

HOUSE OF REPRESENTATIVES—Wednesday, July 24, 1996

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
July 24, 1996.

I hereby designate the Honorable TERRY EVERETT to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

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

Help us, O gracious God, to see more clearly a vision of life where good triumphs over evil, where health conquers sickness, where reconciliation prevails over intolerance, and where justice overcomes inequity. Too often we strain with our minds and struggle with ideas seeking that vision and we can be overwhelmed. So we pray, O God, that Your spirit will so abide with us and Your grace will forgive all that is past so that we cannot only see that vision where life is truly lived, but also walk in that good path prepared for us. Bless us this day and every day, we pray. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New Jersey [Mr. ANDREWS] come forward and lead the House in the Pledge of Allegiance.

Mr. ANDREWS led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain ten 1-minute notices on each side.

IN MEMORY OF KYLE AND AMY MILLER, PASSENGERS ON TWA FLIGHT 800

(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, it is with great sadness that I rise today to ask my colleagues to join me for a moment in memory of Kyle and Amy Miller of Tamaqua, PA.

Kyle and Amy were among the passengers on the TWA Flight 800 which crashed on route from New York to Paris last Wednesday night. They were on their way to Paris to celebrate their fifth wedding anniversary. Their loss, and the loss of all of the passengers and crew on the plane, was a horrible tragedy.

Kyle and Amy symbolized the American spirit and were outstanding members of their community. Kyle was a small businessman and owned part of his family hardware and plumbing businesses. Amy worked at the hardware store and was a member of the Tamaqua Area School Board. Her work in local education programs was outstanding and she was the top vote-getter in both the primary and general election.

Both Amy and Kyle were well liked and well respected in the community. I would like to offer my condolences to their families. Amy and Kyle were very special young people and they will be missed greatly.

SHEDDING CROCODILE TEARS FOR AUSTRALIAN TAXPAYERS

(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, I thought only American families spent an average of \$6,000 a year on burdensome regulations, but I guess Australia has come forward spending millions of dollars on a study to determine the dangers of crocodiles. And after millions, here is what they have determined.

First, never put your hand in a crocodile's mouth.

Second, never ride a crocodile. They can really hurt you.

Third, never try to collect crocodile eggs or baby crocs. Mama crocodiles get real mad.

And, finally, never ever attempt to capture a crocodile, especially if it is bigger than your boat.

Beam me up, Mr. Speaker. This is a crock of what? One thing for sure, America is not the only government that wastes money. But evidently the bureaucrat training school for meaningless redtape and regulations in America is now open to all of the government workers of the world, especially Australia.

I yield back the balance of all those crocodile tears for those Australian taxpayers.

MEDICARE

(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, the American people have a right to know where their elected officials stand on issues. And America's seniors have a right to know what their elected officials want to do to Medicare. House Speaker NEWT GINGRICH has been quoted as saying that he wants Medicare to "wither on the vine." Now the Republicans are saying he did not mean that. They are trying to get an ad that uses Speaker GINGRICH's quote off the air.

Well, Mr. Speaker, the Republicans are trying to rewrite history, claiming that Speaker GINGRICH meant that the Health Care Financing Administration would wither on the vine not Medicare. But as the New York Times pointed out on Saturday "Not only is it hard to imagine how individuals—except perhaps its employees—could leave the agency, this is only one of the explanations Mr. GINGRICH gave at the time."

The Republican budget proposes \$168 billion in Medicare cuts over the next 6 years. All to pay for tax breaks for the wealthy. Truth in advertising—it is what the American people demand and what they need to hear.

MEDICARE

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

Mr. KENNEDY of Rhode Island. Mr. Speaker, it seems as though in the heat of the campaign season, some people just do not like to face the truth. The Republicans right now are running away from their record in the 104th Congress, a report where they are going after Medicare to fund tax breaks for the very rich.

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

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

Just think about their budget. They ran on deficit reduction, but what did they do when they came here? They want to cut taxes \$245 billion over 7 years. Better than half of that money goes to individuals and families earning over \$100,000. What are they going to do to pay for this big tax cut? Well, they are going to cut \$270 billion from the Medicare Program. What is that going to mean to senior citizens? It is going to mean out-of-pocket expenses that are going to grow for them.

Mr. Speaker, NEWT GINGRICH said we are not going to kill it right away because that would not be politically popular. We are going to let it die on the vine.

Now what do the Republicans want to do? They want to run away from their record of this statement. They want to say, cut off all advertising that tells the truth about what the Republicans intend to do with Medicare.

MEDICARE: SENIORS BEWARE

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

Mr. PALLONE. Mr. Speaker, NEWT GINGRICH is now running away from this quote and saying that he did not mean to say that Medicare would wither on the vine, but the bottom line is that the Republican leadership's actions and the legislation that they pass in this House would accomplish that goal.

By cutting Medicare by \$270 billion in order to finance tax breaks for the wealthy, essentially what happens is that the Medicare Program will not have enough money to finance quality health care for seniors and the level of services for seniors. In addition, the Republican Medicare plan would have doubled premiums and forced seniors out of traditional Medicare because they would no longer have their choice of doctors. That is what the Republican Party is all about.

Lest anybody think that they were not going to continue this policy, they voted on another budget this year in this House of Representatives that again would slash Medicare in order to finance tax breaks to the wealthy. Today was the day when they were supposed to report back on how they were going to destroy and change Medicare structurally so that it would basically wither on the vine. Well, that deadline is passed. But I would still like to know what the Republican leadership has in mind for Medicare in this Congress. We still do not know, but one thing is for sure: The seniors should beware.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair appreciates the cooperation of

Members in listening to the Chair when he advises the Members after they have spoken for 1 minute that their time is up.

ROADBLOCK CONGRESS

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

Mr. DOGGETT. Mr. Speaker, we have a town down there in Texas called Wink and a number spread out across the State that are so small they could be called Blink because you would blink and miss them.

That is the way it is with Reform Week here in this Congress. You blink and you miss it because they just abandoned it. Instead of the reform Congress, this has become the roadblock Congress and so much of the roadblock that they would throw up is to our seniors on Medicare. Because if they are ultimately successful with their plan to erect roadblocks to access to care, as Speaker NEWT GINGRICH said with pride last year and with shame this year, "Medicare will wither on the vine."

You see, it was not just one comment. It was the similar comment of Majority Leader ARMEY that he views Medicare as an imposition on his freedom and more than the comments is the action. Instead of reforming this Congress and changing business as usual, they concentrate their efforts on weakening and dismantling the Medicare system that is serving so many of our Nation's seniors. Let us reject their Medicare approach and hold them accountable for their outrageous comments.

THE REAL GINGRICH AGENDA

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

Mr. BONIOR. Mr. Speaker, Republicans are trying to tell us today that NEWT GINGRICH did not say he wants Medicare to wither on the vine. But the record suggests otherwise.

Thirteen separate times, this Gingrich Congress voted to cut Medicare to pay for tax breaks for the wealthy.

Bob Dole brags about his 1965 vote against Medicare. DICK ARMEY says Medicare is a program he would have no part of in a free world. BILL THOMAS calls Medicare "socialism." And last February, NEWT GINGRICH's own think tank ran this editorial in their newsletter with this headline: "For Freedom's Sake, Eliminate Social Security."

Mr. Speaker, that is the direction the Republicans are heading. And now that the labor movement has had the courage to tell the truth about the Gingrich agenda, and stand up for working families, the Republicans are doing all they can to silence them.

Mr. Speaker, there's an old saying: Salt doesn't hurt unless it hits an open wound. First, it was Medicare. Next, it is Social Security. That is the real Gingrich agenda.

MEDICARE

(Mrs. KENNELLY asked and was given permission to address the House for 1 minute.)

Mrs. KENNELLY. Mr. Speaker, the Speaker has said he was misquoted on Medicare. Therefore, let us for a moment consider the majority's actions on Medicare, rather than their rhetoric.

The majority passed the largest reduction in Medicare's history—\$270 billion. The majority also proposed allowing some doctors to bill beneficiaries extra charges. Furthermore, the majority's plan would have capped Medicare's expenditures below the level of expected medical inflation. And under their bill, the Medicare premium would have doubled over the next 7 years from its current level. These facts are not in dispute.

In the end, actions speak louder than words. And the majority's actions on Medicare, as much as their rhetoric, certainly give America's seniors reason for concern.

Mr. Speaker, we need reform that protects Medicare's solvency. But we cannot afford legislation that destroys Medicare in the name of saving it.

THE TRUTH HURTS

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

Mr. ANDREWS. Mr. Speaker, the truth hurts and the truth is that what the Speaker asserted in 1995, that Medicare should wither on the vine is still true in his opinion in 1996.

