas for yielding me this time.

Madam Chairman, Republicans and Democrats all agree that the current welfare system does not work. Instead of requiring work, it punishes those who go to work; instead of instilling personal responsibility, it encourages dependence on the Government; and instead of encouraging marriage and family stability, it penalizes two-parent families and rewards teenage pregnancies. We all agree that welfare must be dramatically reformed, and that welfare should only offer transitional assistance leading to work, not a way

of life. Real welfare reform must be about replacing a welfare check with a paycheck. Tomorrow we will have two choices before us, the Republican welfare bill, and the Castle-Tanner bipartisan substitute. The bipartisan bill is the bill that will ensure that welfare reform really works.

The bipartisan bill gets people into the workforce as quickly as possible, while providing money for work requirements to be effective. It includes the provisions that are necessary to make transition to work a reality and not just rhetoric. The Castle-Tanner bipartisan bill provides $3 billion in supplemental funds for states to meet the costs of work programs for welfare recipients. This is money in the bank, not just an authorization backed by a hope that someday we might actually find this money.

The bipartisan bill requires individual responsibility, by requiring welfare recipients to sign a contract with their State which outlines the individual's responsibility to move to private sector employment.

The Castle-Tanner bill requires community responsibility as well, by requiring the States to certify that local governments have been involved in developing the State plan, and that no unfunded mandates to local government will result from its implementation.

The Castle-Tanner bipartisan bill provides real welfare reform that really works. I urge my colleagues to support it tomorrow.

Mrs. MEYERS of Kansas. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I rise in strong support of this legislation to reform welfare. Let me talk for a minute about what this bill is based on and why I think it takes us in the right direction to achieve really meaningful welfare reform.

First of all, we need to admit that Washington does not have all the answers. We have tried that. During most of the 30 years the answer to every problem and the meaning of every reform by Congress was to create another Federal program and today we have literally hundreds of Federal programs intended to help people of limited incomes with separate regulations, separate applications, separate eligibility rules, and separate reporting.

In this bill we return power and flexibility to the States to create welfare systems that work best in their States. What works best in Kansas will not be identical to what works best in New York. This bill recognizes that. At the same time as we give States flexibility, we hold them accountable in the two most important areas for reducing welfare dependency, increasing work and reducing out-of-wedlock births.

Let me just say that some people have tried to claim that our emphasis on reducing out-of-wedlock births puts the blame only on the mothers. That is not true.

This bill has very strong paternity establishment and child support enforcement provisions, provisions that are long overdue. Fathers must and will be held accountable. But it is also true that we must stop sending conflicting signals.

I have met in my district with young women on welfare. We are not serving these young women well. We say that they should stay in school and not have a child until they are married and have a degree. Then we turn around and offer them money if they do exactly the opposite. We all know which part of that message a lot of young women hear.

I am pleased that in this bill reducing out-of-wedlock births is recognized as an important and essential part of reducing welfare dependence. I am pleased that the Subcommittee on Procurement, Exports, and Business Opportunities has helped to craft the very strong work requirements in this bill, and I hope that we do not hear any claim in this debate that this bill is weak on work. Any such claim is simply untrue.

The bill calls for more people in work than any other proposal that has been offered this year, including the President's, and under this bill the emphasis is on real work. It is clear from experience and studies that the best way to move from dependence to independence through work is to get work experience, a real job, and that is the emphasis of this bill.

I am also pleased that the Subcommittee on Procurement, Exports, and Business Opportunities portion of the bill makes major critical reforms in Federal support for child care. We address the current maze of child care programs. We have multiple child care programs and each one has its own eligibility rules. Under this bill there would be a single child care program so that our expenditures for child care can be an important help rather than an obstacle to independence from welfare.

We increase the amount of money for child care. That is the second false claim I hope we do not hear in this debate, that the bill is short on child care. We have $4.5 billion more than the current law and almost $2 billion more in guaranteed money for child care than does the President's plan.

□ 2015

So I hope we do not hear any claims from the other side that the bill is short on child care. Let me talk about two other parts of the bill that were reported by the Committee on Economic and Educational Opportunities. One is the child protection block grant. Child abuse is a terrible problem in this country. Despite the fact that there have been a lot of programs set up at the Federal level, our efforts at preventing child abuse have not been very effective in large part because it is made up of numerous small disparate single-purpose grant programs. The bill consolidates six of those programs into a block grant with increased funding.

In addition, instead of keeping most of the money in Washington, the bill sends most of the money to the States, which, of course, are the ones who actually deal with the problems of broken families and broken homes.

Finally, let me address the child nutrition area. We make no changes in reimbursements for school lunches or breakfasts. Our bill saves money in the child nutrition area, primarily by means testing the family day care food program. This is currently the only child nutrition program which is not income tested, meaning that we currently pay the same full subsidy to buy lunches and breakfasts for children of millionaires as we do for the children of the poorest families. This is long overdue reform that is included in this legislation.

Madam Chairman, no issue is more important for us to address than is welfare reform. That is why we are determined to give the American people welfare reform despite President Clinton's vetoes of our earlier bills. He has no more excuses to oppose welfare reform. I urge my colleagues to support this legislation, and I urge the President to sign welfare reform so that we can at long last begin to fill a well-intentioned but too often destructive system.

Madam Chairman, I reserve the balance of my time.

Mr. STENHOLM. Madam Chairman, I yield 3 minutes to the gentleman from Maryland [Mr. WYNN].

Mr. WYNN. Madam Chairman, I thank the gentleman from Texas for yielding me the time.

I agree, the current welfare system does not work. It should be changed. As a result of the current welfare system, its recipients have lost self-respect. We have a created a system of dependency and put welfare recipients outside the mainstream of American society. If all we were talking about was putting able-bodies people to work and solving food stamp fraud, we would not have much of a debate.

The fact is today that the Republican bill is seriously flawed. It lacks compassion. It hurts children. And it reflects a continued pattern of extremism.

Let us talk about the children. Children are going to be harmed by this bill because it makes no provision for the reality that, when benefits run out or their parents are put out of the program, these children still have to eat. There are no vouchers. I am here today to support the Tanner-Castle alternative because I believe it does contain

compassion in that it provides for these circumstances by requiring States to offer vouchers when benefits run out so that children are not harmed.

Let me be blunt. I do not believe we should target legal immigrants, but I am pressed with the Tanner-Castle bill, Tanner-Castle amendment, excuse me, because it addresses the concerns of immigrant children. Under the Republican plan, 300,000 immigrant children will be hurt. They will starve because they will be denied food assistance. This problem is corrected under the Tanner-Castle alternative. Those children will be able to get food assistance under that program. Disabled immigrant children will also be able to get assistance under the Tanner-Castle substitute.

Also under the Republican plan, 1.2 million women and children will lose Medicaid coverage as they transition from welfare to work. This problem is also corrected by the Tanner-Castle proposal, which extends Medicaid benefits during this transition period.

The Republican plan is flawed on a second count. It provides inadequate work programs. There is no support for work, only a lot of rhetoric. The CBO, their favorite source, says that the bill is $12 billion short of what is needed for work requirements. This creates a large unfunded mandate, something they also say they abhor because States will have to bear the burden. Tanner-Castle again responds to this concern by being the only bill that provides additional funds to States so that they can implement work requirements. That is why we say the Republicans are weak on work.

The Republicans also are inadequate in child care. Again CBO says they are $800 million short of the child care assistance necessary to provide for real transition to work.

The problem is they are not serious about putting people to work. The Tanner-Castle substitute on the alternative provides sufficient child care assistance, an additional $2 billion for child care assistance to ensure that people who want to go to work and have children can do so.

CBO concludes that under the Republican bill, rather, States would fail to meet their work requirements.

Reject false welfare reform. Adopt a realistic and sound alternative.

Mrs. MEYERS of Kansas. Madam Chairman, I yield 4 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Madam Chairman, many have spoken about the destruction of the welfare system. I think Republicans and Democrats alike can view this as not destruction but the rebirth of a failed system. Ninety percent of the American people believe that the current system has failed, and we need to work on it.

Republicans do not have a key on the welfare system plan. We produced in the House of Representatives a bipartisan plan. It passed this House. In the Senate, Senator Dole worked and passed a bipartisan welfare plan. They did that twice, bipartisan. And both times the President vetoed it.

Then the Governors of this great country all got together. They said that if Congress cannot do it, let us have the Governors, that have got the direct responsibility in their States to take care of it, produce a plan. And they did so. In a bipartisan manner, Republican and Democrat Governors worked together, produced a plan and the President would still not sign that plan. Even today, the Governors are working, again, to come up with a plan.

I would say that I used to teach in Hinsdale. We had three great schools: Hinsdale, Evanston, and Newtrier. Just a few miles away there are miles and miles of Federal housing. I would say to my colleagues, those children do not carry books. They carry guns. Their ideologues and their role models are pimps and drug dealers. What chance, what opportunity, what portion or even the pursuit of happiness do those children have? next to none.

The pregnancy rate, I rode on an airplane with an African-American. And he told me, he said, "DUKE, our neighborhoods used to be proud neighborhoods. We had industry next to us. The people had jobs. They took pride in those neighborhoods, whether it was Harlem, whether it was Chicago, whether it was any of our major great cities." The welfare system, people started not working. Then what you had was a follow-on of generation and generation, where the person did not work and did not take the responsibility.

Pretty soon the businesses started moving out of those communities. So I think the biggest welfare reform is reestablishing, like Jack Kemp, one idea of the enterprise zones to bring the businesses back into the inner cities so that we can have those jobs for people to work. We can work on that together. The substitute, there is no reason why we cannot come together. I think we have a good bill. But education is another one.

Let me tell my colleagues in California how welfare and education and a lot of different things have been hindered. I have almost 800,000 illegals, K through 12; 800,000. Take just 400,000, half of that. At $5,000 a child, that is $2 billion a year. Take 7 years. What we could not do with our school systems. I truly believe that education has a vital role in keeping people off of welfare. If you do not believe that, I think you are on the wrong tree.

Over half of the children born in Los Angeles are to illegals. Take the School Lunch Program that you fight for. My priority is the American citizen and the American children. The School Lunch Program at half the number we actually have, take two meals, not three at $1.90, that is $1.2 million a day for illegals keeping us from welfare reform in California.

We want the State to have the flexibility and we think that this reform bill is gentle to children and a rebirth.

Mr. STENHOLM. Madam Chairman, I yield 4 minutes to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Madam Chairman, we have a rare opportunity in this Congress, an opportunity to support a bill that is both bipartisan and bicameral. We must and we will have welfare reform. The question is, how will we have welfare reform?

But the bill the majority is putting forth, H.R. 3734, does not provide the kind of constructive changes found in the Castle-Tanner alternative that we will also consider. We need reform that makes a difference. We do not need reform that merely is different but makes a difference in lives.

Reform means improving, making better, perfecting. Reform of our welfare system should reflect our most basic values: the importance of work, the responsibility of parents to care and provide for their children, and nurturing the hope of a better life in their communities, both for their children and their parents.

That is why I believe Castle-Tanner is much preferred over H.R. 3734. Castle-Tanner gives us real reform and it also gives compassion.

For example, Castle-Tanner provides real protection for children.

If a family that has been on welfare for less than 5 years is removed by the State, Castle-Tanner requires that the State provide vouchers for the needs of the children of that family.

And, if a family that has been on welfare for more than 5 years is removed by the State, Castle-Tanner gives that State the option of also providing vouchers for the needs of the children of that family.

Castle-Tanner protects children.

If a family loses Medicaid coverage because of a time limit, Castle-Tanner makes provision for continued Medicaid coverage.

And, while I believe the immigration provisions of Castle-Tanner need to be strengthened, I am encouraged that Castle-Tanner exempts immigrant children from food stamp and SSI bans and provides food assistance to thousands of immigrant children who would otherwise be denied under H.R. 3734.

In addition, Castle-Tanner makes clear that States must allow for appeals, with full due process protections, when individuals are denied welfare assistance.

And, the Secretary of Health and Human Services is given the power to enforce the appeal protections.

Castle-Tanner also protects children who are exposed by block grant funding when there is an economic downturn. This is done with the establishment of an uncapped contingency fund that States can use when there is a national or a severe regional recession.

More importantly, Castle-Tanner preserves the national food stamp safety net and rejects the optional food stamp block grant contained in H.R. 3734.

In addition, Castle-Tanner contains provisions that will give a realistic opportunity of welfare participants moving from welfare to work.

Castle-Tanner provides $3 billion in additional and mandatory funding that States can make use of in ensuring an effective transition from welfare to work.

And, Castle-Tanner contains sufficient funding for child care, a vital component if we truly expect mothers with dependent children to be able to go to work without jeopardizing the interests of the child.

There are many other strong points in Castle-Tanner when compared to H.R. 3734, such as the 85 percent mandatory State commitment level rather than 75 percent; the requirement that the Secretary of HHS must approve State plans, thereby ensuring a single standard; and the requirement that State plans do not impose unfunded mandates on local governments.

Castle-Tanner has support among Democrats and Republicans in the House and in the Senate.

We do need to discontinue our current system of welfare. But, we do not need to abandon our children. Castle-Tanner will give us change that improves the lives of all Americans, not just change that enriches the lives of some. The savings in the Castle-Tanner alternative meet the mandate of the budget resolution.

I urge all of my colleagues to support welfare reform that works, welfare reform that protects the children, welfare reform that gives us a better system.

Support Castle-Tanner. It will make a difference.

□ 2030

Mrs. MEYERS of Kansas. Madam chairman, I yield 2 minutes to the gentleman from Texas [Mr. SMITH].

Mr. SMITH of Texas. Madam Chairman, I thank my friend from Kansas, Mrs. MEYERS, for yielding this time to me.

I would like to offer my strong support for H.R. 3734, the Personal Responsibility Act. Welfare hurts people. It hurts those who receive it by creating a culture of dependency that crimps people's desire to benefit themselves and improve their own lives.

American taxpayers are willing to help those who need it. But we have grown increasingly tired of footing the bill for those who will not help themselves.

Perhaps the most fundamental requirement of America's immigration policy is that immigrants be self-reliant, not dependent on the American taxpayers for support. Since 1882, for over 100 years, those who are likely to become public charges or participate in the welfare system have been inadmissible to our country. Since 1917 noncitizens who become public charges after they enter the United States have, in fact, been subject to deportation.

Many immigrants come to America for economic opportunity. In fact, most of them do. However, others come to live off the American taxpayer. Noncitizen welfare recipients of supplemental security income have increased 580 percent over the last 12 years. When all the major welfare programs are added together, studies show that immigrants receive $26 billion each year in welfare assistance.

Now, should not those funds rather be going to needy American citizens?

This bill complements the House immigration reform bill, H.R. 2202, which passed the House by a vote of 333 to 87. H.R. 2202 prevents illegal aliens from receiving public benefits, enforces the public charge exclusion and deportation provisions of current law and encourages immigrant sponsors to fulfill their financial obligations.

It is critical for Congress to send both H.R. 3424 and H.R. 2202 to the President this year. The American people are depending on us to reform America's welfare and immigration policies.

President Clinton, after promising to end welfare as we know it, has twice this year vetoed proposals to do just that. Let us hope the administration will finally keep its promise to the American people and sign this bill.

Mrs. MEYERS of Kansas. Madam Chairman, I yield 3 minutes to the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Madam Chairman, I thank the gentlewoman from Kansas for yielding this time to me, and I thank those that said nice things about the bill I presented, I have sponsored with the distinguished gentleman from Tennessee [Mr. TANNER], and I support both the Castle-Tanner proposal and the Republican welfare reform proposals, and I will speak probably of the Castle-Tanner more tomorrow.

But I would like to share with my colleagues my strong beliefs in the need to improve welfare, but also what I believe is tremendous hope and opportunity for people in America.

Now, I learned this from practical experience. When I was fortunate enough to be Governor of Delaware, I worked with the Governor of Arkansas at that time in 1988 with the Governors, heading up a group to work on welfare reform, and that was Bill Clinton, and from that came the Family Support Act. And I got into it, jumped in with both feet, and I said we are going to do this in Delaware, and we did something not many States had done at that time. We wrote letters to people in which we said, "If you're going to continue to receive welfare, you're going to have to come to our classes," and I shuddered a little bit at some of those reactions, and I went to the first class after about 4 or 5 weeks. It was 18 women and 1 man, as a matter of fact, and I remember it vividly. But I was stunned by the fact that virtually everyone I spoke to, I think everyone I spoke to that day, said very positive things about the fact that we have given them opportunity. I expected them to be very upset and disconcerted by the fact that we had said that they would have to work.

And I found from that and then from going back to graduations and then from talking to many of these people who I saw on the street thereafter that this truly was opportunity for them. It truly lifted their self-esteem, it truly gave them family pride because their kids realize that they were given that opportunity, and they could go forward.

And I think it has made a difference in Delaware. About a third of the individuals in Delaware have now been able to go to work in some way or another.

I have a letter here today from a lady in Bridgeville, DE, and I am not going to read the whole thing. It might seem a little bit self-serving, but she said: "In 1992 I found myself on food stamps and thrust into your First Step program." She did not like it, I guess at that time.

When I graduated from First Step, I found myself on the stage with you at Del Tech, each giving our speech. To me it was perhaps the turning point in my life. Because of your faith in me and in humanity, I found myself enrolled in Delaware State University. I was fortunate to participate in several of the welfare reform panels, and that led to a most wonderful woman who saw my picture in the paper and who was my benefactor for books and school supplies for my college education.

An unusual story, but a story of an individual who is able to be educated and is now out in the workplace and is supporting her family. And this has happened on many occasions. It is not going to happen on every occasion. But our welfare reform bills, the ones we have before us, give that opportunity, and they tell people that they are going to go out and they are going to get a job, and I would just tell those who are concerned about this being draconian and hardhearted that I think it does provide a lot of opportunity.

On the other hand, these bills are not easy. We are going to change welfare. We are going to change it as we know it today. We are going to limit benefits for certain able-bodied adults to 2 years of assistance without work, and we are going to limit their lifetime benefits to a maximum of 5 years. People need to understand there is going to be change. But let me just make it

clear that in both of these bills about 20 percent of those people would be accepted.

There are many other good aspects to it, but I would encourage all of us to consider welfare reform. It is in the best interests of this country.

Mr. STENHOLM. Madam Chairman, I yield 5 minutes to the gentleman from Tennessee [Mr. TANNER], the other half of the Castle-Tanner team.

Mr. TANNER. Madam Chairman, I thank the gentleman from Texas, and I want to publicly thank the gentleman from Delaware [Mr. CASTLE]. We have worked very had on the so-called Castle-Tanner bill. It is the only bipartisan, actually bicameral, bill that we have before the 104th Congress. This bill has been introduced specifically and in the same wording that we have in our bill in the Senate by Senator BIDEN and Senator SPECTER.

I want to compliment the Republicans for moving off of H.R. 4. The gentleman from Delaware [Mr. CASTLE] spoke to that. I am not yet ready to make that leap, but I want to commend some movement and some willingness to work on the part of the Republican majority, but I want to spend most of my time talking about what I think the Castle-Tanner bill is a better bill for the country and for the people that are both paying for the welfare system and those who are trapped or otherwise a part of it tonight. I want to speak more tomorrow about the differences, but let me just say this: Any system that we try to do in the Castle-Tanner bill is in some respects very much like the Republican bill. We are time limited, we give the States flexibility, we are interested in work, we require work and so forth, as the gentleman from Delaware suggested in his remarks. But there are three or four things that we do that we think will make it work better, and CBO happens to agree with us.

We have a stronger maintenance-of-effort factor in the Castle-Tanner bill. This is important because welfare reform must truly be, in our opinion, a Federal-State partnership, and we do not want to, it seems to me, give the States money and they do not match it and make welfare more a Federal program than it perhaps already is in the minds of some.

The other thing we do has to do with children. We restrict the transferability of these block grant funds that go to the States so that they must be used for child care. After all, if anybody gets unintentionally hurt by our best intentioned efforts to reform the welfare system and demand that able-bodied adults work, it is going to be children who have no other opportunity, who have no other means to support themselves than they came into the world and happen to be born to what some might consider deadbeat parents. This is our main concern, and Castle-Tanner, I think if my colleagues carefully read it, does a better job, even though the Republicans are trying to do better, a better job of trying to put that safety net in society for people who otherwise have no recourse and no opportunity or ability to help themselves.

Another area about the children is in the area of vouchers. The Republican bill, unfortunately, prohibits Federal involvement for vouchers for children whose parents have been cut off because they refuse to work or otherwise are not cooperating, refuses or prohibits using Federal money for vouchers after the 5-year cutoff time.

Now, I understood at the outset that we were trying to give the States flexibility, that we were trying to give to the States a block grant for them to fashion programs that were better than this one-size-fits-all Federal program, and so we do that, and yet then we say, "But, by the way, you cannot use Federal money to help kids after 5 years." I do not understand the logic of that proposal, but maybe we can continue to work on that. I hope so.

And bottom line: I think we have a historic opportunity in this 104th Congress. I think we have an opportunity to change the system so that people are, as the gentleman from Delaware said, better off then they are now.