The truth also is that this is a Congress that has reacted when people have opposed their positions in very negative and harmful ways to all of us. In 1995 they threw a national temper tantrum and shut the Government down because they could not get what they wanted. And now in 1996 when working men and women who are members of unions like the laborer's union exercise their constitutional right to protest statements like this, they try to intimidate, coerce, and shut them down with hearings like those that are happening today. Real crime is happening on the streets of America but the crime is not happening with statements like this. We ought to give people the right to say what they want. The truth, indeed, hurts.

□ 1015

TRIBUTE TO MUHAMMAD ALI

(Mr. WARD asked and was given permission to address the house for 1

minute and to revise and extend his remarks.)

Mr. WARD. Mr. Speaker, I rise today to commemorate a beautiful moment that will stay with me forever. Last Friday night, my family, and I watched the opening of the Olympic games. It was a wonderful spectacle of color, music, people, and culture.

The great surprise of the evening, however, was watching probably the world's most famous American, Muhammad Ali, mark the official beginning with the ceremonial lighting of the Olympic torch. We could not be prouder to have such a great sports figure calling Louisville home.

Muhammad Ali is a role model for us all. He used his talent along with fierce determination to become the best boxer in the world, proved in 1960 as he won an Olympic Gold Medal and proven in his professional career as he remains the only man to hold the boxing heavy-weight crown on three separate occasions.

As he struggles under the grip of Parkinson's disease, he remains a role model. He stood tall and proud while lighting the flame, accepting this physical burden with the dignity and grace he has exhibited for his entire career.

He truly is the greatest.

UTAH IS THE RIGHT PLACE

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

Ms. GREENE of Utah. Mr. Speaker, today marks the 149th anniversary of the day that Brigham Young and his advance party entered the Salt Lake valley in 1847 and declared: "This Is the Right Place." My great, great grandfather, William Clayton, was part of Young's group that made that epic journey which began in Illinois. And so it is with great appreciation and personal enthusiasm for my State, and its unique heritage, that I say: "Utah Is Still the Right Place."

Today, Utah is a place that has seen the desert blossom as a rose as its residents have come together to forge an existence out of a harsh, inhospitable environment. It is also a place of great cultural diversity, that will continue to require all to come together and meet their differences with mutual respect. It is a place that embraces a prosperous economy that continues to foster a warmhearted, hometown feeling, making it one of our most livable States. And now Utah will be the right place for the 2002 Winter Olympic Games.

For all Utahns, July 24 has come to be a day for reflection on what continues to make our State the right place. While our business requires me to be here today, my heart, and that of many across the country, is home in Utah today.

THE GOP IS CUTTING THE DEFICIT

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

Mr. BARTLETT of Maryland. Mr. Speaker, both the White House and my colleagues on the other side of the aisle have been patting themselves on the back so hard they've been wrenching their shoulders, all to claim credit for deficit reduction which wasn't their doing. The facts are these: The deficit would be at least \$56 billion higher today if we had followed the President's budget, but instead, we Republicans did the hard work of finding the savings the Democrats didn't have the guts to make.

The rest of the deficit reduction came from three places: First, cuts in defense as a result of the peace dividend which occurred because Ronald Reagan killed communism; second, sales of assets from the S&L cleanup already in place before Clinton took office; and third, the one thing that was the Democrats' doing; namely, tax hikes on gasoline, social security recipients, and small businessmen.

Republicans want to cut those Democratic taxes and create jobs as a result. More jobs would mean a stronger economy, which would mean a smaller deficit—no thanks at all to the Democrats.

PRESIDENT CLINTON FLIP-FLOPS ON WELFARE REFORM

(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, what really is going on with the President. I know he likes to change his mind and switch his position, but this week, the President and his friends were in rare form.

We know the President has promised to reform welfare as we know it. Yet he has managed to veto reform twice behind thinly veiled excuses.

Then he supported Wisconsin's reform in a speech, but changed his mind.

Then he spoke to the Nation's Governors and said he supported welfare reform, but the next day, his handlers were changing his tune.

The very next day, Leon Panetta said the President would veto the House-passed welfare reform. And on Sunday, Vice President GORE said the very same thing.

The following day in Denver, the President changed his mind again saying he thinks he can support welfare reform.

I can not wait for tomorrow.

With the President flipping around more than a fish out of water, who knows where he will land. But remember, as my Democrat friends have said, if you do not like the President's position, just wait awhile.

With all the flips and flops, it may soon be called the Waffle House.

I yield back the balance of broken Clinton promises.

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

Mr. ROGERS. 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 under the 5-minute rule:

Committee on Agriculture; Committee on Banking and Financial Services; Committee on Commerce; Committee on Economic and Educational Opportunities; Committee on Government Reform and Oversight; Committee on International Relations; Committee on the Judiciary; Committee on Resources; Committee on Science; and Committee on Small Business.

Mr. Speaker, it is my understanding that the minority has been consulted and that there is no objection to these requests.

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

There was no objection.

MODIFICATION TO UNANIMOUS-CONSENT AGREEMENT PROVIDING FOR FURTHER CONSIDERATION OF H.R. 3814, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

Mr. ROGERS. Mr. Speaker, last night I offered a unanimous-consent request that was agreed to for the further consideration of H.R. 3814. There was an inadvertent error in that request that I would now like to correct. I ask unanimous consent that the earlier agreement be modified so that the gentleman from Iowa [Mr. GANSKE] may offer an amendment regarding the patenting of medical procedures for 20 minutes instead of amendment No. 16 printed in the RECORD that is on the same subject.

Mr. Speaker, I understand this has been cleared with the minority.

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

There was no objection.

GENERAL LEAVE

Mr. ROGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the further consideration of H.R. 3814, and that I may and include tabular and extraneous material.

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

There was no objection.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

The SPEAKER pro tempore. Pursuant to House Resolution 479 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. 3814.

□ 1023

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. 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, with Mr. GUNDERSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose on Tuesday, July 23, 1996, the amendment offered by the gentleman from Florida [Mr. MILLER] had been disposed of and the bill was open for amendment from page 49, line 3, through page 116, line 5.

Are there further amendments made in order by the order of the House of Tuesday, July 23, 1996?

AMENDMENT OFFERED BY MR. ROGERS

Mr. ROGERS. 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. ROGERS:

On page 55, line 22, strike "\$66,000,000" and insert in lieu thereof "\$68,000,000".

On page 56, line 4, strike "\$1,837,176,000" and insert in lieu thereof "\$1,839,176,000".

On page 56, line 6, strike "\$71,276,000" and insert in lieu thereof "\$73,276,000".

On page 56, line 10, strike "\$292,907,000" and insert in lieu thereof "\$298,907,000".

On page 56, line 13, strike "\$429,897,000" and insert in lieu thereof "\$425,897,000".

The CHAIRMAN. Pursuant to the order of the House of Tuesday, July 23, 1996, the gentleman from Kentucky [Mr. ROGERS] and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Kentucky [Mr. ROGERS].

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

Mr. Chairman, this is a non-controversial amendment. I am offering this amendment to address concerns raised by some coastal Members on both sides of the aisle. The amendment would make some minor internal shifts within NOAA in order to restore funding for endangered species recovery

programs, primarily for salmon recovery in the Pacific Northwest.

Funding for these activities would be offset from within NOAA. It would cost no extra money. I know of no objections.

Mr. Chairman, I yield such time as she may consume to the gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Chairman, I thank the chairman for yielding me the time, and I rise in strong support of this amendment. It will ensure adequate funding for two of NOAA's programs that are critical to our coastal ecosystems and to the fishing industry. It is an amendment which will help the endangered species and, indeed, endangered fishermen and endangered coastal communities.

It will restore to the fiscal year 1996 level the endangered species recovery programs. These are NOAA programs. When a species is listed, the recovery is in place.

As many as 16 million salmon once made it up the Columbia River, and they were just a basis of our economy. But as recently as 1988 those species began to diminish. The recovery plans will mean that our environmental protection will be in place for those species, and it will also help us recover nearly 50,000 jobs that have been lost.

Mr. Chairman, this amendment is supported by Oregon's Governor, by the commercial and sports fishing industry, and it is also supported by those who represent several billion dollars in annual economic activity and more than 100,000 family wage jobs.

This is a vote for the environment. It is a vote for America's fishing men and women. It is a vote in favor of recreational fishing and critical tourism dollars. It is a small investment, but it will have an enormous benefit for working Americans.

Mr. Chairman, I want very much to thank the gentleman from Kentucky, Chairman ROGERS, and the gentleman from West Virginia, Mr. MOLLOHAN, the ranking member for working on this amendment, for bringing it forward. I believe that it is a great amendment. I thank you for looking out for our fishing men and women and our coastal communities, and I really support this amendment. I thank the Members for all their fine work on it.

Mr. ROGERS. Reclaiming my time, congratulations to the gentlewoman. She has been a real stalwart supporter of this cause. We congratulate her on this effort.

Mr. Chairman, I know of no opposition, no other speakers. I urge adoption of the amendment.

Mrs. SMITH of Washington. Mr. Chairman, I would like to commend Chairman ROGERS for his very responsible amendment to increase funding for the NOAA Operations, Research and Facilities account.

I am hopeful that some of these funds will be used to augment one of most important

programs in this appropriations bill, the Mitchell Act hatcheries. For decades the Federal Government has financed a hatchery program to compensate for the loss of salmon due to hydroelectric projects on the Columbia River. These facilities supported by the so-called Mitchell Act are critical to the maintenance of the region's multi-million dollar commercial and sports fishing industries.

The funding in this bill for Mitchell Act hatcheries was initially less than we need to maintain this vital program. However, I am pleased that Chairman ROGERS has agreed to increase the funds for NOAA activities so that the agency has more flexibility to fund the Mitchell Act hatcheries at a level that ensures a viable fishery in the Northwest.

While I am a strong proponent of balancing the budget, I believe that deep cuts in the Mitchell Act program will actually create more economic hardship for the already depressed fishing industry. I look forward to working with my colleagues in the Senate to ensure that we pass a bill that keeps our commitment to the people of the Northwest.

I urge my colleagues to adopt this amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky [Mr. ROGERS].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ALLARD

Mr. ALLARD. 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. ALLARD:

Page 58, strike lines 18 through 23 (relating to the Under Secretary for Technology and the Office of Technology Policy).

The CHAIRMAN. Pursuant to the order of the House of Tuesday, July 23, 1996, the gentleman from Colorado [Mr. ALLARD] and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado [Mr. ALLARD].

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

Mr. Chairman, I want to commend my colleague from Kentucky and the Appropriations Committee for their diligence and commitment to reducing government spending. However, we must not pass up an opportunity to eliminate a needless layer of bureaucracy and an unauthorized appropriation of \$5 million for the Commerce Department's Under Secretary for Technology.

Both the Authorization Committee and the Budget Committee have now recommended that the Under Secretary for Technology be terminated. The Budget Committee has accurately labeled this a redundant bureaucracy.

Mr. Chairman, we are never going to balance this budget unless we stop funding unauthorized and redundant programs.

This amendment is supported by the Citizens for a Sound Economy, the National Taxpayers Union, and the Citizens Against Government Waste. In fact, Citizens Against Government Waste will be including this vote in its deficit reduction vote rating.

Last year, this amendment nearly passed. This year there is no reason for it not to pass. When I offered the amendment in 1995, opponents argued that the appropriations bill was the wrong vehicle to make these changes and that the authorizing process would be the proper place to review this issue. Well, the authorization process has been completed, and this office was not reauthorized by the Science Committee in H.R. 3322, the Omnibus Civilian Science Authorization Act, approved by the House on May 30, 1996.

Not one Member voted for funding this office in the authorization legislation when it passed the House. If the Appropriations Committee is against this amendment, then I ask why you were not fighting for this office on the House floor on May 30.

By the Department of Commerce's own description, the Technology Administration leads the Department's advanced civilian technology strategy. We do not need a central command and control office to direct the private sector's commercialization of technology. This industrial policy office is especially no longer needed in light of Chairman ROGERS' amendment earlier to close out the Advanced Technology Program.

The Under Secretary for Technology is nothing more than another layer of bureaucracy. It is time to end this needless bureaucracy. The Federal Government should not be attempting to pick winners and losers in the area of technology, the marketplace can do this quite well. Let us follow through on our commitment to end corporate subsidies and excess government regulation. I do not believe Microsoft or Netscape or any other technology company needs another bureaucrat to keep them competitive.

If Congress is determined to spend this \$5 million, or a portion thereof, it would certainly be preferable to spend it directly on research programs, rather than on a 47-person Federal bureaucracy.

Therefore, I urge my colleagues to support this amendment and end this unauthorized \$5 million appropriation.

□ 1030

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

The CHAIRMAN. Does any Member seek time in opposition to the amendment?

Mr. MOLLOHAN. Mr. Chairman, I seek time in opposition.

The CHAIRMAN. The gentleman from West Virginia [Mr. MOLLOHAN] is recognized for 5 minutes.

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

Mr. Chairman, I rise in strong opposition to the gentleman's amendment to eliminate funding for the Technology Administration.

The world is changing, Mr. Chairman, and technology is the driving force. Technology is changing the way we work, the way we live, and the way we compete in the world.

If the United States is to maintain world economic leadership into the 21st century, we must respond quickly and precisely to these economic changes. The Technology Administration is the engine behind this critical effort. I do not know of any public servant who is more capable, more dedicated, more effective in the performance of her responsibilities than Under Secretary for Technology, Dr. Mary Good.

The Technology Administration serves as an advocate for American industries, ensuring that government policies, government programs and regulations promote U.S. competitiveness. Additionally, the Technology Administration is the only Federal agency that analyzes the civilian technology activities of our foreign competitors, working to promote and protect the U.S. technology interests in global research and development efforts.

While eliminating the Technology Administration will only have a negligible impact on the budget deficit, it will deprive U.S. industry of an effective advocate for technology innovation at a time of intensifying global competition. In fact, eliminating the Technology Administration in the heat of today's battle for global markets is like eliminating the Department of Defense at the height of the cold war.

In an era where U.S. economic prosperity will largely be determined on our ability to develop and commercialize new technology, we cannot afford to eliminate this important advocate for American industry.

To this end, Mr. Chairman, I urge my colleagues to join me and many others in this body in protecting U.S. interests, U.S. jobs, and economic growth by voting against this amendment.

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

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

Let me make a few comments in response to the gentleman's comments from West Virginia.

First of all, we are just eliminating an unnecessary bureaucracy. We have had an opportunity to reauthorize this Under Secretary position and the Congress refused to do that. So we are not talking about reducing the ability for us to compete on the international market. These functions are already performed and can easily be performed by the International Trade Administration. Under the ITA there is a Trade

Advocacy, Trade Law Enforcement, Trade Development, an International Economic Policy, and U.S. and Foreign Commercial Service offices.

Wayne Berman, a former Assistant Secretary and Counselor to the Secretary of Commerce Department, asserted that the Technology Department should be terminated immediately. He assured the committee no harm would come to the core programs under the Commerce Department's jurisdiction, and in fact the agencies would probably perform its core functions better at less cost.

As I pointed out last year, the Department of Commerce seems particularly bureaucratic. Below the Secretary level there is a Deputy Secretary, an Under Secretary and Administrator, an Under Secretary for International Trade, an Under Secretary for Export Administration, an Under Secretary for Economic Affairs, an Assistant Secretary for Oceans and Atmosphere and Deputy Administrator, an Assistant Secretary for International Economic Policy, an Assistant Secretary for Export Administration, an Assistant Secretary for Export Enforcement, an Assistant Secretary and Director General for the U.S. and Foreign Commercial Service, and the bureaucracy goes on and on and on.

I just think that this should be an easy vote for Members of the House. This is an unauthorized program. We should not continue to fund programs that are redundant in nature, continue to fund programs that are unauthorized. If we want to balance the budget, this is one place that we ought to address that concern. It is something that needs to be done for the future of our children and grandchildren. It is one small step for their future.

Mr. MOLLOHAN. Mr. Chairman, I yield 1 minute and 40 seconds to the distinguished gentleman from Tennessee [Mr. TANNER].

Mr. TANNER. Mr. Chairman, I thank the gentleman from West Virginia [Mr. MOLLOHAN] for the excellent job that he has done in this regard.

Mr. Chairman, this may be one of the more shortsighted amendments that we address in the Congress this year, unfortunately. In fact, it may be the most shortsighted amendment.

As the gentleman from West Virginia [Mr. MOLLOHAN] said in his comments, in a time of global competition the Technology Administration is the one place in the Federal Government where the Government is an ally, not an enemy of business.

The Technology Administration acts as a focal point for all industry concerns, both foreign and domestic, such as monitoring the activities of foreign firms and their parent governments, the unintended consequences of legislation and regulations that emanate from here and, as I said, a rapidly changing global economy.