This system is broken, everybody knows it, nobody defends status quo, and we are trying to change it. If we could move the Castle-Tanner bill, if we could move toward it just a little bit more, I think we could get a bill that the President would sign and actually become law. That, I think, is the bottom line.

Let us quit throwing brickbats at each other and trying to threaten vetoes or not threatening vetoes or we are going to make this political statement, and try to come together as we have tried to do with 16 Democrats and 16 Republicans to seek an American solution to an American problem. I believe that is what our people that sent us here would like to see happen, and I think we have a chance to do that if we can continue to tweak this thing and work together.

I believe we have a historic opportunity.

Mrs. MEYERS of Kansas. Madam Chairman, I yield 3 minutes to the gentleman from Missouri [Mr. TALENT].

Mr. TALENT. Madam Chairman, I thank the gentlewoman for yielding this time to me, and I want to speak in the same vein as my friend, the last speaker, the gentleman from Tennessee [Mr. TANNER]. I agree with one thing he said, certainly that we have a historic opportunity in this Congress, disagree with another thing he said, that nobody here is defending the existing system. I think that there are a lot of Members who quite sincerely are giving ground inch by inch, if at all, fighting furiously almost like a covered retreat to try and save as much of the system as they can, and I thought it would be useful to take a look at the system that we have created in this country over the last 30 years.

Madam Chairman, in the immediate postwar era, poverty in this country was 30 percent. It declined pretty steadily until it reached 15 percent in 1965 when the Federal Government declared war on poverty. In the last 30 years we have spent $5 trillion on means-tested entitlement programs, and the poverty rate is 15 percent.

Poverty has stayed the same. It is more intractable now, it is more ugly now, but it has not gone down. What we have gotten instead is a 6-fold increase in illegitimacy, an illegitimacy rate of 32 percent compared with about 6 to 7 percent in 1965. That is the kind of system that we have now and that we need to change.

As my colleagues know, I could talk about statistics, about what that means for kids, about how much more likely they are to go to prison or to be on drugs. But I would rather talk about a story, the story of Eric Morris, a 5-year-old boy who was raised in a Chicago housing project. He was a good boy, had an older brother named Derrick. He refused to shoplift for kids who wanted him to steal candy, and so these older kids, these 10- and 11-year-old kids, lured him to a room in the 14th floor of that public housing project, dangled him out the window, and when his brother tried to help him, they fought his brother and they dropped him deliberately and killed him. And Eric died.

Madam Chairman, Eric Morris did not need the system that we have given him. He did not need individual employment plans. He did not need subsidized day care. He did not need counseling. He did not need all the other 78 programs that we are fighting over today.

□ 2045

He needed a dad. That is what Eric Morse needed. That is what the other kids in his housing project needed. What our system has done is taken away the dads from these kids and given them government instead. Senator MOYNIHAN said 30 years ago that a society that does that asks for and gets chaos.

It is time, and I agree with the gentleman from Tennessee [Mr. TANNER], to stop fighting, to stop engaging in politics, to stop defending this system, to change it, this system that is destroying the kids and the families and the neighborhoods of America. That is what this bill is designed to do. Let us pass it. Let us send it to the President. Let us urge him to sign it. Let us make sure there are no more Eric Morses.

Mrs. VUCANOVICH. Madam Chairman. I yield 2 minutes and 30 seconds

to the gentleman from Arkansas [Mr. HUTCHINSON].

Mr. HUTCHINSON. Madam Chairman, I thank the gentlewoman for yielding time to me.

Madam Chairman, I rise in strong support of the Republican welfare reform plan. Some on the other side have complained that the work requirements contained in the Republican plan are too strong, and the States will not be able to meet them. What are those work requirements? It would require over a period of years, over the next 6 years, to have 50 percent of the caseload working. I suggest if we tell the American people that those standards are too tough, they will find that statement laughable. Most people say, why should it not even be tougher? Why only 50 percent?

One provision in the GOP welfare plan that I think is very good is the ability of the Governors to count the net reduction of the caseload toward their participation rates. In other words, if a State has 40,000 on welfare one year and they drop that caseload to 30,000 the next year, those 10,000 cases they have reduced on their welfare rolls can be counted towards their work participation rate. That is our goal, to see a net reduction, to see people permanently leaving the welfare rolls.

One of my concerns about the Castle-Tanner substitute, which I assume will be offered tomorrow, is that their approach would gut the idea of a net reduction in the caseload. They would allow the Governors to count routine caseload turnover toward the work participation rates, so any AFDC recipient who obtained work for a period of 6 months after leaving the rolls could be counted toward the participation requirement.

This would make the work requirements virtually a sham. There is always, there is always a regular turnover in AFDC caseload. Hundreds of thousands of recipients obtain jobs and leave AFDC every year, and an equal number, almost an equal number, enroll on our caseload every year.

By claiming credit for individuals who obtained a job and left AFDC, a Governor would automatically meet at least 10 percent of the participation requirement without in any way altering the existing welfare system. Nearly all States would be able to meet their requirements for the first and second years without the least change in the status quo.

I do not believe that is what the American people want. I do not believe the American people want a welfare reform system that says it is not really reform, it is just more of the status quo when it comes to work.

We have success in the drug war, not when we get people off drugs, but when we keep young people from ever getting on drugs. It is the same way in welfare reform. The greatest success is not just in turnover, getting them off and having them come back on. The greatest success in welfare is when we dissuade people from ever getting on welfare. That comes from real work requirements.

The President said: Give me a bill with real work requirements, tough work requirements that is good for children, and I will support it. We have such a bill. Let us pass this tomorrow. Let us not take a substitute.

Mr. STENHOLM. Madam Chairman, I yield 4 minutes to the gentlewoman from Florida [Mrs. THURMAN].

Mrs. THURMAN. Madam Chairman, I thank the gentleman from Texas for yielding me this time.

Madam Chairman, I honestly believe that tomorrow this is going to be one of the most important votes we take in this Congress, and maybe for some of us, in our careers. I think welfare changes make no sense if we deform, rather than reform, the current system. The only bill this House will have the opportunity to debate that actually reforms the system is the bipartisan Castle-Tanner bill.

Reforming welfare means assessing the policy impact of a proposal and considering what these changes will mean for real people, like our Nation's children. The best way for us to deform the system is to say you want to cut $60 billion, and then start cutting the vital programs that form our social safety net without any concern for who gets hurt. This is the key difference between Castle-Tanner and the majority's bill. In the Castle-Tanner bill, we worried about people. We made certain that innocent children would not be hurt. The majority worried about numbers and only numbers.

For example, when I raised the issue in the Committee on Agriculture about the leadership's freeze on the vehicle allowance for welfare recipients, something, by the way, that all States have asked for in their waivers, Members from the other side of the aisle seemed surprised and somewhat discouraged that this was in the bill. But they told me they could not do anything about it, because the freeze helped them reach their arbitrary budget target. The ability of welfare recipients to actually have transportation to get to work did not matter.

Let me remind many people here there are a lot of places that do not have mass transit or buses. What mattered, again, was how much money could be saved by ignoring this problem. Similarly, the majority's bill retains the excess shelter deduction cap which clearly disadvantages families with children who have high utility costs or high rent costs. Kicking children out of their homes may save some money, but you cannot call it responsible public policy.

Worst of all, among the food stamp programs in the majority's bill is the optional block grant. These poorly funded block grants will force children to lose their access to the food necessary to keep them healthy and alive. If we had allowed these block grants in 1990, 8.3 million children would not have received decent nutrition. Castle-Tanner rejects block grants, but it still retains the same language for fraud and abuse.

The bottom line is not only how much money we save but how many people we successfully move from welfare to work. In Castle-Tanner we guarantee a strong nutritional safety net for families and children while successfully getting people into the job market.

Madam Chairman, we care about reform and we care about families. By the way, we also save $53 billion. Support Castle-Tanner. It is responsible welfare reform.

Mrs. VUCANOVICH. Madam Chairman, I yield 2 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Madam Chairman, I rise in support of H.R. 3734, budget reconciliation legislation that contains a comprehensive welfare reform package.

Last April, I supported the initial House version of welfare reform legislation with some reservations. I was very pleased to see subsequently that the conference committee report on H.R. 4 last November included many significant improvements from the Senate-passed bill, which have properly been retained in the legislation before us now.

There should be no question that we must enact strong welfare reform legislation this year. The American people are demanding that we restore the notion of "individual responsibility and self-reliance" to a system that has run amok over the past 20 years.

Above all else, I want to stress my goal has always been to require self-reliance and responsibility, while ensuring that innocent children do not go hungry and homeless as a result of any Federal action—this bill meets that test, too.

Block grants can work as long as we establish maintenance of effort standards where the safety net and food stamps are protected. Block grants must not become a blank check for the Governors while still gaining the benefits of flexibility at the State level.

First, this bill requires welfare recipients to work—a big step in the right direction.

Second, this bill places times limits on welfare benefits—no longer will people be allowed to live their lives on welfare.

Third, this bill keeps the family cap in place, which means that mothers on welfare don't get extra cash benefits for having babies.

In other words, the United States will no longer be the only nation in the western world that pays young girls to have babies.

New Jersey already has this policy in place, and I am pleased to see that H.R. 3734 retains this worthwhile reform—I should mention that the New Jersey family-cap law was sponsored by a Democratic State legislator, and gained strong bi-partisan support and was ultimately signed into law by a Democratic Governor.

Fourth, they bill has a strong and effective child support enforcement reform title, which is something that I have worked on here in Congress for more than 10 years.

As I have long maintained, strong child support enforcement reforms must be an essential component of any true welfare reform plan, because improved child support enforcement is welfare prevention: One of primary reasons that so many mothers with children land on welfare rolls is that they are not receiving the child support payments they are legally and morally owed.

Failure to pay court-ordered child support is not a victimless crime. The children going with these payments are the first victims. But, the taxpayers who have to pick up the tab for deadbeat parents evading their obligations are the ultimate victims.

The core of these child support enforcement reforms is the absolute requirement for interstate enforcement of child support, because the current, State-based system is only as good as its weakest link.

Specifically, I want to note that the Roukema amendment on license revocation, which the House overwhelmingly approved last April, 426 to 5, has been included in this bill. It requires States to implement a license revocation program for deadbeat parents who have driver's licenses, professional licenses, occupational licenses, or recreational licenses.

This reform has worked very well in 19 States—the State of Maine, in particular, has been a leader—that already have it in place, and if license revocation is implemented nationwide I am convinced it will work even more successfully.

Later tonight, I will ask the Rules Committee to include a second child support enforcement proposal—a requirement that States enact criminal penalties of their own design for willful nonsupport of children—as part of the manager's amendment to H.R. 3734. I hope that the Rules Committee will do the right thing, and include this tough reform in the legislation we will vote on tomorrow.

Fifth, I believe that the legislation's reforms for nutrition programs represents significant progress in maintaining the safety net for those in our society who are unable to provide for themselves.

During both Opportunities Committee markup and floor debate on welfare reform last year, I repeatedly attempted to protect the current safety net for school lunches so that, during times of recession, when more families move toward or beyond the poverty level and become eligible to participate in the school lunch program, additional money would be available to provide nutrition services.

Thankfully, the Senate saved the House from itself with its decision to preserve the current Federal safety net for school lunches, and H.R. 3734 follows the Senate position on this issue, which I wholeheartedly support.

I have always preferred to see the school lunch program completely maintained at the Federal level, and this legislation correctly does just that!

I am also extremely pleased that the welfare reform package before us does not block grant nutrition services for WIC, the nutrition program serving low-income, postpartum women with children and infants.

Finally, I am gratified to see that this bill incorporates a "Rainy Day Fund" for those States that suffer a recession or economic downturn.

Last year, I repeatedly advocated that this kind of provision be included in any kind of welfare reform package that contains block grants in order to ensure that those who truly depend on our safety net programs can continue to rely on them during times of economic distress.

Earlier this spring, the National Governors Association called upon the Congress to put $2 billion of funding into the "Rainy Day Fund", and this legislation meets the goal—I enthusiastically support this provision.

We have been so close to passing meaningful welfare reform for so long. Let us today finally move that process forward one more step by passing this comprehensive welfare reform bill.

This is the bill. This is the time. The people of America should not have to wait any longer. I urge my colleagues to join me in supporting this important package.

Mrs. VUCANOVICH. Madam Chairman, I yield 3 minutes to the gentleman from Florida [Mr. WELDON].

Mr. WELDON of Florida. Madam Chairman, I thank the gentlewoman for yielding time to me, and I rise in support of H.R. 3734, the Republican welfare reform bill.

In my opinion, Madam Chairman, our reform bill is a very good start. I think further reforms will probably be needed in the future to ultimately get the Federal Government out of the business of trying to help the poor, because the Federal Government is completely incompetent and incapable of helping the poor.

Indeed, I feel that the current system is almost criminal, and the victims are children. That point was very vividly driven home to me when I had the opportunity a few years ago to meet a businessman in my district who had recently relocated from Oklahoma. I remember him describing to me how he had taken part in a program in Oklahoma where he went into the inner city in Oklahoma and took part in a program where they would read books to these young children ages 5, 6, and 7, you can help improve their reading scores. We all know how important reading is to overall academic performance.

He told me a story that totally amazed me. When he first started taking part in the program he would frequently ask these kids what they wanted to be and what they wanted to do when they grew up. A fairly high percentage of them said they wanted to be on welfare and they wanted to collect a check.

Contrary to what most children learn when they are growing up, that they want to either become a fireman or a policeman or a mother or a daddy and work, these kids had actually learned that they did not want to work. It has been said by many people, kids will frequently model what you do and not what you say.

The current system, I think all we need to do is go into our inner cities and see what is going on: The high crime rates, the high drug abuse rates that are very, very closely linked to our welfare system and the high incidence of fatherlessness. I believe that the Federal Government is completely incapable of helping these people, contrary to all the claims that are made by people on the other side of the aisle.

My colleague from California made a comment about making sure children are alive, well-fed, and healthy. We are certainly making sure they are alive in the current system, but we are certainly making sure they are not healthy. There is a tremendous spiritual poverty that goes with the current system, and I believe our bill, H.R. 3734, which has some serious work requirements and seriously tries to address the terrible issue of illegitimacy, is a good bill. It is a good start on dealing with the welfare disaster that currently exists today.

I encourage all my colleagues on both sides of the aisle to support the bill, and the President of the United States to do what he said he was going to do, and that is sign welfare reform.

Mr. STENHOLM. Madam Chairman, I yield myself the balance of my time.

Madam Chairman, I take this time to make a comment or two regarding some of the allegations about some of the statements that have been made from this side of the aisle. To the best of my knowledge this evening, no one on this side has suggested, by any other standard other than CBO or the National Governors Association, that the proposal of the majority has some problems with work. We did not make this up. The Congressional Budget Office has carefully analyzed their proposal and suggests that it is going to come up short regarding the work requirements.

Also, regarding the allegations on child care and children, we are not making this up. This is the Congressional Budget Office analysis of the proposal that is before us. This is why we say that the bipartisan attempt by the gentleman from Delaware [Mr. CASTLE] and the gentleman from Tennessee [Mr. TANNER] to address some of these concerns is worthy of serious consideration by both sides of the aisle. I want to make that point, Madam Chairman, so the rhetoric of this body does not overshadow the facts.

Madam Chairman, I would make a few other observations. Statements have been made by a few this evening about the vetoing of the welfare reform bill twice by the President. I think most reasonable citizens of the United States, when they look at the original bills that were vetoed by the President and compare them with the two bills we will be considering tomorrow, they

will see the wisdom of those vetoes, because I think any fair-minded person on either side of the aisle will see that as a result of having to go back to the drawing board and take another look at how we might make welfare reform more workable, we will see that both proposals are significantly better than the proposal that was vetoed twice. That is progress, that is not a subject for criticism.

Madam Chairman, Castle-Tanner, as has been said many times, and I think it bears repeating, is bipartisan and bicameral. If we are truly serious about getting a bill, which we are, and let me make this observation, every single Member of the House of Representatives has voted with their name on the board, with a green light, for significant welfare reform. We have differences of opinion, and that is to be expected in a body of 435 as diverse as we are in the representation of the people of the 50 States of the United States.

But it is not a fair statement to say to anyone that anyone on either side of the aisle is not serious about welfare reform, because we are. Those of us who support very strongly the Castle-Tanner believe that it merits the support, merits the support because it is stronger on work, particularly by making certain that the mandate that we place on the States under the giving of the flexibility to the States, that we send the money with the mandate, rather than saying to the States, "You do it, and by the way, if there is not enough money, that is your problem."

□ 2100

Clearly my people at home, my constituency have said, "Please, no more unfunded Federal mandates." We believe a careful analysis of Tanner-Castle will show that it is superior.

The criticisms that we offer tonight are based on CBO, and that is my final comment to make tonight, whether it is talking about work funding, child care, who is tough and who is not tough, what works and what will not work, the shelter cap, for example, all of the other areas. We believe that CBO and their careful analysis should cause most Members to support the Castle-Tanner and we hope that that will be the verdict tomorrow.

If we can send that bill to the Senate and the Senate works their will and then a conference, there is no doubt in this Member's mind that we will have the most significant welfare reform bill that will meet the test of what all of our constituents want us to do. The current system is broken and it needs to be fixed. Castle-Tanner in our opinion does the best job of fixing it.

Madam Chairman, I yield back the balance of my time.

Mrs. MEYERS of Kansas. Madam Chairman, I yield myself the balance of my time.

Madam Chairman, I would just like to comment that the work requirements in our bill are in fact very tough. States are going to have to work harder than they ever have in order to assist welfare recipients into work. Work requirements that are not challenging like the ones that are currently in place do nothing to really reform this system.

What the gentleman from Texas was referring to in terms of the CBO estimates, CBO assumes a 30- to 40-percent reduction in the welfare case load under our bill, but they do not factor that in in the cost of the work program. That is the discrepancy that I think the gentleman is referring to, and I do not understand it either.

I would like to just close by saying that if we make no changes in the way we handle welfare, Madam Chairman, by 2000, just 4 years from now, 80 percent of minority children and 40 percent of all children in this country are going to be born out of wedlock. That is because of Federal programs that were intended to be a help over a difficult spot in someone's lives and instead they have become an incentive that actually attracts people into the system, it pulls people into the system. Of course, with 40 percent of our children born out of wedlock, there is a tremendous dollar cost to this country, but more than that there is an enormous human cost. These children are born and raised in their early years without a father, without much structure in their life, sometimes without enough food and clothing. By the time they are old enough to go to school, they are already disadvantaged, many of them, in terms of their ability to learn and their health.

I think our bill resolves that problem. It ends the incentive nature that welfare has grown to be. I think our welfare programs were started with the best of intentions, but when you say to a young woman, if you will have two children with no man in the house, we will give you $18,000 a year, that is more of an incentive than most of our teenagers can resist.

Our bill has more money for child care, it has more people in real work. I urge my colleagues to support the bill.

Mr. WELDON of Florida. Mr. Chairman, I rise in strong support of H.R. 3437 the Personal Responsibility and Work Opportunity Act. This historic welfare reform bill will end welfare as we know it. During the past 30 years, taxpayers have spent $5 trillion on failed welfare programs. What kind of return have the taxpayers received on their investment? The rate of poverty has not decreased at all. Furthermore, the average length of stay on welfare is 13 years. Today's illegitimacy rate among welfare families is almost 50 percent and crime continues to run rampant. Current programs have encouraged dependency, trapped people in unsafe housing, and saddled the poor with rules that are anti-work and anti-family. Clearly, those trapped in poverty and the taxpayers deserve better.

This bill overhauls our broken welfare system. This plan makes sure welfare is not a way of life; stresses work not welfare; stops welfare to noncitizens and felons; restores power and flexibility to the States; and seeks to half the rise in illegitimacy.

By imposing a 5-year lifetime limit for collecting AFDC, this bill guarantees that welfare is a helping hand, not a lifetime handout. Recognizing the need for helping true hardship cases, States would be allowed to exempt up to 20 percent of their caseload from the 5-year limit. In addition, H.R. 3437 for the first time ever requires able bodied welfare recipients to work for their benefits. Those who can work must do so within 2 years or lose benefits. States will be required to have at least 50 percent of their welfare recipients working by 2002. To help families make the transition from welfare to work, the legislation provides $4.5 billion more than current law for child care to help parents who work.

Under this bill noncitizens will no longer be eligible for the major welfare programs. Felons will not be eligible for welfare benefits and State and local jails will be given incentives to report felons who are skirting the rules and receiving welfare benefits.

Our current system has proven that the one-size-fits-all welfare system does not work. H.R. 3437 will give more power and flexibility to the States by ending the entitlement status of numerous welfare programs by block granting the money to the states. No longer will States spend countless hours filling out the required bureaucratic forms hoping to receive a waiver from Washington to implement their welfare program. States will also be rewarded for moving families from welfare to work.

Finally and most importantly, this bill addresses illegitimacy by allowing States to limit cash benefits for teen mothers. States will be allowed to set family caps that would stop the practice of increasing welfare payments for every additional child a recipient has while on welfare. States can also stop payment to unmarried teens and make them conditional on the mother staying in school and living with an adult. This legislation seeks to reverse the increase in illegitimacy by also increasing efforts to establish paternity and crack down on deadbeat dads.

The sad state of our current welfare system and the cycles of poverty and hopelessness it perpetuates are of great concern to me. I believe this bill goes to the heart of reforming the welfare system by encouraging and helping individuals in need become responsible for themselves and their family. I wholeheartedly support this bill become it makes welfare a helping hand in times of trouble, not a handout that becomes a way of life. I truly believe that this reform will give taxpayers a better return on their investment in helping those in need.

Mr. DE LA GARZA. Mr. Chairman, House Democrats and Republicans, Senate Democrats and Republicans, and President Clinton share a common goal—all agree that welfare reform is urgently needed. Reform is needed not only for the recipients of welfare, who many times are trapped in a cycle of poverty from which they cannot escape, but also for the American taxpayers who deserve a better return on their investment in our future.

Over the last year, the food stamp provisions in the various welfare reform proposals

have come to look very much alike. We have reached agreement on dozens of provisions. Yet, there continues to be serious policy differences on several key issues. We must resolve these differences so that we will have real welfare reform that works for both low income families and American taxpayers. We want congressional passage of a bill that the President will sign.

Determining food stamp reform in the context of budget reconciliation causes us to loose sight of the people the Food Stamp Program is intended to serve. We must remember that our goal is to reform welfare in order to move people toward self-sufficiency. Reform by itself is a hollow word. Reform for reform's sake is meaningless. We aren't OMB, CBO, or GAO. We can't work in the vacuum of numbers only. We cannot let the bureaucrats with the green eye shades determine what path reform will take. We are Members of Congress. It is our responsibility to put faces with these numbers. We must interject the human element into the process in order to ensure that real need is addressed in welfare reform. We must ensure that our children and the aged and disabled are not left unprotected. We must remember that a dollar spent now can actually result in saving thousands of dollars later, if we help produce a future taxpaying citizen.

We must determine the policy that will move people toward self-sufficiency. This must be a policy-driven bill, not one that is driven by empty, faceless numbers that are wrong as many times as they are right.

Our constituents don't want a handout. They want jobs. They want economic development. They want the American dream. These are the people we must help. These are the people for whom we must redesign these programs to help them achieve their desire of becoming successful citizens.

We are particularly concerned that this bill will jeopardize the nutritional status of millions of poor families because of a basic misunderstanding of how the program works. The perception is that this program is out of control, that hundreds of thousands of families are added to the food stamp rolls every month. The reality is something very different. Over the last year and a half, as the economy has improved, food stamp participation has actually dropped by over 1 million people. This vital program is clearly filling a very real need. If the need isn't there, the program doesn't continue to expand, but if the need is there, the program is there to meet it.

The block grant provisions in H.R. 3734 sets funding at levels well below that necessary to feed hungry families in times of recessions or if food prices increase. The total loss of food stamp funding to States that choose the block grant will be over $2.5 billion. If block grants had been chosen by all States in 1990, the Food Stamp Program would have served 8.3 million fewer children. Castle-Tanner does not include the block grant authority.

To assure adequate nutrition and the good health of our poor families, the calculation of food stamp benefits must take into account extremely high housing expenses. H.R. 3734 limits this calculation, leaving poor families with children who pay more than half of their income for housing with less money to buy food. This provision alone will reduce benefits to these families by over $4 billion over 6 years, resulting in more hungry children. Castle-Tanner does not include this harsh limitation.

We all want people on welfare to be self-sufficient—they want to be self-sufficient. But, the way to help people become self-sufficient is not to deny them food stamps after 4 months. Eighty percent of the able-bodied recipients between the ages of 18 and 50 receive food stamps on a temporary basis already, they leave the program within a year. H.R. 3734 will simply kick 700,000 people off the program each month, without a helping hand to find a job. What these people need most is the opportunity to work—job training, or a job slot. Castle-Tanner will give them that helping hand if they are unable to find work on their own after 6 months.

The Castle-Tanner alternative achieves significant deficit reduction. The food stamp provisions save $20 billion over a 6-year period. The majority's bill last year was intended to achieve $16 billion over 7 years. Castle-Tanner goes well beyond that level of savings, and yet we have been accused of not supporting welfare reform.

The American people are not mean-spirited. They do not want children to be poor and hungry. We must remember that we are reforming the programs that impact the most vulnerable of our constituents. We must remember the faces of the poor and hungry of our Nation.

Let the record show that the minority strongly supports welfare reform, but not at the cost the Nation's poor families and children, not at the cost of the Nation's future.

Mr. STOKES. Mr. Chairman, I rise in opposition to H.R. 3734, the Balanced Budget Welfare Reform Act, a bill designed to overhaul our Nation's welfare system. Fifteen months ago, many of my colleagues and I stood before this body and showed our staunch disagreement with the House-passed welfare reform bill which made disastrous cuts in our Nation's welfare programs. I wish I could say that, since then, some compassion and reason had been interjected into this debate and produced a more favorable bill for consideration.

Unfortunately, H.R. 3734, the bill being deliberated today, targets the poorest in this country, in order to meet Republican budget priorities. When we examine the provisions of this legislation, it is abundantly clear that our colleagues have reneged on their commitment to ensure a "family friendly" Congress and to protect our Nation's children.

H.R. 3734 slashes more than $61 billion over 6 years in welfare programs. This bill guts funding for the Food Stamp Program, cuts into the SSI protections for disabled children, drastically cuts child nutrition programs, and slashes benefits for legal immigrants. Mr. Speaker, I find these reductions in quality of life programs appalling.

How can my Republican colleagues praise this bill's work requirements when H.R. 3734 provides inadequate funding for education, training, and employment—essential components in contributing to longevity in the workforce? How can they stand by a bill that slashes more than $3 billion in funding for meals to children in child care centers and homes? As if that were not devastating enough, this bill would cut nearly $23 billion over 6 years from the Food Stamp Program and an additional $23 billion in the SSI Program.

H.R. 3734 sends a signal to the Nation that our Government leaders place a very low priority on those individuals who have very little. In Cuyahoga County, we have a 20 percent poverty rate in a county of 1.4 million people. In the city of Cleveland, it is an alarming 42 percent. Throughout Cuyahoga County, more than 228,000 people receive food stamps. Many of these individuals constitute America's working poor. This punitive welfare measure will undoubtedly endanger their health and well-being.

Mr. Chairman, I can understand and support a balanced and rational approach to addressing the reform of our Nation's welfare system. But I cannot and will not support this legislation which would shatter the lives of millions of our Nation's poor. In order to move people to self-sufficiency, we must provide adequate education, training, child care, and jobs that pay a livable wage. Anything short of that does great disservice to our national sense of compassion and our moral responsibility to help the poor help themselves.

On behalf of America's children and the poor, I urge my colleagues to vote against H.R. 3734.

The CHAIRMAN. All time for general debate has expired.

Under the previous order of the House of today, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. HAYWORTH) having assumed the chair, Ms. GREENE of Utah, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3734) to provide for reconciliation pursuant to section 201(a)(1) of the concurrent resolution on the budget for fiscal year 1997, had come to no resolution thereon.

APPOINTMENT OF CONFEREES ON H.R. 3230, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

The SPEAKER pro tempore. Without objection, the chair appoints the following conferees on the Senate amendment to H.R. 3230:

From the Committee on National Security, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. SPENCE, STUMP, HUNTER, KASICH, BATEMAN, HANSEN, WELDON of Pennsylvania, HEFLEY, SAXTON, CUNNINGHAM, BUYER, TORKILDSEN, Mrs. FOWLER, Messrs. MCHUGH, TALENT, WATTS of Oklahoma, HOSTETTLER, CHAMBLISS, HILLEARY, HASTINGS of Washington, DELLUMS, MONTGOMERY, Mrs. SCHROEDER, Messrs. SKELTON, SISISKY, SPRATT, ORTIZ, PICKETT, EVANS, TANNER, BROWDER, TAYLOR of Mississippi, TEJEDA, MCHALE, KENNEDY of Rhode Island, and DELAURO.

As additional conferees from the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 2 of rule XLVIII: Messrs. COMBEST, LEWIS of California, and DICKS.

As additional conferees from the Committee on Banking and Financial Services, for consideration of sections 1085 and 1089 of the Senate amendment, and modifications committed to conference: Messrs. CASTLE, BACHUS, and GONZALEZ.

As additional conferees from the Committee on Commerce, for consideration of sections 601, 741, 742, 2863, 3154, and 3402 of the House bill, and sections 345–347, 561, 562, 601, 724, 1080, 2827, 3175, and 3181–91 of the Senate amendment, and modifications committed to conference: Messrs. BLILEY, BILIRAKIS, and DINGELL.

Provided that Mr. RICHARDSON is appointed in lieu of Mr. DINGELL and Mr. SCHAEFER is appointed in lieu of Mr. BILIRAKIS for consideration of sections 3181–91 of the Senate amendment.

Provided that Mr. OXLEY is appointed in lieu of Mr. BILIRAKIS for the consideration of section 3154 of the House bill, and sections 345–347 and 3175 of the Senate amendment.

Provided that Mr. SCHAEFER is appointed in lieu of Mr. BILIRAKIS for the consideration of sections 2863 and 3402 of the House bill, and section 2827 of the Senate amendment.

As additional conferees from the Committee on Economic and Educational Opportunities, for consideration of sections 572, 1086, and 1122 of the Senate amendment, and modifications committed to conference: Messrs. GOODLING, MCKEON, and CLAY.

As additional conferees from the Committee on Government Reform and Oversight, for consideration of sections 332–36, 362, 366, 807, 821–25, 1047, 3523–39, 3542, and 3548 of the House bill, and sections 636, 809(b), 921, 924–25, 1081, 1082, 1101, 1102, 1104, 1105, 1109–1134, 1401–34, and 2826 of the Senate amendment, and modifications committed to conference: Mr. CLINGER, Mr. MICA, and Mrs. COLLINS OF ILLINOIS.

Provided that Mr. HORN is appointed in lieu of Mr. MICA for consideration of sections 362, 366, 807, and 821–25 of the House bill, and sections 890(b), 1081, 1401–34, and 2826 of the Senate amendment.

Provided that Mr. ZELIFF is appointed in lieu of Mr. MICA for consideration of section 1082 of the Senate amendment.

As additional conferees from the Committee on International Relations, for consideration for sections 233–234, 237, 1041, 1043, 1052, 1101–05, 1301, 1307, 1501–53 of the House bill, and sections 234, 1005, 1021, 1031, 1041–43, 1045, 1323, 1332–35, 1337, 1341–44, and 1352–54 of the Senate amendment, and modifications committed to conference: Messrs. GILMAN, BEREUTER, and HAMILTON.

As additional conferees from the Committee on the Judiciary, for consideration of sections 537, 543, 1066, 1080, 1088, 1201–16, and 1313 of the Senate amendment, and modifications committed to conference: Messrs. HYDE, MCCOLLUM, and CONYERS.

Provided that Mr. MOORHEAD is appointed in lieu of Mr. MCCOLLUM for consideration of sections 537 and 1080 of the Senate amendment.

Provided that Mr. SMITH of Texas is appointed in lieu of Mr. MCCOLLUM for consideration of sections 1066 and 1201–16 of the Senate amendment.

As additional conferees from the Committee on Resources, for consideration of sections 247, 601, 2821, 1401–14, 2901–13, and 2921–31 of the House bill, and sections 251–52, 351, 601, 1074, 2821, 2836, and 2837 of the Senate amendment, and modifications committed to conference: Messrs. HANSEN, SAXTON, and MILLER of California.

As additional conferees from the Committee on Science, for consideration of sections 203, 211, 245, and 247 of the House bill, and sections 211 and 251–52 of the Senate amendment, and modifications committed to conference: Mr. WALKER, Mr. SENSENBRENNER, and Ms. HARMAN.

As additional conferees from the Committee on Transportation and Infrastructure, for consideration of sections 324, 327, 501, and 601 of the House bill, and sections 345–348, 536, 601, 641, 1004, 1009–1010, 1311, 1314, and 3162 of the Senate amendment, and modifications committed to conference: Messrs. SHUSTER, COBLE, and BARCIA.

As additional conferees from the Committee on Veterans' Affairs, for consideration of sections 556, 638, and 2821 of the House bill, and sections 538 and 2828 of the Senate amendment, and modifications committed to conference: Messrs. STUMP, SMITH of New Jersey, and MONTGOMERY.

As additional conferees from the Committee on Ways and Means, for consideration of sections 905, 1041(c)(2), 1550(a)(2), and 3313 of the House bill, and sections 1045(c)(2), 1214 and 1323 of the Senate amendment, and modifications committed to conference: Messrs. CRANE, THOMAS, and GIBBONS.

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

□ 2115

WHY THE GOP FAILED TO DELIVER ON REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. MEEHAN] is recognized for 5 minutes.

Mr. MEEHAN. Mr. Speaker, I just left the Committee on Rules. Here we are on Wednesday of Reform Week and the Committee on Rules has stated that we are not going to do any reform this week. That is right, Reform Week.

This is the week that we have been waiting for for an entire year when Members will have an opportunity to try to change the way Congress does business, to try to make it, for example, illegal for a Member of Congress who is indicted and convicted directly because of their official actions from collecting a pension. This was a week when we were going to deal with legislation that would prevent the revolving door where Members of Congress come in and serve for a set period of time and then go out the door and make millions and millions of dollars paid for by special interests.

This was the Reform Week, Mr. Speaker, that we were going to do campaign finance reform, the most important reform that we could possibly enact if we are going to change the way Congress does business. The American people have been demanding campaign finance reform.

We have seen throughout this legislative session an increase in the amount of money that special interest PAC's are contributing to Members of Congress. We have seen the Republican National Committee and the political parties taking millions of dollars more than 2 years ago in this cycle, and we have seen a direct correlation between what is being debated on the floor of the House of Representatives and who the top contributors are to Members of Congress and to the Republican Party.

Now here at the last minute on Wednesday night, we are leaving tomorrow, we are not going to do campaign finance reform, it has been delayed again. The American people are fed up and disgusted with the inability of the Congress to pass real campaign finance reform.

I remember when President Bush indicated that he was going to veto the bill that was being debated in the House of Representatives, and the House of Representatives and the Senate rushed to get that bill passed and over to the President so he could veto it.

Last year, last session, we saw in the United States Senate campaign finance reform die again. I have been part of a bipartisan group of Members of Congress and a bicameral group of Members of Congress fighting to come up with a campaign finance reform bill. We have 21 Democratic supporters of that bill and 20 Republican supporters of that bill. We have editorial support from every major newspaper all across the country. Now is the time to enact campaign finance reform.

The President has indicated that he supports a bipartisan approach. The President in his State of the Union Address right here before this body urged

the Congress, urged the United States Senate to pass campaign finance reform and specifically asked the Congress to pass a bipartisan bill.

Now we see that we are not going to get any kind of campaign finance reform this week. In fact, there is no Reform Week, no Reform Week after all of the publicity and everything else that went on with this Congress going to change the way this Congress does business.

Why? Because the Republicans have offered a bill that increases the amount of money that is going to be put into the process. That is right, not limits, increases the amount of money. The Republican bill vastly increases nearly all of the contribution limits set in current law.

Campaign finance reform should be about limiting the influence of money on Congress, not expanding it. The Republican bill, for example, will allow an individual to contribute up to $310,000 to campaigns and political parties in a single election cycle. Think of it, that is more than 10 times the current legal limit. They want to put more money into this corrupting process. No one would believe it, but that is exactly what is before the Committee on Rules of the House of Representatives.

According to the Republican bill, an individual could conceivably donate, get this, $3.1 million to State and national parties, cumulatively. Think about it, $3.1 million. We are going to open up this process so the more money you have, the more influence you are going to have.

The Republican bill codifies the soft money loophole in the current law. This bill vastly increases the role of national parties in local elections. Just what America is looking for, isn't it?

The party bosses in Washington are going to decide to put hundreds of thousands of dollars into individual districts all over America. That is exactly fundamentally what is wrong with the system. That is exactly and fundamentally the opposite of what Americans all over this country are demanding.

This Congress should have done better. The Republican bill would vastly increase the contributions on every area. The Republican bill would actually not limit spending like the Democratic bill and the bipartisan bill would do. This Republican bill is an absolute disaster.

Guess why they are not going to have it come up this week? Because there are moderate Republicans who know this is a sham. There are moderate Republicans who know that this is a fraud. They cannot get the votes for this disgusting, regressive piece of legislation that has no business on the floor of this House.

I would hope that as we debate campaign finance reform for an hour coming up that we would find a way to call Members of Congress, find a way to get Members of Congress to wake up and realize that we need to change this system, and the way to change this system is not to go home tomorrow afternoon at 3:00 and fail on campaign finance reform.

ORDER OF BUSINESS

Mr. BONILLA. Mr. Speaker, I ask unanimous consent that in light of the fact that the gentleman from Minnesota [Mr. GUTKNECHT] is not present, I ask that his name and my name be reversed in the list of special orders tonight so we can proceed.

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

There was no objection.

DEFICIT HAS FALLEN AS A RESULT OF THIS CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. BONILLA] is recognized for 5 minutes.

Mr. BONILLA. Mr. Speaker, tonight I rise to commend my colleagues who have succeeded in cutting spending. Cutting spending, Mr. Speaker, that is something that has not occurred in this body for 40 years. The news is out, the deficit has fallen as a result of this Congress' historic and unprecedented budget restraint.

According to yesterday's Congressional Budget Office mid-season review, this country's deficit has been cut nearly in half, and that is wonderful news for all Americans.

Mr. Speaker, making cuts is not easy. Just like making cuts and restraining ourselves from spending in our very own homes is not easy, but it is necessary to preserve the opportunity for our children's future.

Last year, here in the Capitol I had my two young children, Alicia, who is 11 and my son, Austin, who is 7, here in the Capitol watching what I do at work and it struck me how profound the decisions are that we make in this chamber and how critical sometimes the votes that we cast are to their future.

Mr. Speaker, we are here today for the future of our children. We possess, each one of us in this Chamber, a voting card that is ironically just about the same size as a credit card, a Visa or Mastercard, that most Americans carry in their pockets. This credit card for 40 years has run up the deficit, a trillion-dollar deficit that we have now, bills that we are going to be paying in the future even if we were to cut spending drastically for years to come now.

We have a lot of catching up to do, Mr. Speaker. This voting card that we have has been put in the electronic voting card slots here for many years running up deficits that our children, as I looked at my children's faces last week, I felt very sad for the fact that we have so many years of catching up to do to cut spending so that we can preserve their future, Mr. Speaker, so that when they grow up, they still have the same opportunities that we have in this country now to live the American dream, as I did.

I come from a neighborhood, low-income neighborhood, primarily Spanish-speaking, on the south side of San Antonio, and I had no special privilege when I grew up. All I had was opportunity guaranteed by this wonderful country of ours. But at the time I was not saddled with the tremendous deficit that the Congress had left behind; therefore, as I grew up, and my father often had to work two jobs to send us to school, he was not faced with looming mega interest rates and deficits in his future that we are going to saddle our ability as a family to prosper.

That opportunity could be threatened, Mr. Speaker, in the future because if we keep running up the charges with these credit cards that we vote with, we are going to threaten the future for our children. My constituents understand this as well, Mr. Speaker. They know, I represent one of the poorest districts in the Nation, they understand how difficult it is to live on a budget.

These are tough choices that we must make and must continue to make. When we cut the deficit and we have a balanced budget, we are going to have lower interest rates for our children as well in the future. When they want to buy a car, when they want to borrow money to go to school, to go to college, when they want to buy, make that first purchase to buy a stereo or books for college or anything that they need to sustain themselves, they are going to have lower interest rates as we continue, as this Congress has done, in cutting spending to cut the deficit and balance the budget.

It is with our children's hearts in mind, Mr. Speaker, that I am going to continue working to cut spending in this Congress, because I know that is what the American people want.

I came from the private sector, never ever having held public office before being elected in 1992, and I remember what it is like to be in the private sector making tough decisions to balance the budget at your business, in your homes, at the dining room table each night having to decide what you have to do to make the future of your family sustain itself and not with a deficit but with a promising future because you are paying your bills as you are going along.

I promise, Mr. Speaker, that as long as I am here serving in this wonderful Congress, I am going to use this credit card wisely and continue to cut spending for the future of our children in

this country because, Mr. Speaker, I ask if we are not here to do this for the future of our children, I ask what are we doing here, what are we here for in the first place?

REFORM WEEK HAS CEASED TO EXIST

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut [Ms. DELAURO] is recognized for 5 minutes.

Ms. DELAURO. Mr. Speaker, Reform Week, it has been on a life support system for the past few weeks, but now the plug has been pulled and Reform Week has been officially terminated.

The Republican leadership announced less than 2 hours ago that Reform Week, the much-heralded and touted week that was going to turn the House of Representatives back over to the American people, has been postponed once again. This is the same Reform Week that had become the Reform Hour and now has simply ceased to exist.