This place in our Government is the one place where industry and American business has an ally. It is an advocate for industry in our country at a time when businesses need help to meet this worldwide competition. A recent report by the Council on Competitiveness and a position statement by the Industrial Research Institute urge our Government to work more closely with industry and to strengthen existing ties. This amendment is a step backward from that, the very essence of what we are trying to do in terms of an ally of our American businesses.

It manages and oversees the very things that make our businesses competitive, or helps make them so, and in a time when the short-term marketplace, and the pressures there, is squeezing the ability of American firms to do necessary long-term high-risk research and development, this is the one thing we need to do as a nation.

Mr. MOLLOHAN. Mr. Chairman, I yield myself the balance of my time. I thought there was someone on the majority side that wanted to speak and I was going to yield them time, but they have not arrived.

I will close, Mr. Chairman, by saying I think this is a very ill-advised amendment. The Commerce Department generally, and Dr. Good's office specifically, is the headquarters for strategic thinking about how we deal with the new economic challenges facing this Nation.

The gentleman from Colorado talked a lot about trade, and that is certainly a dimension to the strategic effort; however, Dr. Good does not focus on trade advocacy. Dr. Good focuses on technology development advocacy, identifying core areas where the United States has to be particularly competent if we are going to be particularly competitive into the future.

Again, I urge opposition to this very unwise amendment, and hope that the body will defeat it.

Mr. BROWN of California. Mr. Chairman, this week is the first anniversary of the House of Representatives' last rejection of an amendment by Congressman ALLARD to strike all funding for the Technology Administration from a Commerce, Justice, State, and the judiciary appropriations bill. The reasons for rejecting this amendment are just as valid today as they were then. I urge my colleagues once again reject this short-sighted amendment.

The vote is a rather hollow, symbolic gesture to cut Government spending. The Technology Administration costs taxpayers 2 to 3 cents each per year. Any savings, by the time we finish the appropriations process, will be spent on something else. Alternatively, they will be lost in the rounding error when computing next year's deficit.

The program is hardly corporate welfare either. Most of the funds pay for the Office of Technology Policy of the Department of Commerce, which from the Reagan administration onward has been a tiny, but strong advocate

for the private sector. Over the years this office has successfully advocated antitrust reform, a pro-industry Federal patent policy, a technology transfer policy that makes sure the results of Federal research are readily available to U.S. companies, and for making sure that the needs of U.S. manufacturers, especially small businessmen who manufacture goods, and a U.S. trade policy that is sensitive to the needs of U.S. manufacturers. I expect that the millions spent on this office over the years have brought returns in the hundreds of millions if not billions to private sector companies who have benefited from the policy changes the office has advocated.

Someone in the Government needs to be an advocate for American technology-based industry, and the Technology Administration has been unrelenting in its support of U.S. business in economic, trade, tax, and regulatory matters. In each successive administration, successful business men and women have joined the Technology Administration to spend a few years providing a fresh private sector perspective within the Government. They have kept an eye on foreign competitors to help ensure that U.S. firms are not handicapped in the global marketplace. They have done much of the interagency coordination related to technology. If the Technology Administration did not exist, and we wished to be effective and competitive in world commerce, we would have to create it.

Therefore, please join me in striking a blow for U.S. manufacturers and U.S. competitiveness and once again vote to defeat an Allard amendment to strike Technology Administration funding.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado [Mr. ALLARD].

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

Mr. MOLLOHAN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 479, further proceedings on the amendment offered by the gentleman from Colorado [Mr. ALLARD] will be postponed.

Does any Member seek recognition?

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 479, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: The amendment offered by the gentleman from Florida [Mr. GOSS] and the amendment offered by the gentleman from Colorado [Mr. ALLARD].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote.

AMENDMENT OFFERED BY MR. GOSS

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida [Mr. GOSS] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. Goss:

Page 48, line 7, after the dollar amount, insert the following: "(reduced by \$98,550,000)".

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 113, noes 301, not voting 19, as follows:

[Roll No. 346]

AYES—113

Allard	Franks (NJ)	Paxon
Archer	Frelinghuysen	Petri
Army	Goss	Pombo
Bachus	Greene (UT)	Porter
Baker (CA)	Gunderson	Pryce
Ballenger	Gutknecht	Radanovich
Barr	Hancock	Ramstad
Barrett (NE)	Hansen	Rohrabacher
Barton	Hastert	Roukema
Bass	Hayworth	Royce
Bereuter	Hefley	Salmon
Billirakis	Hobson	Sanford
Bliley	Hoekstra	Saxton
Boehner	Hoke	Scarborough
Bono	Hostettler	Schaefer
Brownback	Hyde	Schumer
Bunning	Inglis	Seastrand
Burton	Istook	Sensenbrenner
Callahan	Johnson, Sam	Shadegg
Chabot	Kasich	Shaw
Christensen	Kim	Smith (MI)
Chrysler	Klug	Solomon
Coble	Kolbe	Souder
Combest	Largent	Stearns
Cooley	Laughlin	Stockman
Cox	Leach	Stump
Creameans	Manzullo	Talent
Cubin	McCollum	Tate
Cunningham	McInnis	Thomas
Doolittle	McIntosh	Thornberry
Dreier	McKeon	Tiahrt
Dunn	Metcalfe	Walker
Ehlers	Mica	Weller
Ensign	Miller (FL)	White
Fawell	Moorhead	Wolf
Fields (TX)	Myrick	Zeliff
Foley	Nethercutt	Zimmer
Fowler	Neumann	

NOES—301

Abercrombie	Campbell	Doggett
Ackerman	Canady	Dooley
Andrews	Cardin	Dornan
Baesler	Castle	Doyle
Baker (LA)	Chambliss	Duncan
Baldacci	Chapman	Durbin
Barcia	Chenoweth	Edwards
Barrett (WI)	Clay	Ehrlich
Bartlett	Clayton	Engel
Bateman	Clement	English
Becerra	Clinger	Eshoo
Beilenson	Clyburn	Evans
Bentsen	Coburn	Everett
Berman	Coleman	Ewing
Bevill	Collins (GA)	Farr
Bilbray	Condit	Fattah
Bishop	Conyers	Fazio
Blumenauer	Costello	Fields (LA)
Blute	Coyne	Filner
Boehlert	Cramer	Flanagan
Bonilla	Crapo	Foglietta
Bonior	Cummings	Forbes
Borski	Danner	Ford
Boucher	Davis	Fox
Brewster	de la Garza	Frank (MA)
Browder	Deal	Franks (CT)
Brown (CA)	DeFazio	Frisa
Brown (FL)	DeLauro	Frost
Brown (OH)	DeLay	Funderburk
Bryant (TN)	Dellums	Furse
Bryant (TX)	Deutsch	Gallely
Bunn	Diaz-Balart	Ganske
Burr	Dickey	Gejdenson
Buyer	Dicks	Gekas
Calvert	Dingell	Gephardt
Camp	Dixon	Geren

Gibbons	LoBiondo	Roberts
Gilchrest	Lofgren	Roemer
Gillmor	Longley	Rogers
Gilman	Lowey	Ros-Lehtinen
Gonzalez	Lucas	Rose
Goodlatte	Luther	Roth
Goodling	Maloney	Roybal-Allard
Gordon	Manton	Rush
Graham	Markey	Sabo
Green (TX)	Martinez	Sanders
Greenwood	Martini	Sawyer
Gutierrez	Mascara	Schiff
Hall (OH)	Matsui	Schroeder
Hall (TX)	McCarthy	Scott
Hamilton	McCrery	Serrano
Harman	McDermott	Shays
Hastings (FL)	McHale	Shuster
Hastings (WA)	McHugh	Sisisky
Hayes	McKinney	Skaggs
Hefner	McNulty	Skeen
Heineman	Meehan	Skelton
Herger	Meek	Slaughter
Hilleary	Meyers	Smith (NJ)
Hilliard	Millender-	Smith (TX)
Holden	McDonald	Smith (WA)
Houghton	Miller (CA)	Spence
Hoyer	Minge	Spratt
Hunter	Mink	Stark
Hutchinson	Moakley	Stenholm
Jackson (IL)	Mollohan	Stokes
Jackson-Lee	Montgomery	Studds
(TX)	Moran	Stupak
Jacobs	Murtha	Tanner
Jefferson	Myers	Tauzin
Johnson (CT)	Neal	Taylor (MS)
Johnson (SD)	Ney	Taylor (NC)
Johnson, E. B.	Norwood	Tejeda
Johnston	Nussle	Thompson
Jones	Oberstar	Thornton
Kanjorski	Obey	Thurman
Kaptur	Oliver	Torkildsen
Kelly	Ortiz	Torres
Kennedy (MA)	Orton	Torricelli
Kennedy (RI)	Owens	Towns
Kennelly	Oxley	Trafficant
Kildee	Packard	Upton
King	Pallone	Velazquez
Kingston	Parker	Vento
Kleczka	Pastor	Visclosky
Klink	Payne (NJ)	Volkmer
Knollenberg	Payne (VA)	Walsh
LaFalce	Pelosi	Wamp
LaHood	Peterson (MN)	Ward
Lantos	Pickett	Waters
Latham	Pomeroy	Watt (NC)
LaTourette	Portman	Watts (OK)
Lazio	Poshard	Waxman
Levin	Quillen	Weldon (FL)
Lewis (CA)	Quinn	Whitfield
Lewis (GA)	Rahall	Wicker
Lewis (KY)	Rangel	Williams
Lightfoot	Reed	Wise
Linder	Regula	Woolsey
Lipinski	Richardson	Wynn
Livingston	Rivers	Yates

NOT VOTING—19

Collins (IL)	McDade	Vucanovich
Collins (MI)	Menendez	Weldon (PA)
Crane	Molinari	Wilson
Flake	Morella	Young (AK)
Hinchee	Nadler	Young (FL)
Horn	Peterson (FL)	
Lincoln	Riggs	

□ 1100

Mr. ROTH changed his vote from "aye" to "no."