What happened? Well, rather than actually engaging in real reform, the Republican leadership in this House had decided to bring to the floor of the House legislation that would not actually reform the system but, quite to the contrary, would make it worse.

Ten of my Republican colleagues circulated a "Dear Colleague" letter this week that said, and I quote, "Instead of leveling the playing field in elections, this bill will result in greater incumbent protection. The bill actually increases the amounts that wealthy individuals can contribute to Federal elections." This is the letter. I am not making it up.

That is right, they are right. Under current law, an individual can give $25,000. Under the Republican campaign finance reform bill, an individual will be able to give up to $3.1 million. I have to repeat that because the magnitude is startling, it truly is. But it is not startling when you consider that the Speaker of the House said not too long ago that rather than less money in the system in terms of campaigns, we need more money into the system. That is why we had this piece of legislation.

Again, an individual will be able to give up to $3.1 million. Current law again, individuals can contribute $25,000. It is mind-boggling to think of how they have turned this concept of reform into something that is totally unimaginable to anyone here, let alone the American public who truly believes that we need to reform our campaign finance system, and we do.

This is not reform. As my Republican colleagues also said in their "Dear Colleague," and I quote again,

> The average American will be left even further behind in the Washington money chase as they are frozen out of political process. Given the fact that only about 1 percent of Americans gave contributions over $200 or more during the last election, it is indisputable that raising the individual contributions limit will only increase the influence of the wealthy on our political process.

Mr. Speaker, no wonder the House of Representatives is at one of its all-time lowest approval ratings in history. The American people have lost confidence in this institution's ability to lead and in this institution's ability to do the right thing.

□ 2130

We have no business considering legislation that will make it even harder for ordinary individuals to participate in the political process and make it easier for the rich to participate in this process.

This bill is a sham, just in the same way that Reform Week is a sham. Reforming the process has deteriorated into providing political cover to politicians who came to Washington and they promised to make a difference. Well, it is not going to work.

Even once again the Republican "Dear Colleague" says, "The fact is that H.R. 3760; that is, the Republican campaign finance reform bill, will not give you political cover as we head into Reform Week."

We do need to pass real campaign finance reform so that hard-working Americans can participate in the political process and that the special interests are limited in the political process. And doing that would go a very, very long way toward restoring the American people's faith in our ability to govern our own House, and it would restore their faith and put in the faith and the confidence and the trust that they would like to put in to those people who are elected every 2 years to do the people's business.

ORDER OF BUSINESS

Mr. MICA. Mr. Speaker, I ask unanimous consent to replace the gentleman from California [Mr. RIGGS] on the list of 5-minute special orders.

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

There was no objection.

DRUG ABUSE AND LACK OF LEADERSHIP IN THE WHITE HOUSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. MICA] is recognized for 5 minutes.

Mr. MICA. Mr. Speaker, and my colleagues, I serve on the committee that has been dealing with the FBI files misuse question and also serve on the subcommittee that deals with our national drug policy, and until today I never thought that the two issues would meet until I sat and heard the testimony of those who work for our Secret Service and viewed the proceedings in the White House.

What I learned was most disturbing and concerns me as a citizen, as a Congressman, and someone who has always held the White House in the highest respect. It is the Chief Executive Office of our land.

First, we heard the tales of an admitted drug user who ended up as the chief personnel security officer for the White House, an unbelievable tale in the White House Legal Office of ignoring the details of this individual's past in placing him in such an important position.

I have come to the House and talked with my colleagues and tried to call to the attention of the Congress and the country the situation with drug abuse and use and the lack of leadership from the White House, and today it really struck home what has been happening.

First, we saw the President take office, and then in a startling move, he cut the White House drug czar's office. He cut the staffing in the White House of the drug czar's office by 85 percent. That did not make sense. Then he cut drug interdiction programs, decimated them, that stopped drugs at their source countries, and that did not make sense and I wondered why. And then the President appointed as the chief health officer for the Nation, the Surgeon General, an individual who said to our children and the American public, "Just say maybe. Maybe drugs are OK." And that did not make sense and I wondered why.

Now I see this pattern of people who are in the White House, and most disturbing we learn today that the situation got so bad with people coming in that even the Secret Service, and these are people coming in with drug use and abuse histories, and some, it appears, current activities, that, in fact, the Secret Service demanded that some action be taken. And only after, through what has been called some remedial action, instituting a program within the White House, was something done.

This administration has talked about regulating cigarettes and the harmful effects of nicotine, and this, I am afraid, has been a diversion. The real question is what has been happening with drugs, and we can look at the results. The results are that marijuana use among our children, our children, 50 percent a year each year since this administration took office. These are not idle statistics. These are facts.

If we look at what is happening, this chart shows here that in 1980 is when President Reagan just said no to drug use, and President Bush, and drug use with our children dropped. Here in 1992, it starts going up, and we see why.

Cocaine, heroin, designer drugs are at epidemic proportions with our young people, 8th, 10th, 12th grades, and we see that the lack of leadership is the lack of a policy in the Chief Executive Office of this land.

If you are a parent, you should be concerned. Our children's drug use is dramatically up. If you are a minority, you should be concerned. Our jails are packed with minorities. In Washington, DC, we have a record number of killings. And throughout our land, every time you turn on the news you see the mayhem created by drugs, and 70 percent of those in prisons today are there because of a drug-related incident, and the President has failed to mention this or make this a priority.

Let me cite this statistic here. He gave 1,628 statements in 1993 and only mentioned drugs 13 times. In 1994 he gave 1,742 Presidential statements and only referred to drug use or drug abuse 11 times.

We see this pattern that has not been a priority of this President. It has not been a priority of this White House. What we must have is a President that will lead this Nation and people in the Chief Executive Office of this land to lead by example.

WELFARE REFORM LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PALLONE] is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I just wanted to spend my 5 minutes tonight talking about the so-called welfare reform legislation that we will be voting on tomorrow, and that debate was started on tonight.

I intend to be very critical of the Republican leadership proposal which has been brought up on the floor and to praise, if you will, the bipartisan alternative that has been put forth by the gentleman from Delaware, Congressman CASTLE, who is a Republican, and also the gentleman from Tennessee, Congressman TANNER, who is a Democrat.

When I talk about welfare reform, and I discuss it with my constituents in my district in New Jersey, what I hear is that most of my constituents feel that in the process of welfare reform children should not suffer, children should not be harmed in any way.

What my constituents say they want is they want to get people off welfare to work and to have a future for themselves and a certain pride in the fact that they are working for their families. They do not necessarily think that welfare reform should be money driven; in other words, that we should use welfare reform as a way to save money. They seem to be more concerned about the need to change the social fabric, to eliminate the so-called welfare mentality.

My point tonight is that the Republican leadership bill, which we are going to be voting on tomorrow, I think falls short in terms of what my constituents want. In fact, it is tough on kids. It makes kids suffer. It does substantial harm to children, and it is very weak on work. It does not really do very much to get people to work or make it possible for them to work.

The Castle-Tanner bipartisan substitute, I think, is just the opposite. It achieves the goals of trying to get people off welfare and working, and, at the same time, making sure that kids are protected, that they are not suffering in terms of food nutrition programs, housing, or the other things that would keep them healthy and prepare for their future.

Now, let me just give an example. The Republican leadership bill would probably push more than 1 million children into poverty, just the opposite of what most of my constituents would expect it would do.

When it comes to the work program, which I say is rather weak, the Congressional Budget Office says that no State would be able to meet the work requirements in the Republican proposal given the resources or the lack of resources that the bill devotes and gives to States so that they can train people and get them into productive jobs.

The worst example, though, is with regard to the Food Stamp Program. I do not think that any American would think that the purpose of welfare reform would be to cut back on the amount of money that the average welfare recipient has available to pay for food, particularly for their children.

The Center on Budget and Policy Priorities did a study, which was issued today, and it says that the Nation's poorest households, those with incomes below half of the poverty line, would lose an average of $650 a year in food stamp benefits under the welfare legislation now before Congress, the Republican leadership proposal.

The study also found that working poor households, and these are people that are working, that receive food stamps, because we know many people get food stamps who are not on welfare; in other words, they are not on Aid to Families with Dependent Children, they are actually working, but what the study found is that working poor households that receive food stamps to help supplement their low wages along with the elderly poor and poor families with children would lose several hundred dollars a year in food cash assistance as well.

The welfare bills coming this week to the House and Senate floors contain $28 billion in food stamp reductions over the next 6 years, with many of those reductions being achieved by across-the-board cuts that affect all groups of the poor. What the report basically says is that a large share of the welfare bill's food stamp savings would come from across-the-board food stamp benefit cuts with only 2 percent of the food stamp savings in the bill coming from provisions to reduce administrative cost, curb fraud or end benefits for people failing to comply with work requirements.

I think that is what most Americans think, that with reform we would say that if you do not work then you lose your benefits or that we would try to get at the welfare fraud or curb the cost of the bureaucracy administering the program. That is what is happening here.

What was supposed to be a historic effort to balance the budget has deteriorated into legislation that does relatively little to reduce the long-term deficit, but would substantially increase the depth of poverty and likely cause substantial numbers of poor children and elderly people to fail to secure adequate food and nutrition.

Now, the Castle-Tanner substitute, which I will be supporting tomorrow, basically ensures that States would be able to meet the work requirements in the bill by providing $3 billion in additional mandatory funds that States can access in order to meet the cost of moving welfare recipients to work.

It costs money to get the States to train people to get them to work. That is why we need the Castle-Tanner substitute. We need a program that is going to get people to work and not hurt the children.

CAMPAIGN FINANCE REFORM POSTPONED

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from California [Mr. FARR] is recognized for 60 minutes as the designee of the minority leader.

Mr. FARR of California. Mr. Speaker, I rise tonight during this hour of special orders to bring to the attention of this country, and particularly to my colleagues in this House, what is going on here in Washington, what is going on here in this Congress at this moment.

We heard earlier speakers talk about this was going to be the week that has been postponed, and it had been postponed that we were going to have Reform Week, where Congress was going to address all of those issues that the constituents of this country, the people, have said are broken and need fixing. This was the week to fix things.

Just hours ago we were told that the issue that we have all been waiting for, one of the biggest issues facing the United States in this election year, campaign reform, has now been taken off the table.

□ 2145

Postponed until next week, and who knows, if not taken up next week, maybe indefinitely. I am here tonight to talk with some of my colleagues about the importance of campaign reform. I am serving in my 21st year of elective office, having been in local

government, State government. I do not think there has been a time in those 21 years when people did not ask me what we are going to do about campaign reform.

In California, a big State, we have done a lot. It certainly is not enough because there are two measures on the ballot this November that will radically change campaign law for election to State and local office. Perhaps the one that is most focused on is the Federal law that governs all of us who get elected to the United States Congress.

This is an issue that we have been working on for many years. My colleague, MARTY MEEHAN, from Massachusetts, has been a strong voice from the moment he arrived, talking about the need for Congress to address campaign reform. Indeed, he led a bipartisan effort to put together a bill that he spoke about earlier tonight that had about an even number of Democrats and Republicans cosponsor it.

The Republican leadership will not even allow that bill to come to the floor for a vote. Why? Perhaps Mr. MEEHAN might want to join me here in discussing why his bill cannot even get to the floor, and I yield to the gentleman from Massachusetts [Mr. MEEHAN].

Mr. MEEHAN. First of all, Mr. Speaker, I thank the gentleman from California not only for reserving an hour of time but also for his efforts on campaign finance reform.

The Committee on Rules is meeting right now and taking all kinds of testimony, so you never know, maybe they will come up with a rule that will allow a debate on this bill.

I think that one of the things that many on the Committee on Rules are afraid of is that the President will sign the bill. President Clinton has said when he spoke in the State of the Union address that we needed campaign finance reform and he specifically mentioned the bill that I have been working with LINDA SMITH from Washington and CHRIS SHAYS from Connecticut. It is a bicameral and bipartisan bill.

He challenged the Congress to pass that bill. I cannot help but think that part of the reason is, President Clinton has said, I am going to sign campaign finance reform if it limits how much money is spent in congressional elections and begins the process of trying to lessen the influence of special interests.

There are some times, with all respect, I think that the Republican leadership down at the Committee on Rules are afraid the President will actually sign the bill. Would that not be something?

Mr. FARR of California. Well, I think what your bill and my bill, which is very similar to it, very minor differences, frankly, our bills, we are relatively new to Congress, but our bills are based on what this House has been able to produce in the 103d Congress, the 102d Congress, the 101st Congress, going all the way back to 1988 to the 100th Congress.

The Democrats have led in putting our campaign reform bills that are very much similar to the bill that we are trying to get on the floor now and in fact had gotten through this House, and every time they have been blocked by the Republican leadership. In fact, in one case in 1992, President Bush just before the Presidential elections in 1992 vetoed the campaign reform passed by both the House and the Senate.

We are back at it again, and I think what is so shocking about where we are now, because some of the controversies in that bill were that you had vouchers, essentially the process where taxpayers would help pay for the cost of campaigns and that was always very controversial. Took those out. No longer in the bill.

And what do we see come along from the other side? Nothing about reform. There is no reform in the Republican leadership bill. There is no reform in the reform week of the Republican dialog. We are here tonight, three colleagues who are down in the trenches fighting for these issues and I think we are befuddled, we are just amazed that the bill they brought forth this week essentially allows you to auction off seats in the U.S. Congress.

It says, if you have got money, come on down. Buy yourself a campaign seat. Move into a district where there is a poor person living or does not have much wealth. Use your own wealth, because you know to run for Congress, interesting thing that a lot of people do not understand, the first time you run, you do not have to live in the district. You can move in and I would not be surprised if there was not an attempt to sort of organize people around this country to say, hey, you with a lot of money, if you really want to get a seat in the U.S. Congress, go find a district under the Republican campaign reform bill that would allow you to use your own money to get elected.

There is no reform in the Republican bill, and we are here tonight appalled not only at that, and we will go into some of the details, but I think to also express our dismay at the fact that we could not get reform week dealt with, we could not get your bill on the floor, and who knows whether we will ever get our bill, the Democratic majority bill on the floor.

Mr. MEEHAN. Mr. Speaker, another point I wanted to make, we were new to this Congress in the 103d Congress. I was part of the largest freshman class since 1946. We did not get campaign finance reform because the Republicans in the U.S. Senate filibustered so that bill died.

But I cannot help but remember the freshman Democrats running for reelection and nearly half of them lost. That is how the Republicans got control of the House. Half of the freshman class lost. There is a message there for Republican freshmen in this Congress. If this Congress cannot produce a campaign finance reform that, No. 1, limits special interests and, No. 2, caps how much money is spent, there is no question that the American people are going to respond and respond quickly and decisively in November.

We have seen this in the past. We have seen an inability and the public reacts to it. I feel strongly if this Congress or this House does what it looks like it is going to do, which is nothing, then the November elections will be an opportunity for the American people to respond.

Mr. FARR of California. I agree with the gentleman. I want to defer here for a moment to our colleague, FRANK PALLONE, who has been in this well many, many nights. We just heard him on the concern of welfare reform. I really appreciate it. I think he pointed out to us that in that debate we have a lot of people to come down to the well as conservatives who seem to know the price of everything and the value of nothing. Transfer that into campaign reform and that price tag is in their favor. I appreciate you coming tonight to discuss this issue.

Mr. PALLONE. Mr. Speaker, if the gentleman will yield, I just wanted to day to the gentleman from California that I appreciate both your efforts, initiatives, as well as the gentleman from Massachusetts, in trying to come up with real campaign reform. As the gentleman from Massachusetts says, we have actually had the opportunity when the Democrats were in the majority, and I have been here, I guess this is my eighth year, we have had the opportunity in those prior Congresses when the Democrats were in the majority to vote on real campaign finance reform. I am not as optimistic as the gentleman from Massachusetts is, though, that the Republican freshmen who were voted in overwhelmingly in 1994 are necessarily going to be voted out because they do not campaign finance reform. I think that what they are counting on, at least what the Speaker and the Republican leadership are counting on is just being able to raise so much money, massive amounts of money from both special interests as well as wealthy individuals to just basically have those Republicans who are now incumbent be able to outspend their Democratic rivals, 2, 3, 4, 5 to 1. The sky is the limit.

I think that this effort in the so-called Republican reform bill, which has now been postponed maybe indefinitely, was to accomplish just that, to make it possible for more money to come from wealthy people. We heard some of the speakers earlier say that instead of a campaign limit of $25,000

per election, you could actually spend, an individual, up to over $3 million under this Republican proposal.

The reason I believe very strongly why it did not, is not coming to the floor tomorrow is because they could not get the votes. Once people started to realize, both on the Republican side as well as on the Democratic side, that this was going to be possible and that what this really was is to bring more cash from wealthy people into the races, a lot of people balked.

We had, I do not know, I guess about 10 Republicans who initially sent out a letter to their colleagues pointing that out and saying that the bill should not be approved. I would be very surprised if we see it again. I think that they have been embarrassed, essentially because of your work, Mr. MEEHAN's work, pointing out the flaws with this legislation.

I just wanted to say very quickly that a lot of times I think that maybe people do not understand practically what all this means. If I could just give a brief example, some of which reflects upon my own races that I have run for Congress.

I think what we are seeing more and more, and Mr. FARR, you mentioned it, is that you either have to be very wealthy and just spend your own money, unlimited funds to run for Congress, which increasingly more and more people do, or you have to be this person who maybe is not personally that wealthy but is in a position where you can tap very large contributors.

Without mentioning names, I ran against someone in one of my races who had a chain of stores, and he basically was able to get thousand-dollar contributions from each of the vendors or people who dealt with this business so that when I looked at his FEC report, it was just the maximum thousand-dollar contributions from quite a few individuals.

So what you are leaving out basically is the person who has their own means, their own resources, or who is not in a business or in a position where they can tap those very wealthy individuals for those thousand-dollar contributions.

If you change the law, as the Republican leadership has proposed, so that now instead of $1,000 that individual can get $2,500 or some of the other things are in this bill, you are just making the situation more and more that you either have to be spending your own money or you are just tapping these very wealthy individuals. And I think it is unAmerican. I really do. I think a person should be able to run for Congress regardless of their financial means. I think most people think that, but increasingly it is not the case.

The ideal situation that I would like to see, and I have actually voted on it, I am not saying that everyone agrees with me, is to lessen the impact of any particular type of source of funding. In other words, you have a maximum cap, if you will, on total campaign expenditures. You say that only a certain amount can be raised with large individual donors, only a certain amount with political action committees and a certain amount with small individual donors. So you have sort of a diversity and combination of money coming in so there is not a dependence on any one source.

Then you have an overall cap. I would go so far as to say that should be matched with public financing, although I know everyone does not necessarily agree with that. But this effort by the Republican leadership to tip the scale more and more toward very wealthy people contributing is definitely going to wreak havoc on the system and make it impossible for people of average means to run for Congress.

Mr. FARR of California. I would like to follow up on that point because the bill that we designed, I think it is important to point out, the Democratic bill and the bipartisan bill limit the amount of money you can spend in an election. "Limit," you will not find that word in the Republican bill. The word "limit" is not there.

What we have tried to look at in tailoring this bill, and frankly, you know why it has been so difficult, because everybody who got elected to Congress is an expert on how they got here. And everybody has their own way. And they are biased in one way or another. So it is very difficult to put together a bill that can garner enough votes to get off this House, but history has shown that Democrats have been able to do that.

Let me point out quickly what we do here. The Supreme Court has said you cannot limit free speech and free speech is, essentially, you cannot limit what people want to spend by themselves or others want to spend on you unless you can show that that money is corrupting. And some of us argue that massive amounts of money do corrupt. But that is a debate yet to be held in the court.

We have approached this saying, however, the court has never said, and we think it is constitutional, that if you voluntarily limit yourself and say, I want to run for U.S. Congress and I am going to operate under this proposal that we have here, that we are offering, that says, OK, you cannot spend more than $600,000. You limit yourself to that. You challenge your opponents to limit themselves to that.

Once you have done that, that triggers the mix that you are talking about. OK, $600,000 is all you can spend. That is a lot of money. That is over a half a million dollars. That is what was the average to get elected, in 1994, to the U.S. Congress. You have districts like New York and Los Angeles and Chicago where you go out and buy media and radio and television, much more expensive than buying it in very small rural areas. So some campaigns are more expensive and some are less. But that is the average, $600,000.

You say, all right, of that $600,000, going back to your mix, only a third of it, $200,000, can be raised from political action committees. By the way, we limit the amount that any one political action committee can give to you. We lower the current law rate. We say, OK, the other third, up to $200,000, can be raised from what we call wealthy contributions. We define those as anybody who can contribute $200 or more.

The final third can be raised or even more can be raised by small contributions, but in no way can the small, large, and PAC contributions in aggregate exceed $600,000.

□ 2200

So we have the mix there. You cannot be unduly influenced. We have limits there. And that is so important to beginning a step about campaign reform.

And lastly let me say one of the things that really bothers me about the Republican bill.

It sounds like good government, and I think a lot of people listening will say it is. They require that if you are going to run for Congress, you have to raise 50 percent of your money in your district. That sounds good, in your district. But think about it for a minute. What if you live in a really poor district, and because in their bill they put no limits on what an individual can contribute, and by the way in our bill you cannot contribute more than $50,000 of your own money. So if you are a very wealthy person, you are limited if you want to go by the campaign reform limits. But they do not do that.

So what you are doing is you are saying this is where you get into this debate about the fairness of this in-district stuff, and you will find if you go around in Congress, it is not the people that have the money that are worrying about this. It is the people that come from districts that do not have the money that are very worried. They are worried that they are being penalized.

I have to raise my money from my district, and I can have my opponent spend any kind of money they want and get help from their party on a national level on top of that. The reform bill, the bipartisan bill, was fair about that. They addressed it and say you have to raise the money in your State. They did not limit it just to your district.

So I think, frankly, if we go back and look at the Republican effort and why it is so threatening, so damaging, to representational government is—and you listen to the people who got elected, people of color, women, the things that the kind of people that ought to be in the United States Congress—we

ought to be reflective of the people we govern out there, and frankly we know, sitting here tonight, and, you know, three white males; that is the dominant composure of the United States Congress. That is not the dominant composure of the American electorate.

Mr. MEEHAN. If the gentleman will yield, to follow up on that, not only those from poorer districts, but what has also happened with the recent United States Supreme Court decision relative to political parties making contributions in districts, this bill would allow, the Republican bill, would allow hundreds of thousands of dollars of special-interest contributions that a party would raise and go in and basically try to buy that election.

Well, why would they want to do that? Well, they want to do that because they are out-raising Democrats by record numbers. Why are they outraising Democrats? Because we do not have hearings any more in the House of Representatives. All of the legislation that we are dealing with, somebody decides over here or over there without a hearing, behind closed doors, and then it comes to the floor, and we see that the very interest that we are to be protecting people against have helped write the bills. And those same interests time and time again show up on campaign reports, show up contributing to the parties, and then the parties are going to be able to take this money and influence individual districts all over America. That is taking the power away from individual districts and bringing it into the party bosses in Washington where they will determine whether it is 2 or 3 or $400,000 in negative ads or whatever they are going to decide.

That is exactly what the American people do not want. They do not want Washington to be determining who wins a congressional election. They want to decide those races at home.

So that is the other point on that, this bill that would, according to the Republican bill, an individual could conceivably donate $3.1 million to State and national parties cumulatively.

Think about it.

Mr. FARR of California. That is each year.

Mr. MEEHAN. Each year. Absolutely, each year. Can you imagine how much money that is?

So you have all of these millionaires contributing up to $3 million to the political parties, and then the parties, taking that money, using the recent Supreme Court decision and funneling millions and millions and millions of dollars into individual districts all across America from Washington to tell them in the form of 30-second ads who they should elect to Congress.

It is exactly the wrong message; it is exactly the opposite of what the American public is demanding.

So this bill is without—this Republican bill is a disaster, and the Democratic bill and the bipartisan bill are very, very similar in that for real campaign finance reform you have to do two things: One is you have to limit, do voluntary limits, the overall amount of money that is spent. Second, what we need to do in America is try to find a way to limit the role the PAC's are playing. Both bills do; there is no question both bills do that. Unfortunately, this Republican bill does nothing but infuse millions and millions and millions of dollars from millionaires.

I mean do millionaires not really have enough influence in America? I think most people in America would say that they already have enough influence in everything we do. For crying out loud, the tobacco lobby has contributed $10 million in the past 10 years to Members of Congress. If you look at how much money they have contributed to the Republican Party since they have gotten in office, it has grown dramatically.

So that is what this is all about. It is about Republican Party takes control, raises millions and millions of dollars setting all kinds of records and then says, well, we want the person with the most money to win.

Mr. PALLONE. If the gentleman would yield, I think in many ways the most significant thing that both of you mentioned was—and specifically, Mr. FARR mentioned—that none of the Republican bills, and maybe I should not say none, but certainly none that I have seen, actually have a cap on campaign spending, and that is what is really so important. Whatever means I think the Republican leadership can find to try to spend as much money as possible is what their real goal is here, and that is why they are bringing forth this bill or tried unsuccessfully so far to bring forth this bill that allows so much more money to come from large contributors.

I just had this quote, which I looked at before but I just have to read again, where Speaker GINRGICH calls for more money in politics, not less, and it is from last year where he said one of the greatest myths of modern politics is that campaigns are too expensive, the political process in fact is underfunded. It is not overfunded. I would emphasize far more money in the political system.

Now that says it all. I mean he just wants more money to be available and more money to be spent, and the whole idea, the cap on campaign expenditures, is anathema to him and, I believe, to the Republic leadership, and that is why you are not going to see a cap. Regardless of the mix that is achieved to reach that cap, you are not going to see that cap in something that they support because they just do not think they want to spend more money.

Mr. MEEHAN. If my colleague will yield, that point is right on point and exactly the truth. Since the beginning, Republican leadership has been wedded to the special-interests corporate contributions that drive their agenda. That is what they have been wedded, protecting big tobacco, sheltering corporate subsidies, promoting environmental regulation and rolling back environmental laws. These goals are not driven by the views of the American people, they are not driven by the views of the public. They are on the high-priorities list of the biggest contributors to the Republican Party.

That is was this is about.

Mr. FARR of California. And look what has happened this year and last year. What we have seen here and why we even need to have a reform week is some of the abuses of this institution that have been carried out by this leadership, lobbyists literally sitting and writing the bills, not the paid professional staff of Congress. Lobbyists and former Members who are lobbyists being able to be at the dais during a debate, the fact that the attack has been on sort of the monied interests, the money interests that would rather cut it out for us rather than preserve it, the money interests that would rather pollute our drinking water than clean it up, the money interests that would rather keep minimum wage from being passed and signed into law, the money interests that would like to make sure that welfare reform is all about just making people work, which is fine, but who is going to provide the jobs out there?

So you begin to see that there is a very conservative agenda building in Congress, and that agenda is only thwarted by the fact that this room is made up of a awful lot of diverse people who come here with viewpoints different from just a one standard cookie-cutter financial bottom line "what is in it for me," and that has been able to make the Congress the vibrant place that it is.

If you do not like the product that is coming out of here and the product that the Democratic leadership is adding here, you want to change that, and the best way to change that is to change the Members of Congress, and if you can make those Members of Congress more reflect just that bottom-line mentality that everything has a price tag on it, there is not a better way to do that than the campaign reform bill, the campaign—no reforming it—the campaign bill that has been introduced by our colleague, Mr. THOMAS.

Mr. MEEHAN. If the gentleman would yield, let me just get into a couple of specifics. These are probably the five worst things about the Republican bill. But the Republican bill vastly increases all of the—nearly all—of the contributions set in current law.

Reforming campaigns, let us face it. It is about limiting the influence of money, not expanding it.

The Republican bill would also allow an individual to contribute $310,000 to campaigns in political parties in a single election cycle. That is more than 10 times the current legal limit.

Now, we have already mentioned that according to the Republican bill, an individual could conceivably donate $3.1 million to State and national parties cumulatively. The Republican bill also codifies the soft-money loophole in the current law, which is how millions and millions of these dollars slip in. It is through the soft money.

The Republican bill also vastly increases the role of national parties in local elections. That is a move that would clearly benefit the Republican parties because, as they are in the majority, raising millions and millions of dollars, they are hoping, as we said earlier, that they can buy close elections because of all of the money they are raising.

Those are five of the worst reasons, worst things about this bill, and I think the reason they cancel Reform Week, and let us be clear about this. How long have we been hearing about Reform Week? We are going to straighten everything out in Reform Week, we are going to limit how much money is spent, we are going to change the system, we are going to change the way Congress does business.

Nonsense. Here we are. It is Wednesday night at 10:15 Washington time, and we do not have Reform Week. The Committee on Rules is up considering a bill that goes in the opposite direction.

NEWT GINGRICH is one of the only people in America that thinks you reform the system by putting more money into it. It is absolutely ridiculous, and I cannot imagine the response of people in this country over the next few days when they realize Reform Week was a sham, it never happened. Maybe some day next week, maybe next month, maybe next year.

I think the American people are going to respond very, very angrily to what has happened here tonight.

Mr. PALLONE. If the gentleman will yield, and I have to confess that I am going to have to leave after this remark, but one of the myths that I constantly hear from the Republican leadership is this notion that somehow individual contributions, large individual contributions, are not exerting influence on Congress or on politicians the way, for example, that political action committees would, and to me it is sort of ironic because I do not really put a tag on any particular kind of contribution. I really think that what we need to do is to create a diversity of contributions and limit the overall amount of money that is spent which is essentially what your bill would do, Mr. FARR.

But this myth that somehow if someone gives a thousand dollars individually, that is clean, or under this Republican proposal that they give $2,500, that that is clean, but a PAC is not clean or some other method is not clean. And I always think to myself, if there is a large corporation and the individuals in that corporation contribute to the political action committee and then a check was written for $5,000 to a Congressman from that PAC so to speak, how was that any different from the five individuals or ten individuals each; you know, the chairman of the corporation, the president of the corporation, the various vice presidents of the corporation, each writing an individual check for a thousand dollars, or in this case, you know, as they proposed it would be $2,500. The ability of people to influence is no different whether they are running an individual check or they are contributing to a political action committee.

I think that the answer is to simply limit the overall amount that can be spent and the amount that can be contributed, if you will, from these individual sources so that if you say, for example, that a PAC can give $5,000, but you require that a lot of that be small donations, OK, maybe that is some sort of reform, or if you say that, as you propose, that you can only have so many individual large contributions or so many PAC contributions, that is reform. But they keep, the Republican leadership, keeps putting out this notion I call a myth that individual contributions are somehow OK and that they are not going to influence people, and therefore it is OK to increase them and perhaps to almost unlimited amounts, and it is simply not true. There is no difference between the president of the corporation writing me a check and having him contribute to a PAC that writes me a check. I do not see it, and I know for a fact that a lot of times when individuals contribute to your campaign, and particularly if it is a large donation, a lot of times they expect, you know, to have access or to be treated or, you know, to have your ear just as much or if not more than some of the other special interests that contribute through a political action committee.

□ 2215

But we keep hearing this from the Republicans, it is okay to keep coming with those individual large contributors.

Mr. FARR of California. Mr. Speaker, before the gentleman leaves, I just want to comment, and I think it is true in your office, and I would be curious to know, we have received 362 letters in favor of limiting campaign finance in congressional campaigns. We have received two to suggest we ought to spend more money, or are opposed to the limits. It is running over 150 to 1 in favor of exactly what we are doing.

I presume your mail is in the same category, so what boggles my mind is how do you come up with a bill they have come up with that goes just opposite, that blows all the lids, takes all the limits off current law and says just more money, more expensive campaigns, money buys influence, let us get more of it?

Mr. PALLONE. I really think what happens, Mr. Speaker, is that the Republican leadership takes advantage of the fact that the campaign finance system is a complicated structure and that most people really do not understand how it applies to individual races. We understand it because we are in it, but a lot of people do not. So they just try to basically throw out to the public these myths.

I am very glad to see that this latest effort on their part to try to basically raise the individual limits and get so much more money into campaigns have been exposed. As I think I mentioned before, or maybe I did not, we have all the public interest groups opposing this bill: Common Cause, Public Citizen, the League of Women Voters. There was an editorial in the New York Times today, as well as in a lot of my local papers, criticizing the proposal. We even have some of the Republicans who put out a letter opposing it.

We are sort of fortunate, in a way, that this has been exposed for what it truly is, a way to try to put a lot more cash into the campaigns. But I think a lot of times it is a complicated subject, and it is very difficult sometimes to make people understand how it works in practical terms.

That is why I think it is so important to do what the two of you are doing tonight, by trying to expose it for what it really is.

Mr. FARR of California. I appreciate you coming down tonight. You have a family, it is a little late, and you have young kids at home. I hope you will get a chance to see them tonight with the little time that is left. That will leave the gentleman from Massachusetts [Mr. MEEHAN] and myself here. We have been two of the sponsors of the major alternatives to the bad bill that we have been talking about all night.

I want to just publicly thank you for the effort that you have had in leading the bipartisan effort to bring a sensible bill to the floor for a vote, and hopefully you will get that vote. I am certainly supportive of it. If that is not successful, then the bill that I have authored, which is just about the same bill with some minor changes, I hope will prevail in lieu of that.

Mr. MEEHAN. Mr. Speaker, if the gentleman would yield for just a minute, we have been working hard on this bipartisan bill. The gentleman from Connecticut, CHRIS SHAYS, and the gentlewoman from Washington, LINDA SMITH, ironically enough, LINDA SMITH and I, for example, we do not agree on very much. She is a conservative Republican and I am a more progressive Democrat. But the one thing

that we do agree on is the fact that we will never get to balance the budget fairly, we will never get decisions made in Washington on the merits until we change the campaign finance laws.

It is really frustrating to be here again, near the end of another session, and see all the publicity that the Republican majority got about having reform week and see it turn into nothing but a total fluke, a sham. They are not going to do it. It is just really, really frustrating.

The one thing about it that I think that the American people get is that the worst thing that we could do is nothing. The worst thing we could do is to publicize a reform week and then have nothing. I think ultimately the American people will have their say. It may be a complicated issue, but they understand that we need less money, not more money, spent in the electoral process, in elections in this country. They understand we need to level the playing fields so that people of average, modest means are able to get onto the people of average, modest means are able to get onto the ballot in districts all across America; whether they are liberal or Democratic, Republican or conservative, are able to get on and run for Congress. That is what democracy is all about.

As long as we have the corrupting influence of millions and millions and millions of dollars being spent on these campaigns, the American public is going to be suspicious of decisions that have been made. I think ultimately, maybe it will not be this Congress, but I think ultimately the American people are going to demand the type of reform we have been fighting for.

Mr. FARR of California. I appreciate my colleague's passion on this, Mr. Speaker. The gentleman got married last weekend and he is down here giving up part of his honeymoon to be here and talk about reform week.

Mr. MEEHAN. I thought we were going to be here to do reform week. I have been working for 3 years. I can just imagine my wife at home saying, wait a minute, they are not doing campaign finance reform. You told me you had to be there for campaign finance reform. But what are you going to do? The Committee on Rules just a few hours ago made the decision to block again changing the way our campaigns are financed. I guess the priest said forgiveness is important, so hopefully she will remember that when she finds out that campaign finance reform again ended up on the back burner.

Mr. FARR of California. I think the biggest tragedy that would be caused by a vote on the Republican bill, if that ever became law, is that I think it would kill the very dream that people have when they come into this building that they or maybe a relative or son or daughter, and certainly as I talk to, I know you talk to all the school children that we meet with every week, and I would like to instill in them that there are ordinary people serving in Congress, and that they too, maybe not even knowing it at young school age or high school age or a young student in college, that they could someday serve in the United States Congress, because if they look around, that is what this Congress has been made up of.

I think that the bill that is being debated in the Committee on Rules to be brought to the floor as the major bill, as the Republican leadership bill for campaign reform, would kill the opportunity for ordinary people to become Members of Congress. That would be the greatest tragedy we could ever perform on this institution that we are so proud of.

Mr. MEEHAN. There is no question about that. I did get married last weekend, and I come from a large family, and my father worked as a compositor at the Lowell Sun, and my mother raised 7 children. I am very fortunate to have the opportunity to have been able to get elected to the Congress.

Could you imagine a system where the political parties, the bosses in Washington, determined, well, we are going to spend a few hundred thousand dollars in the Fifth District up in Massachusetts because we do not want to see this former prosecutor get elected. I never would be here, and there are a lot of other people who would not be here if we had a campaign finance system that allowed an individual person to contribute $3.1 million to political parties all over the country, and then those parties can funnel this money into congressional races.

There is no way that a lot of people would be here, and increasingly, more and more people are getting elected to Congress because of money. It is the wrong direction. The American people understand that. They feel that. They may not understand the intricacies of election law, but they know that we need less money, not more money, in the system. That is why the Republicans are going to have a lot of difficulty getting the votes on this ridiculous bill to increase the influence of money in American politics.

Mr. FARR of California. Mr. Speaker, I appreciate the gentleman's remarks. I want to continue on, because we have in the gallery tonight guests that are here watching this debate, and I think we see night after night people coming here to watch.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind the gentleman that he should refrain from references to the guests in the gallery.

Mr. FARR of California. Thank you, Mr. Speaker. People come here from all over the world to watch Congress in session. It is an opportunity to see how in this country laws are made.

What we are about tonight is the special order talking about what is going on in a room upstairs here called the Committee on Rules room, where they determine the rules to bring bills to the floor: whether the bill will come to the floor, what kind of amendments can be offered to the bill, how much time there will be for debate, whether the amendments are in order.

As we saw, this was the promise that this would be the week that these issues would all be addressed on the floor. We are here at almost 10:30 at night in Washington, DC, and we have no resolution to this promise that was made to this Congress.

Mr. MEEHAN. Mr. Speaker, if the gentleman will continue to yield, I guess the only promise we have is that we are not going to have reform week.

Let me also say one of the reasons why there was reform in terms of what happened on the floor of this House when television cameras were brought in, the American people got an opportunity to see what happened firsthand, was to get people involved in the process. I think once the American people hear the debate on this floor, they are going to respond to the fact that the Republicans have not done anything about reform week.

Not only that, you mentioned the letters in your office. Clearly the American people who watch the debate on the floor here day in and day out, and there are thousands who do, who watch the debate day in and day out, will be appalled to find out that we are doing nothing on campaign finance reform.

I wanted to mention one other thing, Mr. Speaker. I mentioned the tobacco industry, because I have been involved in the whole issue of trying to prevent kids in America from being susceptible to tobacco, a product that kills over 400,000 people a year in this country. One of the difficult things about that battle is the amount of money that tobacco companies invest in political campaigns and in the political parties.

When I see a bill come before the Congress of the United States at a time when States all over America are increasing the tax on cigarettes, we are still providing subsidies to tobacco companies. Guess what? Every time there is a proposal that comes before the floor, it loses, to end these subsidies.

The assault weapons ban. That debate that we had on the floor of the Congress on assault weapons I felt was really an appalling debate. There was a press report that shows that there were Members in the majority, the leadership are the party that made commitments to the NRA and other groups that we would have a vote to reverse the ban on assault weapons. No one in America wanted that assault weapons ban to be repealed. All of the public opinion polls were against it. Even in the U.S. Senate they did not take up this battle. Senator Dole said, "I want nothing to do with it."

What did we do? As a payback to over $300,000 that were contributed by these interests, the NRA and other interests, we have a debate for an entire day on repealing the assault weapons ban. Think of it. We pass the toughest, smartest crime bill, bipartisan, by the way, and Republicans helped pass that bill, as well as Democrats did. We pass it, and then in this Congress there were compliments made in the last election, all kinds of money invested, literally millions of dollars invested in special interest gun lobby money, and we spend an entire day voting to repeal the assault weapons ban.

As far as I can see, Mr. Speaker, that was nothing more than payback time. I said that at that time. We had a whole day debate over it on a Friday. And here we are, trying to debate one of the fundamentally most important reforms a country like ours could ever institute, campaign finance reform. And guess what? The Committee on Rules is up there determining we are not going to debate it this week, we are not going to deal with it. They were only going to give us an hour or so on it anyway.

I just think back to an entire day on repealing the assault weapons ban that was part of the crime bill, with bipartisan support. And here we are, and we cannot even get a vote on campaign finance reform. It is absolutely incredible to me and incredible to the American public, how that could happen.

Mr. FARR of California. It may speak to how bad it has gotten in Washington. That is that the interests that you just talked about and others really would not want a campaign reform bill. You can see them out lobbying against it.

What it would do, it would limit the amount of money that they could give any one candidate. It would require that if they put out bulletins independent of the candidate, that they would have to disclose those as a campaign piece. If they put out your voting record and said your voting record is good because it supports us or it is bad because it opposes us, that at campaign time could be considered a campaign piece, and they would have to be registered as giving an in-kind contribution to the candidate that it benefited. They do not like that. They do not want that kind of disclosure.

So this campaign reform really hits, the Democratic version hits at the very concerns that some of the biggest special interests and most controversial special interests in Washington have.

□ 2230

On the other hand, the leadership bill comes to the floor with no limits. They could buy and sell and own campaign elections throughout America.

Mr. MEEHAN. Actually, if the gentleman will yield, I would never believe that the majority party would come in with a bill like that. I just never would have believed it. Let me just say there are a number of Republicans who are committed to campaign finance reform. I have worked diligently, day in and day out with the gentleman from Connecticut [Mr. SHAYS] and the gentlewoman from Washington [Mrs. SMITH]. They are fully and totally committed to campaign finance reform.

Mr. Speaker, the problem is with their leadership. The problem is when the Speaker of the House testifies before a congressional committee that there is not enough money being spent in the political process, that in fact we need to raise the limit, more than double the limits of what individuals can contribute. Then the problem is with the Republican leadership. That is what the American people are responding to. How is it that we have a leadership that promised to change the way Congress does business, has an opportunity to fundamentally change the way Congress does business?