Mrs. FOWLER changed her vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. RIGGS. Mr. Chairman, on rollcall No. 346, I could not be present to vote due to an unavoidable conflict. Had I been present, I would have voted "no."

PERSONAL EXPLANATION

Mr. HORN. Mr. Speaker, on rollcall No. 346, the Goss amendment which sought to cut the

Economic Development Administration by 30 percent, I was unavoidably detained on official business with staff members of the Subcommittee on Government Management, Information, and Technology, and could not come to the floor to support EDA based on the positive contribution which that agency has made to the redevelopment of Long Beach, CA.

Had I been present, I would have voted "nay."

AMENDMENT OFFERED BY MR. ALLARD

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado [Mr. ALLARD] 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 is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 183, noes 229, not voting 21, as follows:

[Roll No. 347]

AYES—183

Allard	Dickey	Klug
Andrews	Doolittle	Koibe
Archer	Dornan	Largent
Armey	Dreier	Latham
Bachus	Duncan	Laughlin
Baker (CA)	Dunn	Lazio
Baker (LA)	Ehrlich	Lewis (KY)
Ballenger	English	Linder
Barcia	Ensign	LoBiondo
Barrett (NE)	Everett	Longley
Barrett (WI)	Fawell	Luther
Bartlett	Fields (TX)	Manzullo
Barton	Foley	Martini
Bass	Fowler	McCollum
Bateman	Franks (CT)	McCrery
Bereuter	Franks (NJ)	McHugh
Bilbray	Frelinghuysen	McIntosh
Bilirakis	Frisa	McKeon
Billey	Funderburk	Metcalfe
Boehner	Gallegly	Mica
Bonilla	Ganske	Miller (FL)
Bono	Goodlatte	Minge
Brownback	Goodling	Moorhead
Bryant (TN)	Goss	Myrick
Bunning	Graham	Nethercutt
Burr	Greene (UT)	Neumann
Burton	Gunderson	Norwood
Buyer	Gutknecht	Nussle
Callahan	Hamilton	Parker
Calvert	Hancock	Paxon
Camp	Hansen	Peterson (MN)
Canady	Hastert	Petri
Chabot	Hastings (WA)	Pombo
Chambliss	Hayes	Porter
Chenoweth	Hayworth	Portman
Christensen	Hefley	Poshard
Chrysler	Herger	Pryce
Coble	Hilleary	Radanovich
Coburn	Hobson	Ramstad
Collins (GA)	Hoekstra	Roberts
Combest	Hoke	Roemer
Condit	Hostettler	Rohrabacher
Cooley	Hutchinson	Ros-Lehtinen
Costello	Inglis	Roukema
Cox	Istook	Royce
Crapo	Jacobs	Salmon
Creameans	Johnson, Sam	Sanford
Cubin	Jones	Scarborough
Cunningham	Kasich	Schaefer
Deal	Kim	Seastrand
DeLay	King	Sensbrenner
Diaz-Balart	Kingston	Shadegg
Shaw	Shays	Shaw
Shays	Smith (MI)	Shays
Smith (MI)	Smith (TX)	Shays
Smith (TX)	Smith (WA)	Shays
Smith (WA)	Solomon	Shays
Solomon	Souder	Shays
Souder	Spence	Shays
Spence	Stearns	Shays
Stearns	Abercrombie	Gillmor
Abercrombie	Ackerman	Gilman
Ackerman	Baessler	Gonzalez
Baessler	Baldacci	Gordon
Baldacci	Becerra	Green (TX)
Becerra	Beilenson	Greenwood
Beilenson	Bentsen	Gutierrez
Bentsen	Berman	Hall (OH)
Berman	Bevill	Hall (TX)
Bevill	Bishop	Harman
Bishop	Blumenauer	Hastings (FL)
Blumenauer	Blute	Hefner
Blute	Boehliert	Heineman
Boehliert	Bonior	Hilliard
Bonior	Borski	Hinchey
Borski	Boucher	Holden
Boucher	Brewster	Houghton
Brewster	Browder	Hoyer
Browder	Brown (CA)	Hyde
Brown (CA)	Brown (FL)	Jackson (IL)
Brown (FL)	Brown (OH)	Jackson-Lee
Brown (OH)	Bryant (TX)	(TX)
Bryant (TX)	Bunn	Jefferson
Bunn	Campbell	Johnson (CT)
Campbell	Cardin	Johnson (SD)
Cardin	Castle	Johnson, E. B.
Castle	Chapman	Johnston
Chapman	Clay	Kanjorski
Clay	Clayton	Kaptur
Clayton	Clement	Kelly
Clement	Clinger	Kennedy (MA)
Clinger	Clyburn	Kennedy (RI)
Clyburn	Coleman	Kennelly
Coleman	Collins (MI)	Kildee
Collins (MI)	Conyers	Kleczka
Conyers	Coyne	Klink
Coyne	Cramer	Knollenberg
Cramer	Cummings	LaFalce
Cummings	Danner	LaHood
Danner	Davis	Lantos
Davis	de la Garza	LaTourette
de la Garza	DeFazio	Leach
DeFazio	DeLauro	Levin
DeLauro	Dellums	Lewis (GA)
Dellums	Deutsch	Lightfoot
Deutsch	Dicks	Lipinski
Dicks	Dingell	Livingston
Dingell	Dixon	Lofgren
Dixon	Doggett	Lowey
Doggett	Dooley	Lucas
Dooley	Doyle	Maloney
Doyle	Durbin	Manton
Durbin	Edwards	Markey
Edwards	Ehlers	Martinez
Ehlers	Engel	Mascara
Engel	Eshoo	Matsui
Eshoo	Evans	McCarthy
Evans	Ewing	McDermott
Ewing	Farr	McHale
Farr	Fattah	McKinney
Fattah	Fazio	McNulty
Fazio	Fields (LA)	Meehan
Fields (LA)	Filner	Meek
Filner	Flanagan	Meyers
Flanagan	Foglietta	Millender-
Foglietta	Forbes	McDonald
Forbes	Ford	Miller (CA)
Ford	Fox	Mink
Fox	Frank (MA)	Moakley
Frank (MA)	Frost	Mollohan
Frost	Furse	Montgomery
Furse	Gejdenson	Moran
Gejdenson	Gekas	Murtha
Gekas	Gephardt	Myers
Gephardt	Geren	Neal
Geren	Gibbons	Ney
Gibbons	Gilchrest	Oberstar
Gilchrest	Barr	Hunter
Barr	Collins (IL)	Lewis (CA)
Collins (IL)	Crane	Lincoln
Crane	Flake	McDade
Flake	Horn	McInnis
Horn	Obey	Oliver
Obey	Ortiz	Ortiz
Ortiz	Orton	Orton
Orton	Owens	Owens
Owens	Oxley	Oxley
Oxley	Packard	Packard
Packard	Pallone	Pallone
Pallone	Parker	Pallone
Parker	Pastor	Pastor
Pastor	Payne (NJ)	Payne (NJ)
Payne (NJ)	Payne (VA)	Payne (VA)
Payne (VA)	Pelosi	Pelosi
Pelosi	Peterson (MN)	Pickett
Peterson (MN)	Pickett	Pickett
Pickett	Pomeroy	Pomeroy
Pomeroy	Portman	Portman
Portman	Poshard	Poshard
Poshard	Quillen	Quillen
Quillen	Quinn	Quinn
Quinn	Rahall	Rahall
Rahall	Rangel	Rangel
Rangel	Reed	Reed
Reed	Regula	Regula
Regula	Richardson	Richardson
Richardson	Rivers	Rivers
Rivers	Stark	Stark
Stark	Stenholm	Stenholm
Stenholm	Stokes	Stokes
Stokes	Stupak	Stupak
Stupak	Schumer	Schumer
Schumer	Scott	Scott
Scott	Serrano	Serrano
Serrano	Shuster	Shuster
Shuster	Sisisky	Sisisky
Sisisky	Skaggs	Skaggs
Skaggs	Skeen	Skeen
Skeen	Skelton	Skelton
Skelton	Slaughter	Slaughter
Slaughter	Smith (NJ)	Smith (NJ)
Smith (NJ)	Smith (TX)	Smith (TX)
Smith (TX)	Spence	Spence
Spence	Spratt	Spratt
Spratt	Stark	Stark
Stark	Stenholm	Stenholm
Stenholm	Stokes	Stokes
Stokes	Studds	Studds
Studds	Tanner	Tanner
Tanner	Tauzin	Tauzin
Tauzin	Taylor (MS)	Taylor (MS)
Taylor (MS)	Taylor (NC)	Taylor (NC)
Taylor (NC)	Tejeda	Tejeda
Tejeda	Thompson	Thompson
Thompson	Thornton	Thornton
Thornton	Thurman	Thurman
Thurman	Torkildsen	Torkildsen
Torkildsen	Torres	Torres
Torres	Torricelli	Torricelli
Torricelli	Towns	Towns
Towns	Trafficant	Trafficant
Trafficant	Upton	Upton
Upton	Velazquez	Velazquez
Velazquez	Vento	Vento
Vento	Volkmer	Volkmer
Volkmer	Walsh	Walsh
Walsh	Ward	Ward
Ward	Waters	Waters
Waters	Watt (NC)	Watt (NC)
Watt (NC)	Waxman	Waxman
Waxman	Weldon (FL)	Weldon (FL)
Weldon (FL)	Williams	Williams
Williams	Wise	Wise
Wise	Wolf	Wolf
Wolf	Woolsey	Woolsey
Woolsey	Wynn	Wynn
Wynn	Yates	Yates