The President has been asking for this bipartisan bill all year long, challenging the Congress to pass limits on how much money is spent, challenging the Congress to set some limits on special interest money. We lost by six votes in the bipartisan bill over in the U.S. Senate. If the House could pass real bipartisan campaign finance reform, I believe that it would result in action in the other body. But instead, we have a bill that even Members of the Republican party are embarrassed about, totally embarrassed.

Some of my colleagues read the Dear Colleague letter that was sent around by, I believe, 10 Republican Members, Republican Members who want to see real campaign finance reform. They are embarrassed and they are appalled. What do we do? We say, All right, if you guys are embarrassed, if you guys are appalled, we'll do nothing. Let's take it up later.

That never ever should have been done. We should have known it was coming when the Speaker testified before the congressional reform committee and said: Hey, look, we do not need to limit how much money is spent. We need to increase it so we can compete with Coca-Cola and the major companies.

We are talking about elections in a democracy. We are not talking about selling away to the highest bidder. We are talking about how we elect people to the U.S. Congress and whose interest they are going to represent. We are not talking about competing with Motorola or competing for billions of dollars in advertising on the television set. Absolutely the wrong message. We should have known this was going to happen as soon as the Speaker said he wanted to see more money in the process.

Mr. Speaker, I guess we should not be surprised, but I have to admit I am surprised that just 2 weeks ago the press releases were going out about reform week. And here we are, Wednesday at 10:30. Everyone is going home tomorrow at 4, and we have done nothing on reform, absolutely, positively nothing.

Mr. FARR of California. Reclaiming my time, Mr. Speaker, does the gentleman get the sense that this reform effort, so-called reform effort by the Republican leadership is actually imploding on them, that it is blowing up? Because we frankly have, between the Members that have cosponsored your bill and the Members that have voted for my bill in the past, we have enough votes to put our bill out. Frankly, we have enough time left where that bill could become law and signed by the President, and we have a letter from the President saying, if the measure gets to his desk, he will sign it. He is very supportive of the Farr bill.

I get the sense that one of the reasons we see a lot of this sort of slippage and speculation here that things are blowing up is because we really have a chance to do campaign reform because the American public has spoken. They want it. They like this bill. They like your bill. They like my bill. They like them so much better than the alternative that they have allowed their voices to be heard here in Washington.

The letters are coming in. The League of Women Voters, a strong advocate group here, nonpartisan, has let Congress know that they want to see campaign reform.

Does the gentleman have a sense that the Republican bill is really exploding in their face, so to speak?

Mr. MEEHAN. Mr. Speaker, it is interesting. I have talked to a lot of my colleagues on both sides of the aisle, and they say: Look, the President is going to sign campaign finance reform.

There are all kinds of different versions. But if it is true campaign finance reform, this President is going to sign it. I believe that. The President is willing to compromise. If he can get any kind of limits on how much money is spent, I think he is going to sign the bill. An I think that is what they are afraid of.

Mr. Speaker, what do they do? They come up with the only possible idea or notion to make the President not sign the bill. Okay, we will put more money in the process. Obviously the President is going to sign this bill. I am reminded of when the Congress rushed to pass campaign finance reform when President Bush indicated he was going to veto the bill. That bill got right over to the President's desk right away so the President could veto it, and everyone went home. But now we have a President that is over there at the White House waiting for a campaign finance reform bill, willing to sign it, pushing the Congress to try to get some kind of limits, and guess what? Congress is blinking.

There is not going to be a campaign finance reform bill that is going to go

to the President's desk. I will tell the gentleman that there is no greater failure of this Congress that the inability of the Congress to get a campaign finance reform bill over to the President's desk. That will be viewed in history and by the American people as the single biggest failure of this Congress, to get that bill or some bill that the President can sign over to him. Republicans have come up with the only conceivable bill that the President would not sign, a bill that increases rather than decreases the influence of money in American politics.

So I give them credit for that. They have found a bill the President cannot support. It is a bill that increases the amount of money individuals can contribute.

Mr. FARR of California. Mr. Speaker, I am not sure they can even get enough support from their own Congress. Fortunately I do not think they will get the support.

Mr. KINGSTON. Mr. Speaker, if the gentleman will yield, I heard my colleague say some people over here were interested in the debate. I wanted to actually have a debate instead of people throwing softballs back and forth at each other.

Mr. MEHAN. Go ahead. Ask a question.

Mr. KINGSTON. The question is, as I have listened to my colleague and the gentleman who left earlier, and I believe we are in the same class, the gentleman is a freshman class Democrat.

Mr. MEEHAN. Could the gentleman ask a question?

Mr. KINGSTON. Absolutely. I did not want to derail it by just coming out. But the Democrats had a reform bill, Republican freshmen had a reform bill in the 103rd previous Congress. Then if I recall correctly, the Democrats controlled the House, the Democrats controlled the Senate, and President Clinton was in the White House. I am just kind of wondering why we did not have campaign reform then. If it is fair to blame it on Republicans at this point, why would it not be fair to blame it on Democrats?

Mr. FARR of California. I am glad the gentleman asked, because in the 103d Congress with a bipartisan vote, we passed a bill over to the Senate. It was very similar to the bill that President Bush had vetoed in 1992. That bill ironically was filibustered by none other than Senator GRAMM who blocked it from the conferees being appointed. It was again a Republican defeat of a Democratic bill as it had been in the 102d, in the 101st and 100th Congress, every one of those Congresses.

Mr. MEEHAN. If the gentleman would yield to me, I am really glad for that question because that is exactly what happened with the bill. There was a Republican filibuster. This House passed it, it was bipartisan because that is when I started working with my colleague from Connecticut, CHRIS SHAYS. Let me just say, I have worked diligently in a bipartisan way to pass campaign finance reform. I have worked with Republicans on campaign finance reform in this session since I got here. There are a number of Republicans who are committed to campaign finance reform. There are 20 Republicans on my bill who want to see a bipartisan bill pass. We have worked with both sides. The gentleman wants to ask a question, we have answered the question, and the public record is clear. This bill in the last Congress was killed by a Republican filibuster. If we want to lay blame, we will give a little bit of the blame to Democrats that are not pushing the bill quickly enough. But the bottom line to this is we have an opportunity to pass a bipartisan campaign finance reform bill, and what do the Republicans come up with? With a bill that increases how much money is spent on elections.

Mr. KINGSTON. Are we going to debate or grandstand?

Mr. MEEHAN. Neither part have had the audacity to submit to the Congress a bill that increases limits.

Mr. KINGSTON. Are we going to debate or grandstand?

The SPEAKER pro tempore (Mr. HAYWORTH). The gentleman from Georgia will suspend. The gentleman from California controls the time.

Mr. FARR of California. I thank the Speaker. We have a few minutes left. I would rather not yield to the gentleman. He can have the next hour and speak as much as he wants.

Mr. KINGSTON. And I will be glad to yield to you on my time if you do want to have a debate.

The SPEAKER pro tempore. The gentleman from Georgia will suspend. The gentleman from California controls the time.

Mr. FARR of California. I thank the Speaker.

Mr. MEEHAN. If the gentleman will yield further, obviously we are finishing up our debate. The gentleman had a question, and it was a great question, "Should we not blame the Democrats?"

The truth was the bill in the 103d Congress had bipartisan support, it died in a Republican filibuster, and never got to the President. Clearly President Clinton would have signed that bill had it gotten there on time.

Mr. FARR of California. We do not even need to go back to last year. We can talk about this year. We have the same action by the Republican leadership in the Senate this year on the bill that was a counter bill to the one the gentleman has authored in this House.

Mr. MEEHAN. That is exactly right. It was a bipartisan bill. I worked with Senator MCCAIN who did an outstanding job working this bill and trying to get Members of the Republican Party to support this bill. What happened? The Republicans killed that bill in the U.S. Senate. I worked diligently with Senator MCCAIN on that. He did a great job. But the Republican majority in the Senate killed that bill. I testified before a Senate committee over there. The fact of the matter is that the increases in campaign contributions that the Republican Party are enjoying at this point I think prevents any real campaign finance reform.

Just for the record, that bill over in the Senate that the gentleman from California [Mr. FARR] mentioned is a bipartisan bill. It is not about Democrats or Republicans. I recognize the fact that we cannot get a bill to the President without Republican support. That is why I went out and worked with the Republicans to get a bill that we could agree on, a bipartisan bill. But it has to limit how much money is spent. Otherwise, it is not real reform. I am delighted to have had this opportunity to speak out about my bipartisan bill and the really sorry state of affairs that we are faced with here on Reform Week, day 3, I guess. We are going to leave tomorrow, I guess, not doing anything in terms of any of the reforms that were advertised, including campaign finance reform.

Mr. FARR of California. I think history will show as we end this debate here that the Democratic caucus with bipartisan support in the past has passed campaign reform out of this House, in the 103d Congress, the 102d Congress, the 101st Congress, and the 100th Congress and in every one of those instances, that action has been thwarted by Republican actions either in the Senate or a veto by a Republican President. It is obvious that the campaign reform that we are talking about that the American public wants and has supported these number of years is about to be thwarted by actions in this House as well, It is a tragedy. It is a tragedy that Reform Week has diminished into this kind of strained effort to not have effective campaign reform. I thank the gentleman for coming down tonight and being in the well and sharing his thoughts with me as one of the leaders in campaign reform in America.

Mr. MEEHAN. I compliment the gentleman for having this hour on campaign finance reform.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all speakers that it is inappropriate to characterize possible action or inaction in the other body.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3820, CAMPAIGN FINANCE REFORM ACT OF 1996

Mr. SOLOMON (during consideration of the Special Order of the gentleman

from Georgia, Mr. KINGSTON) from the Committee on Rules, submitted a privileged report (Rept. No. 104–685) on the resolution (H. Res. 481) providing for consideration of the bill (H.R. 3820) to amend the Federal Election Campaign Act of 1971 to reform the financing of Federal election campaigns, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR FURTHER CONSIDERATION OF H.R. 3734, PERSONAL RESPONSIBILITY ACT OF 1996

Mr. GOSS (during consideration of the Special Order of the gentleman from Georgia, Mr. KINGSTON) from the Committee on Rules, submitted a privileged report (Rept. No. 104–686) on the resolution (H. Res. 482) providing for further consideration of the bill (H.R. 3734) to provide for reconciliation pursuant to section 201(a)(1) of the concurrent resolution on the budget for fiscal year 1997, which was referred to the House Calendar and ordered to be printed.

MORE ON REFORM WEEK

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Georgia [Mr. KINGSTON] is recognized for 60 minutes as the designee of the majority leader.

Mr. KINGSTON. Mr. Speaker, I appreciate the time and wanted to say first of all a couple of things about the, and I am not going to call it a debate, my friends from the other side of the aisle who would yield 1 minute and then go off on a tirade. I do not think that is quite a debate, but then again I am not from their districts.

But I want to point out one thing, Mr. Speaker. The Clinton administration came to office, and they have been in office for 3½ years. They enjoyed 2 years of majority rule in the Senate and in the House. During that period of time, campaign finance reform was not passed. I have heard that PHIL GRAMM was the problem.

Who controlled the Senate during that period of time? Obviously the Democrats did. If they are going to bring in partisan politics, then it certainly stands to reason it should have passed under their watch the first 2 years.

I know this, Mr. Speaker, because I worked with TILLIE FOWLER and PETER TORKILDSEN on a campaign finance bill that we introduced as a freshman class.

□ 2215

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. If the gentleman from Georgia would suspend, the Chair would remind all those assembled that it is inappropriate to discuss individual Members of the other body or action or inaction they may have taken with regard to legislation.

Mr. KINGSTON. I understand that, Mr. Speaker, and I appreciate that point.

Let the record be clear that the Senate and the House were controlled by Democrats for the 2-year period of time. The House Republicans have been working on campaign finance reform on a bipartisan basis for some time now, and one of the issues that we are trying to get bipartisan support on but we cannot is the issue of soft money and the practice of unions and big union PACs to participate in elections and not even to have to report that money even though it is spent on behalf of a candidate. They can come into a district and spend under the label of soft money, an independent expenditure of money on ads, money directed toward the incumbent Republican, almost unlimited, and there is no check on that.

True campaign finance reform would account for all political money, not just the reportable money, and I hope that we do get some Democrats who are willing to stand up to the big union bosses. I know that they are raising $35 million on behalf of Democrat candidates right now and Democrats are somewhat very reluctant to take on such a cash cow, but it would be great if they would.

Just to give Members some idea, AFL–CIO in 1994 spent $804,000 on Democrat congressional candidates, 99 percent of their contributions. The American Federation of Teachers spent $1,053,000; 99.3 percent of their total contributions went to Democrats. The American Trial Lawyers Association spent 94 percent of their campaign contributions on Democrat candidates, $1,759,000. The Human Rights folks spent 96.5 percent of their money on Democrats. That is $470,000. The Community Action Program spent 96 percent of their money on Democrats, $42,000. The International Longshoreman's, $300,000, which was 96 percent going to Democrats. The IUE, this is some other union, I am not sure which, $204,000, 100 percent going to Democrats. The International Union of Bricklayers, $143,000 going to Democrat candidates, 98.9 percent of their entire budget of contributions. The National Education Association, $1,968,000; 99 percent of it going to Democrats. And one more, the UAW union PAC, $1,914,000, 99 percent going to Democrat candidates. I would say if you want true campaign finance reform, this has to be included in the formula.

Mr. Speaker, the gentleman from Massachusetts wanted some time, and let me yield to him.

Mr. MEEHAN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I was just going to make the point that the bipartisan bill, which I have been working on with CHRIS SHAYS and with LINDA SMITH, would in fact limit, in fact the first provision is to abolish PAC money. The second fall-back provision because of constitutional problems is to limit PAC's to $1,000 per primary, $1,000 for general. And there are 21 Democrats on that particular bill so I think the characterization of Democrats is inaccurate.

Mr. KINGSTON. Reclaiming the time just a minute with the intent of yielding back to you for further explanation, does your bill also limit or eliminate independent expenditures, such as those that have been targeted by the AFL–CIO to the tune of $35 million?

Mr. MEEHAN. The U.S. Supreme Court has just recently ruled that one cannot limit the independent expenditures in these races. But what we do is require more accurate recordkeeping so that we know where the money is coming from and where it is going.

One of the difficulties with campaign finance reform is the U.S. Supreme Court decisions which make it impossible to limit independent contributions.

Mr. KINGSTON. Reclaiming my time for a minute, I understand that and I think that is a good point. Let me ask the gentleman this, though, in terms of individual union members who are not necessarily buying the big labor union Democrat embrace, should they not have the right to know where their dues are going? For example, here is a union, the Democrat-Republican Independent Voter Education Committee. I am not sure which union this is, maybe the gentleman can tell me. But just the name, Democrat-Republican Independent Voter Education Committee would lead me as a rank and file union member to think that my money was going everywhere when in fact $2,131,000 went to Democrats which represented 97.8 percent of the entire expenditures. Clearly that is a Democrat PAC. It would be fair to tell the people who have to contribute where their money is going.

So my question is, do you support that worker contributor's right to know clause, which we have been working very hard with in our campaign finance reform to try to get in there?

Mr. FARR. May I respond?

Mr. KINGSTON. I yield.

Mr. FARR. I think that every worker has a right to know where their contribution is going. I do not think that your provision is the one that I support because it does not apply equally to corporate as well. A PAC contribution is a PAC contribution. It is a check-off system, whether you work for a corporation or whether you work for a union.

Mr. KINGSTON. Reclaiming the time for a second, I agree with you absolutely. PAC contributors, people who

work for banks or insurance companies or manufacturers, they should know also because clearly some of those PAC's are lopsided, also.

Now, none of them are as lopsided as the labor union PAC's, but I mean, for example, even NRA and tobacco PAC's, the tobacco PAC's gave more to Democrat candidates in 1994 than they did to Republicans. NRA is on like maybe a 60–40 split. I do not have the number with me but I did look at it. I truly believe anybody who contributes to a PAC needs to know to the dollar where that money went. So I am in complete agreement with you on that.

Mr. MEEHAN. Will the gentleman yield?

Mr. KINGSTON. Yes.

Mr. MEEHAN. I just ask the question, why do you think big tobacco decided to stop contributing more to Democrats and retool their efforts contributing to Republicans after NEWT GINGRICH and the Republicans took over?

Mr. KINGSTON. That is a good question. Reclaiming the time, this is the way I understand it as a student of campaign finance reform. In 1972, when PAC's started because of the large, individual contributor, the gentleman may remember the man, he was in the life insurance business, gave over $1 million to Richard Nixon's campaign, and one of the reactions were to have PAC's and PAC's were originally supposed to be a campaign finance tool, a way to get around the influence of a guy who can write a million-dollar check. And so what happened is that PAC's, people thought back in the early 1970's, would be ideological, and the gentleman knows there are some that are truly ideological. For example, a lot of the women's group PAC's they will give to a pro-choice candidate who has no chance of winning, whereas a lot of the pro-life groups hold back and want to make sure that they are winning.

Let me even take that back. I would say the abortion PAC's are more ideological. The business PAC's are absolute pragmatists. They do not truly have an ideological philosophy except their own special interest. So what they do, and the gentleman knows well, they contribute to the majority, and a lot of those tobacco contributions that have come in have come in because they best against the freshmen who knocked out incumbents, and the first thing that happens, as the gentleman is well aware of, is PAC's that bet on the wrong horse try to make amends early on in the game and that was part of the thing that was going on.

Had you guys kept the majority, there is no doubt the money would have stayed with you on that.

I agree, let us fix it. Let us have more worker right to know, contributor right to know, and let us get into it. There is plenty of room here for finance reform.

Another thing that I am interested in, and I believe the gentleman is too, is making sure that the money comes from the district. I think 75 percent of the money ought to come from somebody's individual district. But we are willing to settle on 50 percent plus $1. But that is more to your side than our side.

Mr. FARR. The difficulty with your plan is you have no limits. If you are concerned about PAC contributions influencing, whether they be labor PAC's or business PAC's or whatever the ideological framework of a PAC may be, you put no limits on them, none, absolutely none. We put limits, we say all right, candidate, if you are going to run with a limit on yourself, then you cannot take more than one-kind of your money, $200,000 maximum from a PAC and no PAC can give you more than, in a 2-year cycle, $6,000. That is what you are missing. You are missing this sort of idea of putting any kind of limits on an individual.

Mr. KINGSTON. Reclaiming my time, I agree with that and I know you are supporting the one-third limitation. I would support that.

In my race generally I am well under that. Let me give the gentleman some live true-to-life examples, Members of your party. I will share this list with you. I am not going to tell their names at this point. This one here is one of your leadership, $77,000 from PAC's, $281,000 from individuals. Seventy percent PAC contributions. Here is another one, 80 percent from PAC's, $229,000, $63,000 from individuals, or 16 percent.

Going through your list, here is one who is in your leadership, $753,000 from PACs or 78 percent and $167,000 from individuals, or 17 percent.

The list goes on and on. I could tell the gentleman, as a conservative Republican, I would love to limit this because I think it would help my party a lot more than it would help your Members.

If you want to be partisan about it, and I am not trying to be, I know the gentleman and I are both trying to clean up the system.

Let me yield to the gentleman.

Mr. FARR. In response to your question, if I knew you were going to bring your list, I would have brought my list. I think there is probably a list of similar sorts with your leadership as well. The point of the fact is this is not about what has occurred in the past because we are trying to clean that up. We are trying to put some limits on it. You cannot put limits on a bill that, frankly, the Committee on Rules has just reported to the floor. Your leadership's bill does not reform campaign finance.

Mr. KINGSTON. Well, there are a lot of things that are not in that bill. My freshman class bill that we introduced in January 1993 reached a lot further. The gentleman's freshman class bill when he first came here or the bills that the gentleman worked on reached further, also. I think that what we are trying to do is get this done, maybe plank by plank.

There is a big debate when it comes to campaign finance reform: Do you have a big bill that is a delicately stacked thing that you know winner-take-all, and if it goes down, you get nothing, or do you do piece-by-piece and does it take years to accomplish?

Before I was in Congress, I was in the State legislature. Just about every year we had a campaign finance bill. We always had to add to it, we always had to tighten it up, and I would say over a 10-year period of time, there have been dramatic changes in the Georgia campaign finance laws. So I have seen it both ways where you try a big, comprehensive bill, then it falls flat, then I have seen the smaller bills. I am not going to tell the gentleman one is better than the other, but we have got to get, as you know, a lot of folks on the other side to pass it.

We have got to get the President to sign it. We have got to get 218 votes here. We always want it to be bipartisan.

□ 2300

And I overheard you say earlier tonight one of the big problems is everybody is an expert, because the way he or she won his or her race, they believe is the absolute for everybody.

Mr. FARR of California. I, like you, served in a State legislature for 13 years and was very active in campaign finance reform in the State of California. It is a very complex system. You have 6,000 local governments in the State besides the 58 counties and the State legislature, and your are dealing with an awful lot of campaign filings and technical process.

Unfortunately, you cannot reform campaign financing piecemeal because it has so many different versions. It has amounts of money that people can give, whether they can give them to a candidate, whether they can give them to a party, whether they can give them to a PAC, whether they can give them to a national party.

So just the individual giving money, how much, how often, whether each of those organizations, a PAC, how much money they can give, what they have to report, in California you still have what we call corporate contributions to campaigns. You can give either an in-kind contribution. You may be a corporation that has a lot of telephones and, therefore, on election night you can give your office for people to come down and make calls. Under Federal laws you cannot do that.

Mr. KINGSTON. Reclaiming my time, I want to say normal PAC's cannot do it, but union PAC's can do it.

And union PAC's provide manpower, whereas banks or a Chamber of Commerce, they cannot. In terms of the lopsidedness, in terms of a big union PAC, it is incredible.

I also want to throw out something that I consider campaign finance reform. Many Members around here do not, on both sides of the aisle, mostly on your side, which has to do with Federal Government agencies lobbying.

I served with you on the Committee on Agriculture last session and this session moved over to the Committee on Appropriations. I can tell you, Mr. FARR, anybody who thinks Federal Government agencies do not lobby has never served on the Committee on Appropriations because that is all they seem to do.

They come up to our office, they have money for conferences, they have money to fax themselves around their offices and so forth. I believe a key portion and one of the stumbling blocks in balancing the budget is the fact we have agencies who are feeding out of the taxpayers' trough and they do not want to have finance reform that would stop them from lobbying.

Maybe this is more in the lobbying category, but, see, I would still consider it under that general topic of cleaning up the House.

Mr. FARR of California. Well, I think we have to address lobbying reform separately from campaign reform. Lobbying reform is essentially people who make their living there in Washington, whether it be on the public payroll or the private payroll, trying to convince Members of Congress that their opinion is the right one.

I frankly believe that lobbying is good. I do not think that lobbying is bad, because these are complex decisions that we have to make, and, as the gentleman knows, we need to have all the information that we possibly can, both sides, pro and con, and, fortunately, people are supposed to be independent after getting all that knowledge.

We know the decisions are complex. A lot of it deals with minutia and the only way we can get a grasp on it is listen to people who have vested interest in it. That does not mean because they come see you that they have our vote.

I think if we are to address campaign and lobbying reform, we have to do it, but we have to do it in such a way that it does not cut off getting good information to make a tough decision.

Mr. KINGSTON. I agree with the gentleman, and I agree it certainly can be done. Having again served in the State legislature, I would say that the State agencies also lobby, some more than others. For example social service agencies I think lobby a lot more than something like the natural resources or the fish and wildlife agencies in the State of Georgia. And that kind of model, where we do see two different agencies, one that is very aggressive, one that is passive but there with good information, but you as the legislator had to initiate the conversation as opposed to fax machines and working networks and conferences, and so forth, and bringing people into town and so forth like that. I just think that that should be part of the process.

I would love to have campaign finance reform and lobbying reform, because I think they are twin sisters. I think it should be one bill. Now, I have learned, there again going back to piecemeal, you have to take what you can get passed. So there has to be a practical side to it.

Mr. FARR of California. Under your scenario of piecemeal, the campaign reform would be piecemeal and lobbying reform would be piecemeal, but as you know, under each of those tents there is a tremendous amount of technical law that has to be developed.

My point of it is that you are not going to get campaign reform. You may get technical adjustments along the way; for example, the issue you brought up about requiring people who contribute, PAC's who annually have to go through the process of committing that, that is I think a technical adjustment. That is not campaign reform.

Campaign reform is really the whole comprehensive effort of trying to control how money comes in and how it is spent. I do not think we will do that unless we put limits on what people can do. Otherwise it is just a feeding frenzy of getting money from wherever you can get it and trying to influence the outcome.

Mr. KINGSTON. There again I think it is important that people at least have a requirement that at least 50 percent of the money come from their own district, because you can be elected from one district and then gallivant around the globe, going to Hollywood, going up to New York, meeting with big labor bosses in Washington and then going back home and your opponent has raised 100 grand on local contributions, you have raised $800,000 with the Washington big money types, and you can spend and annihilate your opponent. You can make yourself look conservative, a liberal, a moderate; you can target women, you can target minorities, or white middle class, people with blue suits, people with red hair, anything you want with that kind of money, and that is what lopsides this thing in favor of incumbents. We need to level the playing field more.

Mr. FARR of California. May I share with you the concerns I have by limiting 50 percent of your contributions just to your district? And I can probably do that and I am sure if I looked at it, I do, but it is not something I really support.

When I first ran, I ran against a very wealthy individual and when I was interested in running for office, I did what I think everybody does, you sit down and say where do I start. And what do you start with? You start with your friends and your relatives and you write everybody you ever knew, everybody you went to school with. I happened to serve in the Peace Corps so I went and wrote all my Peace Corps colleagues.

I wrote my relatives around the country and said, hey, I am running for public office and you know I am better than anybody because I have grown up and worked with you, will you help me with your initial contributions? And I think that is where everybody every candidate starts.

What disarms them is if they cannot do that and only the person who has a lot of money, a person of wealth, and by the way we limit the person——

Mr. KINGSTON. Hold on 1 minute. I want to reclaim the time and I want to admonish you. Have you ever read Robert Mitchum, who wrote "Alaska"? Have you ever read any of his books? He always starts at the very beginning, and I am interested.

But I do have something else to talk about, and so I want to say if you can quickly get to the point, I would appreciate it, so that I can talk about this other issue.

I do also want you to acknowledge the fact you guys did not yield us any time, and I do want you to remember that.

Mr. FARR of California. I appreciate your allowing me to dialog with you.

Mr. KINGSTON. I had to slap myself on the back since you are not volunteering to do it.

Mr. FARR of California. I appreciate your allowing us to have this colloquy. Without people talking, sometimes it is kind of lonely in this chamber. But my point is limiting raising that money in your district will put the advantage on a wealthy person versus a person who really has the passion to run for office, and I think we should be very careful before we do that because you do not put any limits on what a wealthy person can spend. Our bill does. It says you cannot contribute more than $50,000 of your own money.

Mr. KINGSTON. Well, now, the bill that I have cosponsored with the gentleman from Tennessee, ZACH WAMP, which is a bipartisan bill, does put individual limits on there. We do not want anybody or any organization to have undue influence.

Taking your situation and saying you have to take money where you can get it. The other problem is, though, if there is going to be influence, and if influence and money are related, should that not be district driven rather an outside interest driven?

Mr. FARR of California. I think that is for the voters to decide in your district, frankly. If they do not like where your money is coming from, you have

to publicize it. It is a public record, and the newspapers pick it up the moment it is of public record. And we see that because our campaign reports, everybody in this House had to file them, and I think they become public record any day now, and you will see the stories all next week about where contributions are coming from. That gives the voters in the District an ability to decide whether they like what they are seeing or not.

I am not sure that is so broken that it needs that kind of fixing, because I think that if you do not put limits on what the individual can contribute, the advantage all goes to the wealthy, and I do not think that is fair.

I do not want to take any more of the gentleman's time. I really appreciate this colloquy with you tonight.

Mr. KINGSTON. Well, listen, I appreciate what you guys are doing, and I know you appreciate what we are doing. I think that what we will do, as we do have these genuine disagreements on just different portions or sections of campaign finance reform, as long as we can identify those that we do agree with and keep the ball moving, then we will continue haggling over some of the other parts.

And, again, that might take a while, but I believe Democrats and Republicans all realize on an issue like this we have to have each other, we have to work forward if we want it to move down the road.

Mr. FARR of California. We have a bill on the floor, as the Committee on Rules just indicated, and I hope we can gain your support. Thank you very much.

Mr. KINGSTON. Thank you, Mr. FARR.

Mr. Speaker, I wanted to talk a little bit in regards to tax relief and economic issues and jobs. I got a call last night from a gentleman, a father from Pennsylvania, had two kids, and I could tell he was a lot like my middle-class friends back home, struggling to make the ends meet. And he just left a message, "Please keep us in mind; keep working."

I think about this man. I think about the women I see that are my wife's friends, who are around the neighborhood raising those 3-year-olds, those 5-year-olds. I drive the carpool every Monday when school is in, and when I am driving the carpool, quite often I get out and I talk to people. Mostly it is women. There are a few other dads, but, fortunately, one of the good benefits about this job is we do have some odd hours during the day and we are a little more flexible when we are home.

I see these families struggling. They save a little money, but at the end of the month instead of going down to Florida for the weekend, they have to spend it on a new dryer, or they have a car payment, or the house mortgage is payable. And they can manage it, but then they want to do something else to the house, a little modification, or they have to put in a new stove or oven, or something like that, and there is no money at the end of the month.

We passed a $500-per-child tax credit. If you had two kids, this gentleman, this family in Pennsylvania, that would have been $1,000 more that they could have. Is that a tax cut for the rich? I do not think so, Mr. Speaker. What that thousand dollars would have meant for this middle-class man is that he and his wife could have bought a few more pairs of tennis shoes, a few more clothes, or maybe they could have gone to another ball game this summer and seen the Philadelphia Phillies do something. It just would have been a good thing for them.

That was vetoed. We are going to keep working on that, Mr. Speaker, because that $500-per-child middle-class tax cut is important.

Another thing that we have passed is an increased deduction for the home-office tax. In this day and age, with two-income families and high-technology, men and women have an opportunity to work at home. I think of Liz Simpson. She is a neighbor of mine, a friend of mine, an underwriter with an insurance company, and she was able to hook up by modem to her business and stay at home with their little boy, John, and their other child so that she could spend a little more time but also continue earning a living there at home. It gave her a lot of flexibility, and I am glad we increased this home-office tax deduction.

We also had a thousand dollar elder deduction so that if your elderly mom or dad, because of medical or economic necessity, has to move in with you, you can deduct up to $1,000, again, helping that sandwich generation, you know the ones who have dependent children and dependent parents. And they are getting squeezed one more time.

We need to do things like this for the American middle class.

Above all, Mr. Speaker, of course we have to balance that budget. We are paying $20 billion each month interest on the national debt, and that money could be going to education, could be going to health care, could be going to crime prevention.

□ 2315

All it is doing is paying the bondholders on the national debt. If we balance the budget, we can bring down interest rates, which would bring down the cost of home mortgages and automobile payments. It would stimulate the economy.

On small business entrepreneurs, do my colleagues know, Mr. Speaker, that one-third of the small businesses in America are owned by women? If they could get money cheaper, borrow money at lower interest rates, then these female entrepreneurs could create more jobs, expand their businesses, create more opportunities and in turn earn more and be able to spend more leisure time at home, which is very important to the American family these days.

In terms of other family issues, we have got to increase security back home. A friend of mine called me. Obviously, I am not going to mention her name, but this woman was in her house. It was about 10:00 in the morning, mid-morning, washing her 3-year-old. The door bell rang. She goes to the door bell. She sees somebody through the curtain and does not open the door and goes back to the bathroom where she is bathing the baby. The guy kicks in the door, comes in and rapes her. Does not hurt the child, fortunately.

Do you know, Mr. Speaker, that this rapist only was sentenced for 3 years. They caught him but he was sentenced for 3 years. I never would have known about the story except she called me because she was notified that he was getting out. They have a law in Georgia that you notify the victims when somebody on probation is coming. That just makes your stomach cringe, Mr. Speaker. This thug, this deadbeat who kicks down the door on a housewife at home and then only gets 3 years, that is why we need truth in sentencing. Mr. Speaker, it says, if you are sentenced for 10 years, 15 years, then you serve 10 years or 15 years. You serve your full sentence.

I want to say this, that when folks are in prison, they ought to have work requirements and they ought to have education requirements. They ought to be out there busting bricks. Hard work, 40 hours a week. Education, 20 hours a week. That adds up to 60 hours. And do you know what, Mr. Speaker? That is what my middle-class friends are working anyhow. The people who are paying the taxes, they are not doing it on 40 hours a week anymore. They are running around doing all kinds of things. Sixty hours a week for a prisoner, that is nothing.

Another case, heart breaker, a man calls me at home. His daughter, 12 years old, was spending the night at a friend's house and was raped by the friend's older brother who was 19 years old. He called me, Mr. Speaker, because it had been 3 or 4 weeks and the police had yet to pick up the rapist.

When the daughter was raped, they took her to the hospital. They got the fluid samples and all the necessary identifications for this horrible experience. Yet it was 3 weeks. The reason why it was 3 weeks, I talked to the authorities about this, is that the police were so afraid of messing the case up because of all the loopholes that we now have in our court system that allows trial lawyers to bend and manipulate the system to get rapists, 19-year-old rapists who rape 12-year-olds, get them off because a police officer did

not dot an I or cross a T, on the arrest papers.

So in the meanwhile, while the police are out very carefully, meticulously building up a case on this, guess what? The 19-year-old is still driving by the house every day. The little 12-year-old who is now in trauma, who is now in therapy, she still sees this guy out walking the streets.

We have an absurd court system right now, Mr. Speaker. We have got to get common sense back in it. We have got to say common sense is that we want to give everybody a fair trial, but it has got to be one that is governed by common sense, not by technicalities and loopholes.

Justice should not be determined by money and whoever is the cleverest. It should be determined by what is right. So in this Congress, we have worked hard to crack down on criminal thugs and in lawsuits.

Another problem, Mr. Speaker, that is adding to the stress of the middle class has to do with the fact that drugs are just going crazy on our streets. Earlier tonight the gentleman from Florida [Mr. MICA] had a chart that showed how drug usage has been going up in the last 3 or 4 years. One of the reasons is because we had cut funding on drug awareness programs.

Mr. Speaker, I have been in a lot of schools in my district, the First District of Georgia. I have spoken to the DARE classes, drug education for eighth graders and seventh graders and sixth graders and fifth graders, telling them what illegal drugs are all about, what the consequences are about.

Do you know, Mr. Speaker, that the average age right now nationwide for trying marijuana is 13 years old? That is the bad news. The good news is, if we can keep a child drug-free until he or she is 19 years old, then, Mr. Speaker, they have a 95-percent chance of being drug-free the rest of their life. So what we have got to do as families, as educators and as government officials and as a society is keep our kids drug-free until they are 19. If we can do that, they are 95-percent home free, and that is one of the things we have got to do.

I believe drug education is extremely important for the youth of today.

Now, in terms of the pushers, we have got to be very tough on sentencing for pushers. Let us get them off the street. Let us protect our families again.

Health care is one more security issue that we have got to deal with as a society. We right now are trying to pass a bill that gets portability on health care. Very important for people who have job lock because of some situation that they can switch from job to job. My wife, Libby, her college roommate, a young lady named Kathy Haggard, was working for a bank when she discovered that she had cancer. And God rest her, she lost the battle. But during the period that she was fighting it, she went into remission for a short period of time. She was engaged. She, I think, was living in Atlanta and her fiance was living in Birmingham.

They, Mr. Speaker, could not get married because Kathy could not quit working for her bank in Atlanta because, if she did, she could not get insurance through her fiance's insurer in Birmingham. So this young lady sadly lost the battle to cancer. She went to her grave without ever being able to marry, which is, as you know, probably one of the most wonderful things that anybody can experience.

And if we had portability on health care, people like that would be helped by it, Mr. Speaker. That is something very important.

Medical savings accounts. Something that I am very big on, and I know you have worked hard on it. Medical savings accounts would allow middle-class people to take health care with a high deduction and with that deduction it would be funded through a special account, kind of an escrow account. And out of that escrow, middle-class people would pay for their kids stitches, for pediatric shots, for their glasses, the small things.

And at the end of the year, the middle-class families would get the money out of the account and get to keep it. They could use it for a college education account, if they wanted to, or they could put it in their pocket. They could spend it for Christmas money. This is a tool that middle-class families need all over America, Mr. Speaker. It is something that we are working on, and we have got to keep working for.

The breast cancer situation. Breast cancer now gets, I believe, it was a couple years ago the statistic was one out of every nine women. Now it is even higher than that. And we have increased funding on breast cancer research in this Congress. We have also expanded Medicare coverage to include breast cancer. It is something that we have to do to make sure that our mothers and our sisters are well protected, because so much of it, if detected early, we could prevent.

Our colleagues, JOHN MYERS and BARBARA VUCANOVICH, have been great champions on this because of personal family situations. JOHN MYERS brought to the Committee on Agriculture, the ag subcommittee that overseas FDA, this plastic looking device. It was a circle about this big. And he put a grain of salt on the committee table and he put this on it and he said, find the salt with your hands. And you could feel the spec.

This was a device that would not substitute for a medical exam, but it is something that in their own houses women could use for just kind of a home breast cancer analysis. And, Mr. Speaker, the FDA fought us on that. They did not want to approve the device.

I believe that American women would know that a home analysis is no substitute for a doctor's analysis. But give them the tool. Because not only could the tool detect it, but it would raise the interest level, raise the awareness level. And you and I know, as men, when we are over 40, we have to start testing for prostate cancer and so forth. Preventative medicine has got to be part of the health care planning. I truly support the efforts to increase awareness of health in the school systems and so forth, because if we can get our kids exercising and eating right early, we will have less problems down the road.

Mr. Speaker, I am going to just close with this. Another thing we can do for the middle class is to have good education systems. We have increased student loans from $24 to $36 billion in this Congress in our budget. That is going to expand the availability of a college education for many middle-class kids. I think that that would be good. But to the classrooms back home, Mr. Speaker, we want to get the bureaucracy out.

A school teacher in Darien, GA, told me at a town meeting recently that she spends 2 to 3 hours a day each day on paperwork. That is 10 hours a week that she cannot spend teaching children in her own class reading, writing, and arithmetic.

We want to take the bureaucracy in Washington out of the American classroom and let the parents and the teachers teach their own children. And we believe that that local control will help us compete in the world market.

Mr. Speaker, these are some of the things that we are working on and have worked on and have accomplished in this Congress. We need to keep the commitment for the American family and for the American middle class.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. SLAUGHTER (at the request of Mr. GEPHARDT) for today, on account of personal business.

Mr. WOLF (at the request of Mr. ARMEY) for today after 2 p.m., on account of attending a funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FARR of California) to revise and extend their remarks and include extraneous material:)

Ms. NORTON, for 5 minutes, today.

Mr. MEEHAN, for 5 minutes, today.

Ms. DELAURO, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mrs. MEYERS of Kansas) to revise and extend their remarks and include extraneous material:)

Mr. JONES, for 5 minutes, today.

Mr. MANZULLO, for 5 minutes, today.

Mr. MCINTOSH, for 5 minutes, today.

Mr. BONILLA, for 5 minutes, today.

Mr. DORNAN, for 5 minutes, each day on today and July 22 and 23.

Mr. MICA, 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. FARR of California) and to include extraneous matter:)

Mr. HOLDEN.

Mr. UNDERWOOD.

Mr. BORSKI.

Mr. FROST.

Mr. ENGEL.

(The following Members (at the request of Mrs. MEYERS of Kansas) and to include extraneous matter:)

Mr. GOODLING.

Mr. MCINTOSH.

Mr. ROS-LEHTINEN.

Mr. BURTON of Indiana.

Mr. SAXTON.

Mr. RADANOVICH, in two instances.

Mr. BAKER of California.

Mr. DUNCAN, in two instances.

Mr. FIELDS of Texas.

Mr. GILMAN.

Mr. HAYWORTH.

Mr. FLANAGAN.

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. 248. An Act to amend the Public Health Service Act to provide for the conduct of expanded studies and the establishment of innovative programs with respect to traumatic brain injury, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 248. An Act to amend the Public Health Service Act to provide for the conduct of expanded studies and the establishment of innovative programs with respect to traumatic brain injury, and for other purposes.

ADJOURNMENT

Mr. KINGSTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 27 minutes p.m.) under its previous order, the House adjourned until tomorrow, Thursday, July 18, 1996, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4166. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that the President has determined that it is in the national interest for the Export-Import Bank to make a loan of approximately $56 million to the People's Republic of China (Presidential Determination Nos. 96-38 and 96-37), pursuant to section 2(b)(2)(D)(ii) of the Export-Import Bank Act of 1945, as amended; to the Committee on Banking and Financial Services.

4167. A letter from the Acting Director, Office of Management and Budget, transmitting OMB's estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 2002 resulting from passage of H.R. 2437, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-582); to the Committee on the Budget.

4168. A letter from the Director, Office of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting the Commission's final rule—Elementary-Secondary Staff Information Report EEO-5 (29 CFR Part 1602) received July 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Economic and Educational Opportunities.

4169. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal-Aid Project Authorization (Federal Highway Administration) [FHWA Docket No. 94-30] (RIN: 2125-AD43) received July 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4170. A letter from the General Counsel, Department of Energy, transmitting the Department's final rule—Energy Conservation Program for Consumer Products: Procedures for Consideration of New or Revised Energy Conservation Standards for Consumer Products (RIN: 1904-AA83) received July 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4171. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Dihydroazadirachtin; Exemption from the Requirement of a Tolerance [FRL-5381-1] (RIN: 2070-AB78) received July 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4172. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—policy regarding the release of 888 toll free numbers corresponding to 800 toll free numbers [CC Docket No. 95-155] received July 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4173. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—implementing the statutory requirement that local exchange carriers [LEC's] provide number portability as set forth in Section 251 of the Telecommunications Act of 1996 [CC Docket No. 95-116] received July 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4174. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administrations final rule—Antibiotic Drugs; Clarithromycin Granules for Oral Suspension [Docket No. 96N-0117] received July 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4175. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Change Notice No. 2, NRC Enforcement Manual, NUREG/BR-0195, Rev. 1—received July 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4176. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the Secretary's determination and justification for authorizing the use of $3.1 million in funds made available for fiscal year 96 to carry out chapter 4 of part II of the FAA and $3.9 million in funds to carry out chapter 6 of part II of the FAA for States participating in the ECOMOG peacekeeping mission in Liberia, pursuant to 22 U.S.C. 2261(a)(2); to the Committee on International Relations.