NOT VOTING—21

Hunter	Menendez
Lewis (CA)	Molinari
Lincoln	Morella
McDade	Nadler
McInnis	Peterson (FL)

Riggs Weldon (PA) Young (AK)
Vucanovich Wilson Young (FL)

□ 1109

Messrs. CALVERT, DELAY, ROBERTS, HUTCHINSON, DICKEY, and BARRETT of Wisconsin changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. RIGGS. Mr. Chairman, on rollcall No. 347, I could not be present to vote due to other business. Had I been present, I would have voted "yes."

PERSONAL EXPLANATION

Mr. HORN. Mr. Speaker, on rollcall No. 347, the Allard amendment, which would eliminate \$5 million in appropriations for the Technology Administration which develops and promotes politics and programs that facilitate private sector innovations, I was unavoidably detained on official business with staff members of the Subcommittee on Government Management, Information, and Technology.

Had I been present, I would have voted "nay."

AMENDMENT OFFERED BY MRS. FOWLER

Mrs. FOWLER. 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. FOWLER: At the end of the bill, insert after the last section (preceding the short title) the following new section:

Sec. . None of the funds made available in this Act for Part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 shall be made available to an entity that is eligible to receive funds under such part when it is made known to the Federal official having authority to obligate or expend such funds that the application for funds by such an entity proposes to expend funds for a purpose other than to prevent crimes against persons or private property.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, July 23, 1996, the gentlewoman from Florida [Mrs. FOWLER] will be recognized for 5 minutes and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentlewoman from Florida [Mrs. FOWLER].

Mrs. FOWLER. Mr. Chairman, I want to bring to my colleagues' attention some concerns I have about grants which have been offered under the COPS Program. Several grants recently awarded by the Department of Justice under the COPS Program have made me concerned that the Justice Department is more interested in the number of police they fund as opposed to where the police go and how they are used.

On July 2 the Department of Justice awarded the Florida Department of Environmental Protection a \$3.5 million COPS grant. When I learned of the grant I was curious to know how the funds would be used so I wrote to the

Justice Department seeking an explanation for the grant. I have not received a response from the Justice Department; however, in an article which recently appeared in Investors Business Daily, a representative of the Florida Department of Environmental Protection claimed that the \$3.5 million grant would be used to protect the coral sanctuary. In fact he explained, and this is a quote, that instead of our program being in a city's neighborhood, our neighborhood is marine environment itself.

Now while I wholeheartedly support conservation efforts and protecting natural resources, I personally do not consider patrolling a coral sanctuary to be community-oriented policing.

□ 1115

Frankly, I do not believe that the Justice Department knows how this grant is being used. In view of both the fact that these grants are supposed to be using taxpayers' money to protect taxpayers in their communities and the fact that there is other funding available for law enforcement and enforcement of environmental rules in parks and sanctuaries, I am concerned about the criteria used in awarding these COPS grants.

My hope is that we can work together to insert language into the conference report on this legislation to make the Justice Department aware of these concerns and indicate that Congress is not only interested in how many police are hired but how and where they are being used.

Mr. ROGERS. Mr. Chairman, will the gentlewoman yield?

Mrs. FOWLER. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I thank the gentlewoman from Florida for raising this issue. Obviously, I agree that we need to make sure that the funds awarded under the COPS grant program by the administration are in fact being used for fighting crime in our communities. I do not know of any coral reefs that they are guarding. I do not know that we have a problem with crime in the coral reefs.

There are legitimate sources of Federal funds for protecting a coral sanctuary, but I do not believe that the Congress intended that the COPS Program be one of them.

Further, I would be happy to work with the gentlewoman to develop report language with would help to resolve these concerns, and I congratulate her for bringing this matter to our attention.

Mrs. FOWLER. I thank the gentleman. I know the chairman of the subcommittee has worked very hard to make sure we maintain our crime efforts, and I look forward to working with him to make sure that the Justice Department uses these funds properly.

Mr. Chairman, I include for the RECORD the following article from Investor's Business Daily.

The article referred to is as follows:

[From the Investor's Business Daily, Los Angeles, CA, July 16, 1996]

CLINTON'S COPS: A SHELL GAME?

(By Adrienne Fox)

In his 1994 State of the Union Address, President Clinton pledge to put 100,000 more police officers on America's streets. That speech spawned the Community Oriented Policing Services, and has become one of Clinton's pet anti-crime success stories.

But the number of new police on the street falls way short of that lofty goal, and a significant number are patrolling parks and marine sanctuaries, not tough inner city streets or even suburban enclaves.

Investor's Business Daily has obtained documents showing the Clinton Justice Department is awarding a portion of the COPS funding to state parks and EPA officers—not to prevent violent crime.

At least \$7.2 million in COPS grants has been used to hire 86 officers for state parks, marinas and other areas seemingly far removed from violent crime. Moreover, though Justice, and later Clinton, claimed some 43,000 new cops had been put on the streets by the program, Attorney General Janet Reno has since publicly cut that number to 17,000.

This wasn't the way it was supposed to happen.

"During the presidential campaign," Clinton said in the '94 State of the Union message, "I promised the American people that I would cut 100,000 federal bureaucrats in Washington and use those savings to put 100,000 new police officers on America's streets."

Later in 1994, Congress approved \$8.8 billion over the next six years for the COPS program.

And in '95, Clinton hailed the program in a radio address, "Police departments all around the country are putting this effort to work, hiring, training, and deploying officers as fast as we can give a go-ahead," he said.

Even though the number of officers hired for the questionable jobs is small, it raises questions about the program among elected officials who approved the funding. The list reads more like an Interior Department or Environmental Protection Agency budget than a Justice crime-fighting program.

In Florida, 30 "enviro-cops" were added to the state Department of Environmental Protection to keep watch over a coral sanctuary off the Florida Keys. The cost \$3.5 million.

"(The cops) would be law enforcement officers to cover the new Florida Keys National Marine Sanctuary," said Maj. Kenneth Willoughby of the Florida DEP. "These officers would help patrol and protect these areas."

Florida also received a \$1.8 million grant to hire 25 cops for its state parks.

Both grants were approved by and paid out of the COPS program, which covers 75% of the cost of each officer up to \$75,000 annually for three years.

When Rep. Tillie Fowler, R-Fla., first learned of the Florida DEP award, she wrote to Reno asking her to explain the grant.

"The Florida EPA grant appears to be completely inconsistent with the intent of the program, which is to put more police on the streets to protect our communities," Fowler wrote.

Her colleague, Rep. Bill McCollum, R-Fla., agrees environmental police are not what Congress envisioned when it passed the program. He heads the Judiciary Subcommittee on Crime, which oversees the grants.

"Nobody debated that," McCollum said, "I can guarantee you there's not a single person in the U.S. House who would have thought that it was going toward the purpose of anything other than a street cop."

McCollum said that when Clinton gives stump speeches on how he's putting "100,000 cops on the streets," most people picture a cop walking the beat in a crime-infested area.

"This is just one further sign of how much this administration wants to puff and exaggerate the success of this program," McCollum said.

At the same time the Florida DEP received its \$3.5 million grant, Justice rejected a request from the St. Augustine Police Department in northern Florida to fund a one-year anti-domestic violence program.

The program would have cost \$80,000 to hire one officer.

"It was to help build partnerships so that hopefully after the year, we could continue it," said St. Augustine Police Chief Bill Robinson. "I guess we were in competition with other departments out there wanting money for domestic violence. And we weren't selected."

His response to the \$3.5 million DEP grant was one of disbelief. "Thirty people to go watch some coral? I'm not sure that's what people are afraid of in our communities."

Six months ago, Donald Coventry, chief of the park police in Decatur, Ill., won a \$71,300 grant from the COPS program. He will use the money the way Congress intended—to teach youths about the dangers of drugs.

When told that some of the money is not being used to prevent violent crime, the 30-year police veteran said, "Cut them off, and send me my check. It amazes me how these people get their hands on this money."

The Murfreesboro, Tenn., Parks and Recreation Department got its hands on a \$281,159 grant from Justice to hire five park rangers.

"They will not only be public information officers," explained Lanny Goodwin, deputy director of the park department. "But they will also have the policing powers to enforce the rules and regulations of the parks."

Those rules forbid drinking and overnight camping and make certain parking restrictions.

The Texas city of Shavano won a similar grant for \$275,865 to add five park police.

And the Maryland Natural Resource Police received two grants totaling \$1 million from the Justice Department's Web site as "a number of grant initiatives to put more officers on America's streets and promote community policing strategies."

Local agencies are supposed to be awarded grants if the money will be used for community policing. Other programs funded include problem-solving programs, anti-gang efforts, equipment and overtime budgets, combating youth violence and training retiring soldiers to become cops.

But, according to the data, that's not what happens, Charles Miller, spokesman for the COPS program, said as long as an agency hires law enforcement officers who have gone through a police academy and the budget meets COPS' guidelines the grant is approved.

He also said the guidelines don't include whether there has been a history of violent crime in an area to be covered or whether people even reside there.

There's no question that violent crimes are committed in state and national parks. But have they reached a crisis? In some cases yes, and in some cases no," Miller responded. "The mandate we have received is to fund

additional officers. And those jurisdictions are qualified if they hire sworn officers."

But hasn't Clinton said repeatedly that the COPS program is to combat violent crime? "No. Well, there is violent crime in parks," Miller stressed. "But the whole point of this (program) was to add 100,000 police to the nation's streets and to have them involved in community policing."

The dictionary definition of community is being stretched beyond the standard "unified body of persons."

For instance, the COPS office believes the coral reef off the Florida Keys is a community—even though it's marine life. "But it's very unique," Florida DEP's Willoughby explained.

"Instead of our program being in a city's neighborhood, our neighborhood is the marine environment itself," he added.

The Justice Department points out that the bulk of the funding is going to cities and police departments.

Justice also said Congress is aware of all the grants approved and how the money is being awarded. The COPS application form, for instance, asks the local agency to check areas of priority. Two of the areas listed are agriculture crime and wildlife crime.

But Rep. McCollum and Coventry, Decatur's park police chief, agreed there are higher priorities.

"With the task we have before us, law enforcement should not be abusing one red cent of federal money to help fight crime," Coventry said.

McCollum said, "Unless there truly is a law enforcement nexus that is real, this is just a sham."

McCollum adds that while there may be a real need for more environmental policing, it should not come out of the COPS budget.

The House Subcommittee on Crime is starting an investigation into the COPS grants, McCollum suggested he might craft a bill setting limits on how the money can be spent.

Cops On the Beat—How Some U.S. Law Enforcement Grants Were Used

Florida:	Amount
National Marine Sanctuary	\$3,500,000
Park patrol	2,800,000
Illinois: Water reclamation	150,000
Maryland: Natural resources	1,000,000
Tennessee: Murfreesboro parks and recreations	281,159
Texas: Shavano park police	275,865
Source: Justice Department.	

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Florida?

Ms. BROWN of Florida. Reserving the right to object, Mr. Chairman, I rise in support of the COPS Program.

I want to commend my colleague, the gentlewoman from Florida, who has brought this forward. Many times we get some erroneous information from the paper, and we want to clear this up. We want to be sure that everybody understands that Florida is not Baywatch.

Mr. DEUTSCH. Mr. Chairman, will the gentlewoman yield?

Ms. BROWN of Florida. Under my reservation, I yield to the gentleman from Florida.

Mr. DEUTSCH. Mr. Chairman, I thank the gentlewoman for yielding.

A question to the gentlewoman from Florida [Ms. BROWN], if we can enter into a little dialog, and even with the gentlewoman from Florida [Mrs. FOWLER] as well; that the article that she cites, after followup with the agencies involved in Florida, provides some factually inaccurate information. I would ask, would she believe, but I think it is pretty self-evident, some of the statements, they were talking about, that in fact the money they went to Florida under the COPS Program was not for coral reefs watching; but some of the marine patrol organizations were in fact marine patrols offshore, catching drug dealers offshore. Even though they might be in boats and it might seem like a little more fun than walking the beat of an inner city, it is as dangerous and as important for law enforcement as those innercity cops that are doing that.

Ms. BROWN of Florida. I want to submit my statement for the RECORD, Mr. Chairman. But I want to point out that the Florida department of environment protection officers seized more cocaine last year than the U.S. Customs. This year the Florida State law enforcement officer of the year was a marine patrol officer who was involved in a shooting outside of Miami.

The COPS Program is an excellent program for Florida. We received over 200 cops, and in fact a child was killed in a campsite in a Florida park in 1993 before the COPS Program. In light of some of the other incidents going on around the country, I would suggest that we do not cut this program and in any way prohibit the States from having park police or marine patrol participate in the program.

Mr. Chairman, I rise today in the strongest opposition to any attempt to cut COPS awards from park police or marine patrols. I am outraged that Members, some from my State of Florida, have erroneously criticized the award of COPS funds to park police in general and specifically to the Florida Marine Patrol. I am disappointed that a Member of this House would complain about a grant award that benefits their State and their constituents—that provides badly needed assistance that officials in that State have told the Federal Government they need.

Claims that grants to Park Police are not appropriate uses of Federal crime fighting funds are absurd. Park Police provide important protection and crime prevention in our Nation's parks and waterways. This is critical for my State of Florida.

Scores of Florida law enforcement agencies have already applied for, and been awarded, badly needed crime fighting resources through the COPS Program. Thus far, the Third Congressional District has received almost 200 additional cops in 23 different communities through the COPS Programs and crime has gone down as a result.

Park Police and Florida Marine Patrol officers have helped bust drug dealers in Florida

parcs. In fact, Florida Department of Environmental Protection officers seized more cocaine last year than U.S. Customs. This year's Florida State Law Enforcement Officer of the Year was a marine patrol officer who was involved in a shooting outside Miami.

These important officers are doing more than guarding a coral reef. They are on duty 24 hours a day. In fact a child was killed at a campsite in a Florida park in 1993 before the COPS Program was put in place. In light of the terrible murder earlier this year of two young women in the Shenandoah Park, it makes no sense to cut back on Park Police in areas that have acknowledged that they need extra help.

Mr. Chairman, this is a horrible amendment and I urge my colleagues to oppose it.

Mr. DEUTSCH. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Florida?

Mr. MOLLOHAN. Reserving the right to object, Mr. Chairman, I really appreciate the Members from Florida raising this issue. I think it gives us an opportunity to point out that one of the really strong aspects of the COPS Program is the wonderful way in which it has been administered, the expeditious way in which these grants have been let out across the Nation, getting these cops on the beat, getting policemen on the beat.

Also, I think the gentlewoman's interest raises a very real strength with regard to the COPS Program. That it has flexibility, and the ability to adapt to different environments and provide additional law enforcement resources to local communities.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Florida?