4177. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

4178. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Amendment to the List of Proscribed Destinations [Public Notice 2407] received July 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

4179. A letter from the Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service, transmitting the Service's final rule—Groundfish of the Gulf of Alaska; Northern Rockfish in the Western Gulf of Alaska [Docket No. 960129018-6018-01; I.D. 071096B] received July 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4180. A letter from the Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service, transmitting the Service's final rule—Groundfish of the Gulf of Alaska; Pacific Ocean Perch in the Western Regulatory Area [Docket No. 960129018-6018-01; I.D. 071096D] received July 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4181. A letter from the Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service, transmitting the Service's final rule—Groundfish of the Gulf of Alaska; Pacific Ocean Perch in the Central Regulatory Area [Docket No. 960129018-6018-01; I.D. 071096H] received July 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4182. A letter from the Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service, transmitting the Service's final rule—Groundfish of the Gulf of Alaska; Pacific Ocean Perch in the Eastern Regulatory Area [Docket No. 960129018-6018-01; I.D. 071096G] received July 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4183. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Air Brake Systems; Long-Stroke Brake Chambers (National Highway Traffic Safety Administration) [Docket No. 93-54, Notice 3] (RIN: 2127-AG25) received July 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4184. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Extension of Great Lakes Load Line Certificate (U.S. Coast Guard) [CGD 96-006] (RIN: 2115-AF29) received July 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4185. A letter from the Administrator, Small Business Administration, transmitting a draft of proposed legislation and section-by-section analysis to implement the President's fiscal year 1997 Budget with respect to the programs of the U.S. Small Business Administration; to the Committee on Small Business.

4186. A letter from the Clerk of the House of Representatives, transmitting the annual compilation of personal financial disclosure statements and amendments thereto filed with the Clerk of the House of Representatives, pursuant to 2 U.S.C. 703(d)(1) and rule XLIV, clause 1, of the House Rules (H. Doc. No. 104-245); to the Committee on Standards of Official Conduct and ordered to be printed.

4187. A letter from the Chief, Forest Service, transmitting the annual report of Forest Service accomplishments for fiscal year 1995, pursuant to the Forest and Rangeland Renewable Resources Planning Act [RPA] of 1974, as amended; jointly, to the Committees on Agriculture and Resources.

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. HYDE: Committee on the Judiciary. H.R. 3215. A bill to amend title 18, United States Code, to repeal the provision relating to Federal employees contracting or trading with Indians [Rept. 104-681). Referred to the Committee of the Whole House on the State of the Union.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 3159. A bill to amend title 49, United States Code, to authorize appropriations for fiscal years 1997, 1998, and 1999 for the National Transportation Safety Board, and for other purposes; with an amendment [Rept. 104-682). Referred to the Committee of the Whole House on the State of the Union.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 3267. A bill to amend title 49, United States Code, to prohibit individuals who do not hold a valid private pilots certificate from manipulating the controls of aircraft in an attempt to set a record or engage in an aeronautical competition or aeronautical feat, and for other purposes [Rept. 104-683). Referred to the Committee of the Whole House on the State of the Union.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 3536. A bill to amend title 49, United States Code, to require an air carrier to request and receive certain records before allowing an individual to begin service as a pilot, and for other purposes; with an amendment [Rept. 104-684). Referred to the Committee of the Whole House on the State of the Union.

Mr. SOLOMON: Committee on Rules. House Resolution 481. Resolution providing for consideration of the bill (H.R. 3820) to amend the Federal Election Campaign Act of 1971 to reform the financing of Federal election campaigns, and for other purposes (Rept. 104-685). Referred to the House Calendar.

Mr. GOSS: Committee on Rules. House Resolution 482. Resolution providing for further consideration of the bill (H.R. 3734) to provide for reconciliation pursuant to section 201(a)(1) of the concurrent resolution on the budget for fiscal year 1997 (Rept. 104-686). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 or rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. KASICH:

H.R. 3829. A bill to provide for reconciliation pursuant to section 201(a)(1) of the concurrent resolution on the budget for fiscal year 1997; to the Committee on the Budget, and in addition to the Committees on Agriculture, Commerce, Economic and Educational Opportunities, and Ways and Means, 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. FILNER (for himself, Ms. MCKINNEY, Mrs. CLAYTON, Mr. CLYBURN, Mr. CONYERS, Mr. DELLUMS, Mr. DIXON, Mr. FIELDS of Louisiana, Mr. FLAKE, Mr. FORD, Mr. JACKSON, Ms. JACKSON-LEE, Mr. LEWIS of Georgia, Ms. NORTON, Mr. PAYNE of New Jersey, Mr. RUSH, Mr. SCOTT, Mr. THOMPSON, Mr. TOWNS, Ms. WATERS, Mr. WYNN, and Mr. BISHOP):

H.R. 3830. A bill to prohibit insurers from canceling or refusing to renew fire insurance policies covering houses of worship and related support structures, and for other purposes; to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEFAZIO (for himself, Mr. LIPINSKI, and Mr. COSTELLO):

H.R. 3831. A bill to amend title 49, United States Code, to ensure that the primary duty of the Administrator of the Federal Aviation Administration is to enhance the safety and security of the commercial civil aviation industry; to the Committee on Transportation and Infrastructure.

By Mr. TANNER (for himself and Mr. CASTLE):

H.R. 3832. A bill to restore the American family, enhance support and work opportunities for families with children, reduce out-of-wedlock pregnancies, reduce welfare dependence, and control welfare spending; to the Committee on Ways and Means, and in addition to the Committee on Agriculture, Commerce, Economic and Educational Opportunities, Government Reform and Oversight, Banking and Financial Services, the Judiciary, and the Budget, 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. DICKS:

H.R. 3833. A bill to amend the Violent Crime Control and Law Enforcement Act of 1994 to allow certain grant funds to be used to provide parent education; to the Committee on the Judiciary, and in addition to the Committee on Economic and Educational Opportunities, 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. FLANAGAN (for himself, Mrs. COLLINS of Illinois, Mr. COSTELLO, Mr. CRANE, Mr. DURBIN, Mr. EVANS, Mr. EWING, Mr. FAWELL, Mr. GUTIERREZ, Mr. HASTERT, Mr. HYDE, Mr. JACKSON, Mr. LAHOOD, Mr. LIPINSKI, Mr. MCHUGH, Mr. MANZULLO, Mr. PORTER, Mr. POSHARD, Mr. RUSH, Mr. WELLER, and Mr. YATES):

H.R. 3834. A bill to redesignate the Dunning Post Office in Chicago, IL, as the "Roger P. McAuliffe Post Office"; to the Committee on Government Reform and Oversight.

By Mr. HOLDEN:

H.R. 3835. A bill to amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies, subject to a reduction of 50 percent if the recipient dies during the first 15 days of such month, and for other purposes; to the Committee on Ways and Means.

By Ms. ROYBAL-ALLARD (for herself and Ms. WOOLSEY):

H.R. 3836. A bill to amend the Internal Revenue Code of 1986 to allow a small business family and medical leave credit and a credit for wages paid to employees who are allowed to shift hours of employment or work at home in order to reduce child care needs; to the Committee on Ways and Means.

By Ms. ROYBAL-ALLARD (for herself, Ms. WOOLSEY, and Ms. NORTON):

H.R. 3837. A bill to provide unemployment insurance and leave from employment to battered women; to the Committee on Ways and Means, and in addition to the Committees on Economic and Educational Opportunities, Government Reform and Oversight, and House Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STEARNS:

H.R. 3838. A bill to amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry certain concealed firearms in the State, and to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns; to the Committee on the Judiciary.

By Mr. BORSKI (for himself, Mr. MARTINI, Mr. ENGLISH of Pennsylvania, Mr. DIAZ-BALART, Mr. QUINN, Mr. FILNER, Mr. NADLER, Ms. KAPTUR, Mr. FOGLIETTA, Mr. FATTAH, Mrs. MEEK of Florida, Mr. DURBIN, Mr. NEY, Mr. HOLDEN, Mr. ANDREWS, Mr. METCALF, Mr. DEFAZIO, Mr. KING, and Mr. FROST):

H.R. 3839. A bill to terminate the effectiveness of certain amendments to the foreign repair station rules of the Federal Aviation Administration, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. KASICH (for himself, Mrs. THURMAN, Mr. DREIER, Mr. MILLER of

California, Ms. PRYCE, Mr. GILLMOR, Mr. WALKER, Mr. INGLIS of South Carolina, Mr. CONDIT, Mr. SMITH of Michigan, Mr. HOBSON, Mr. CHRYSLER, Mr. MILLER of Florida, Mr. SHAW, Mr. MCCOLLUM, and Mr. LARGENT):

H.R. 3840. A bill to empower States with authority for most taxing and spending for highway programs and mass transit programs, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, 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. MICA (for himself, Mr. MORAN, and Mrs. MORELLA):

H.R. 3841. A bill to amend the civil service laws of the United States, and for other purposes: to the Committee on Government Reform and Oversight.

By Mrs. THURMAN (for herself, Mr. BILIRAKIS, Ms. BROWN of Florida, Mr. CANADY, Mr. DEUTSCH, Mr. DIAZ-BALART, Mr. GIBBONS, Mr. FOLEY, Mr. HASTINGS of Florida, Mrs. MEEK of Florida, Mr. MILLER of Florida, Mr. PETERSON of Florida, Mr. SCARBOROUGH, Mr. SHAW, Mr. MICA, Mr. MCCOLLUM, Mr. STEARNS, Ms. ROS-LEHTINEN, Mr. BACHUS, Mr. BEVILL, Mr. BONIOR, Mr. BORSKI, Mr. BROWDER, Mr. CALLAHAN, Mr. CLEMENT, Miss COLLINS of Michigan, Mr. COMBEST, Mr. CONYERS, Mr. CRAMER, Mr. DOOLEY, Mr. DOYLE, Mr. ENGLISH of Pennsylvania, Mr. EVERETT, Mr. FAZIO of California, Mr. FRANK of Massachusetts, Mr. FROST, Ms. HARMAN, Mr. HOLDEN, Ms. JACKSON-LEE, Mr. JEFFERSON, Mr. JOHNSTON of Florida, Mr. KANJORSKI, Ms. KAPTUR, Mr. KLINK, Mr. MASCARA, Mr. MEEHAN, Mr. MOAKLEY, Mr. MORAN, Mr. MURTHA, Mr. NEAL of Massachusetts, Mr. OLVER, Mr. PAYNE of Virginia, Ms. RIVERS, Mr. SMITH of Michigan, Mr. STENHOLM, Mr. STUDDS, Mr. STUPAK, and Mr. TANNER):

H.R. 3842. A bill to amend the Internal Revenue Code of 1986 to provide an exemption from income taxation for qualified State tuition programs; to the Committee on Ways and Means.

By Mr. UNDERWOOD (for himself, Mr. GEPHARDT, Mr. BONIOR, Mr. FUNDERBURK, Mr. LANTOS, Mr. BERMAN, Mr. RICHARDSON, Mr. ACKERMAN, Mr. EVANS, Mr. ABERCROMBIE, Mr. MORAN, Mr. MANTON, Mr. TORRES, Ms. LOFGREN, Mr. TRAFICANT, Mr. HILLIARD, Mr. FRAZER, Mr. KENNEDY of Massachusetts, Mr. SCHUMER, Mr. FALEOMAVAEGA, Mr. TOWNS, Mr. SPRATT, Mr. ROMERO-BARCELO, Mr. FILNER, Mr. YATES, Mr. DEFAZIO, Mr. HINCHEY, Mr. SANDERS, Ms. KAPTUR, Mr. FATTAH, Mr. LIPINSKI, Mr. WATT of North Carolina, Mr. MEEHAN, Ms. VELAZQUEZ, Ms. ROYBAL-ALLARD, and Mr. HOLDEN):

H.R. 3843. A bill to amend title 10, United States Code, to prohibit the Defense Commissary Agency and nonappropriated fund instrumentalities of the Department of Defense from purchasing imported consumer items to be sold in commissary or exchange stores when such consumer items are not produced in conformity with minimum labor standards; to the Committee on National Security.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. ROSE introduced a bill (H.R. 3844) for the relief of the estate of William R. Holden and the estate of John Davis; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 78: Mr. BAKER of California, Mr. COBURN, and Mr. THORNBERRY.

H.R. 104: Ms. WOOLSEY and Mr. HAYWORTH.

H.R. 303: Mr. ABERCROMBIE.

H.R. 801: Mr. KING.

H.R. 938: Mr. ABERCROMBIE.

H.R. 1010: Mr. MARKEY.

H.R. 1078: Mr. DURBIN.

H.R. 1127: Mr. FALEOMAVAEGA.

H.R. 1846: Mr. GEJDENSON.

H.R. 2211: Mr. LEWIS of Georgia.

H.R. 2270: Mr. DICKEY and Mr. HANCOCK.

H.R. 2682: Mr. FRANKS of New Jersey.

H.R. 2834: Mr. CUMMINGS.

H.R. 2867: Mr. HUTCHINSON and Mr. TATE.

H.R. 2912: Mr. GREEN of Texas, Ms. ROS-LEHTINEN, Ms. NORTON, and Mr. DIAZ-BALART.

H.R. 2930: Mr. LAHOOD.

H.R. 2976: Mr. COLLINS of Georgia.

H.R. 3006: Ms. WOOLSEY.

H.R. 3199: Mrs. ROUKEMA and Mr. TALENT.

H.R. 3202: Ms. MCKINNEY, Mr. SANDERS, Mr. STARK, and Mr. LEWIS of Georgia.

H.R. 3207: Mr. NEAL of Massachusetts, Mr. HERGER, Mr. MCINNIS, and Mr. SABO.

H.R. 3212: Mr. GRAHAM.

H.R. 3234: Mr. MCCOLLUM and Mr. STUMP.

H.R. 3266: Mr. POMEROY, Mr. LEVIN, Mr. KILDEE, Mr. DINGELL, and Ms. RIVERS.

H.R. 3331: Mr. FILNER, Mr. RAHALL, Mr. COYNE, and Mr. WAXMAN.

H.R. 3332: Mr. GREEN of Texas.

H.R. 3355: Mr. GUTIERREZ, Mr. HOLDEN, and Mr. OLVER.

H.R. 3427: Mr. DORNAN and Mr. WAMP.

H.R. 3463: Mr. ENGEL and Mr. ACKERMAN.

H.R. 3480: Mr. GUTKNECHT and Mr. SOUDER.

H.R. 3487: Mrs. CLAYTON, Mr. GEJDENSON, Mr. DEUTSCH, Mr. TORKILDSEN, Mrs. SEASTRAND, Mr. BEILENSON, Mr. GILCHREST, Mr. FALEOMAVAEGA, Mr. LONGLEY, Mr. CAMPBELL, Mr. CANADY, Ms. WOOLSEY, Mr. PORTER, Mr. RIGGS, Mr. GOSS, Mr. JONES, and Mr. GALLEGLY.

H.R. 3505: Mr. JOHNSON of South Dakota.

H.R. 3537: Mr. KENNEDY of Rhode Island and Mr. FARR.

H.R. 3564: Mr. FAWELL.

H.R. 3577: Mr. STEARNS.

H.R. 3587: Mr. JACKSON.

H.R. 3619: Mr. FARR and Mrs. SEASTRAND.

H.R. 3621: Mr. MENENDEZ, Mr. ZIMMER, Mrs. KELLY, and Mr. MCNULTY.

H.R. 3696: Mr. ZELIFF, Mr. NETHERCUTT, Mr. HOSTETTLER, and Ms. GREENE of Utah.

H.R. 3708: Mr. TORRICELLI, Mr. GREEN of Texas, Mr. FROST, and Mr. YATES.

H.R. 3729: Mrs. THURMAN, Mr. FROST, and Mr. LIPINSKI.

H.R. 3752: Mr. NETHERCUTT, Mr. BONO, Mrs. CHENOWETH, Mr. MILLER of Florida, Mr. HERGER, Mrs. VUCANOVICH, Mr. HOSTETTLER, Mr. BARR, and Mr. STOCKMAN.

H.R. 3757: Mr. MANTON.

H.R. 3787: Mr. OLVER.

H.R. 3794: Mr. SKELTON and Mr. HUTCHINSON.

H.R. 3797: Mrs. KELLY.

H.J. Res. 114: Mr. OWENS.

H. Con. Res. 190: Mrs. THURMAN, Ms. ESHOO, Mr. FOGLIETTA, Mr. CLYBURN, Mr. HOKE, Mr. LEWIS of Georgia, Mr. WAXMAN, Mr. OLVER, Mr. WELDON of Florida, Mr. MARTINEZ, Mr. TORRES, Mr. GALLEGLY, and Mr. YATES.

H. Con. Res. 196: Mr. GREEN of Texas, Mr. LIPINSKI, and Mr. DEAL of Georgia.

H. Res. 39: Mr. TORRICELLI, Mr. BROWN of California, Mrs. MEYERS of Kansas, and Mr. FAWELL.

H. Res. 286: Mrs. THURMAN.

H. Res. 452: Mr. FILNER and Ms. ROYBAL-ALLARD.

H. Res. 480: Mr. HAYWORTH.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 359: Mr. BEVILL.

H.R. 3505: Mr. PETERSON of Minnesota.

AMENDMENTS

Under Clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3814

OFFERED BY: MR. DAVIS

AMENDMENT NO. 13: In the item relating to "DEPARTMENT OF JUSTICE—FEDERAL PRISON SYSTEM—SALARIES AND EXPENSES", insert before the period at the end the following:

: *Provided further*, That the Director of the Federal Prison System shall establish a site for the construction of a Federal prison facility within 250 miles of the District of Columbia for the purposes of incarcerating District of Columbia felony prisoners.

H.R. 3814

OFFERED BY: MR. DAVIS

AMENDMENT NO. 14: In the item relating to "DEPARTMENT OF JUSTICE—GENERAL ADMINISTRATION—SALARIES AND EXPENSES", after the first dollar amount, insert the following: "(increased by $250,000)".

H.R. 3814

OFFERED BY: MR. SCOTT

AMENDMENT NO. 15: Page 28, line 6, after the dollar amount, insert the following: "(reduced by $497,500,000)".

Page 32, line 13, after the dollar amount, insert the following: "(increased by $497,500,000)".

H.R. 3816

OFFERED BY: MR. SOLOMON

AMENDMENT NO. 1: Page 36, after line 10, insert the following new sections:

SEC. 506. (a) DENIAL OF FUNDS FOR PREVENTING ROTC ACCESS TO CAMPUS.—None of the funds made available in this Act may be provided by contract or by grant (including a grant of funds to be available for student aid) to an institution of higher education when it is made known to the Federal official having authority to obligate or expend such funds that the institution (or any subelement thereof) has a policy or practice (regardless of when implemented) that prohibits, or in effect prevents—

(1) the maintaining, establishing, or operation of a unit of the Senior Reserve Officer Training Corps (in accordance with section 654 of title 10, United States Code, and other applicable Federal laws) at the institution (or subelement); or

(2) a student at the institution (or subelement) from enrolling in a unit of the Senior Reserve Officer Training Corps at another institution of higher education.

(b) EXCEPTION.—The limitation established in subsection (a) shall not apply to an institution of higher education when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) the institution (or subelement) has ceased the policy or practice described in such subsection; or

(2) the institution has a longstanding policy of pacifism based on historical religious affiliation.

SEC. 507. (a) DENIAL OF FUNDS FOR PREVENTING FEDERAL MILITARY RECRUITING ON CAMPUS.—None of the funds made available in this Act may be provided by contract or grant (including a grant of funds to be available for student aid) to any institution of higher education when it is made known to the Federal official having authority to obligate or expend such funds that the institution (or any subelement thereof) has a policy or practice (regardless of when implemented) that prohibits, or in effect prevents—

(1) entry to campuses, or access to students (who are 17 years of age or older) on campuses, for purposes of Federal military recruiting; or

(2) access to the following information pertaining to student (who are 17 years of age or older) for purposes of Federal military recruiting: student names, addresses, telephone listings, dates and places of birth, levels of education, degrees received, prior military experience, and the most recent previous educational institutions enrolled in by the students.

(b) EXCEPTIONS.—The limitation established in subsection (a) shall not apply to an institution of higher education when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) the institution (or subelement) has ceased the policy or practice described in such subsection; or

(2) the institution has a longstanding policy of pacifism based on historical religious affiliation.

SEC. 508. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.