Mr. ROGERS. Reserving the right to object, Mr. Chairman, I do not know the facts of the newspaper account. All I know is I have seen the newspaper account. If in fact the administration is giving money that we intended in the Congress to go to fighting crime, COPS on the beat, as advertised, if they are in fact giving that money to people who are swimming and guarding the coral reef in Florida, I want to know whether or not they have a badge on if they swim down there, if they are fighting crime under the waters of Florida. I doubt that they are. I suspect that some of this money in the COPS Program is going for this type of activity, if not this particular one.

Mrs. FOWLER. If the gentleman will yield, Mr. Chairman, the reason I withdrew the amendment was to give the ranking member and the chairman the opportunity during the conference to make sure that the language in our guidelines is appropriate and strong enough to ensure that the funding for these cops, for these policemen, is going to make our streets and neigh-

borhoods safer, which was the original intent. I am assured that he will be working on that in the conference report.

Mr. ROGERS. Mr. Chairman, I withdraw my reservation of objection.

Ms. BROWN of Florida. Mr. Chairman, I rise today in the strongest opposition to any attempt to cut COPS awards from park police or marine patrols. I am outraged that Members, some from my State of Florida, have erroneously criticized the award of COPS funds to park police, in general, and specifically to the Florida Marine Patrol. I am disappointed that a Member of this House would complain about a grant award that benefits their State and their constituents—that provides badly needed assistance that officials in that State have told the Federal Government they need.

Claims that grants to park police are not appropriate uses of Federal crime fighting funds are absurd. We are not talking about fictional "Baywatch lifeguards," as one of my colleagues misstated to the press. These are badge-carrying, sworn officers with full arrest authority. The officers are on duty 24 hours a day and put their lives on the line every time they go to work. The underlying fallacy of the criticism of COPS funds for park police or marine patrols is that there is no crime in parks. According to the Florida Department of Environmental Protection, the nature of criminal activity in these parks is no different than any other community. Unfortunately, murders, sexual batteries, arson, child abuses, assaults and other heinous crimes cannot be kept outside of park boundaries. Serial criminals, escaped convicts, and other dangerous felons often drop out of society and seek out parks and woodlands as temporary campsites.

Park police provide important protection and crime prevention in our Nation's parks and waterways. This is critical for my State of Florida where shore areas make up such a large part of our State and where over 2 million people visit Florida parks each year.

Park police and marine patrol officers are not guarding coral reefs, as some have erroneously claimed. They are patrolling on bike and on foot protecting campers, hikers, boaters, and families trying to enjoy our parks. Scores of Florida law enforcement agencies have already applied for, and been awarded, badly needed crime fighting resources through the COPS program. Thus far, the Third Congressional District has received almost 200 additional cops. State-wide, Florida has received 2,200 officers through the COPS programs and crime has gone down as a result.

Park police and Florida Marine Patrol officers have helped bust drug dealers in Florida parks. In fact, Florida Department of Environmental Protection Officers seized more cocaine in Florida last year than U.S. Customs. This year's Florida State Law Enforcement Officer of the Year was a marine patrol officer who was involved in a shooting outside Miami. Just 2 weeks ago, a park officer was hospitalized after apprehending a violent suspect of domestic violence. In fact, a child was brutally murdered at a campsite in a Florida park in 1993 before the COPS program was put in place. In light of the terrible murder earlier this year of two young women in the Shenandoah Park, it makes no sense to cut back on park

police in areas that have acknowledged that they need extra help.

Mr. Chairman, this is a horrible amendment and I urge my colleagues to oppose it. I would also like to include in the RECORD a letter from the Florida Department of Environmental Protection and a news article from the Tampa Tribune.

DEPARTMENT OF
ENVIRONMENTAL PROTECTION,
Tallahassee, FL, July 24, 1996.

Hon. CORRINE BROWN,
Congressional Representative, District 3, U.S.
House of Representatives, Jacksonville, FL.

DEAR CONGRESSWOMAN BROWN: Recently, the Florida Department of Environmental Protection (FDEP) has been criticized for receiving a grant award under the United States Department of Justice's Community Oriented Policing Services (COPS) program. Congresswomen Tillie Kidd Fowler, District 4, and Congressman Bill McCollum, District 8, were quoted in July 16, 1996 Investor's Business Daily article expressing their displeasure with COPS funding being provided to the FDEP's Division of Law Enforcement. Particularly disconcerting is the fact that neither of your Florida Congressional colleagues contacted our agency to determine the proposed usage of the funds before making the disparaging comments, which included comparing our Division of Law Enforcement's Marine Patrol officers to "Baywatch lifeguards." On the positive side, it was nice to receive support from your office and I will attempt to provide a brief explanation of the function of the FDEP's Division of Law Enforcement and our intended use of COPS grant dollars.

FDEP's Division of Law Enforcement is comprised of four bureaus, three of which are the Bureau of Florida Marine Patrol, the Bureau of Florida Park Patrol, and the Bureau of Emergency Response. The Bureaus of Marine Patrol and Park Patrol employ over 450 State of Florida certified sworn law enforcement officers. These officers are duly constituted police officers for the State of Florida, pursuant to Florida State Statutes, Chapter 943, and are authorized to make arrests for all misdemeanors and felonies occurring within the State of Florida. The officers of the Marine Patrol and Park Patrol are represented by the Police Benevolent Association, the same collective bargaining entity that represents the Florida Highway Patrol and other state law enforcement officers.

The Florida Marine Patrol (FMP) is Florida's oldest state law enforcement agency, dating back to 1913. Officers in the Florida Marine Patrol enforce boating laws, environmental laws, conservation statutes, and fisheries laws as a primary duty. Incidentally, these officers are required to enforce crimes against persons and property, and to provide frontline enforcement of laws prohibiting the importation of dangerous drugs into our nation. The Florida Marine Patrol was the first state law enforcement agency to be deployed to the Northwest Florida area impacted by Hurricane Opal last year. FMP officers were summoned due to their advanced training and specialized equipment available, allowing these officers to rapidly assist in aiding hurricane survivors, protecting the barrier island homes from waterborne looters, and providing general law enforcement for the citizens and visitors in the affected area. Similarly, in Congressman McCollum's district, FMP officers are currently augmenting federal law enforcement authorities in providing law enforcement for

the Orlando soccer venue for the 1996 Olympic Games. Florida Marine Patrol officers, like landborne officers, are frequently placed in danger while making arrests. FMP officers have been confronted with gunfire, physical attacks, and even assaults by felons armed with spear guns. The State Law Enforcement Officer of the Year for 1996 was FMP Officer Kurt Kaloostian, who engaged in a battle with drug traffickers outside the waters of Miami, Florida, eventually arresting both after an extended chase into the Atlantic Ocean. FMP officers are often the first available search and rescue asset available to distressed boaters, waterborne immigrants, and other law enforcement agencies needing marine assistance.

The Florida Park Patrol is responsible for patrolling over 500,000 acres of State of Florida park properties, greenways, and trails. With over 145 parks and less than 80 officers to patrol these facilities, the task at hand is difficult. Over two million people visit Florida parks each year and the nature of criminal activity in these parks is no different than any other community. Unfortunately, murders, sexual batteries, arson, child abuses, assaults and other heinous crimes cannot be kept outside park boundaries. Serial criminals, escaped convicts, and other dangerous felons often "drop out" of society and seek out parks and woodlands as temporary campsites. Professionally trained, well equipped law enforcement officers are vital to ensure that park visitors are protected, thus the reason for our initial COPS grant application.

The COPS funding for the FMP officers assigned to the Florida Keys National Marine Sanctuary has received criticism from individuals who probably are unaware of the scope of the law enforcement needs for an area the size of the states of Delaware and Rhode Island combined. To assert that these officers will be "watching coral" is insulting, degrading, and shows a lack of understanding for the nature of police work in protected areas. I can assure you that the COPS funds we sought are destined for quality law enforcement service, to protect the people and resources of the State of Florida from further harm.

Again, thank you for the opportunity to explain our duties and purposes. Your assistance is greatly appreciated by the many officers who place their lives in harm's way daily to make the State of Florida a better place.

If we may be of further assistance, please do not hesitate to call me at (904) 488-5600, extension 76. The Florida Marine Patrol can be reached 24 hours a day at 1-800-DIAL-FMP.

Sincerely,

ERIC W. MILLER,
Deputy Director/Field Operations,
Division of Law Enforcement.

[From the Tampa Tribune, June 24, 1996]

MARINE PATROL NOT LAUGHING AT
'BAYWATCH' JOKE

(By Gady A. Epstein)

TALLAHASSEE—The state Democratic and Republican party attack dogs relish in taking jabs at each other's candidates, but even the GOP chairman admits his operatives went too far last week.

The Republican Party of Florida's missive last week poked fun at the Florida Marine Patrol, which received a \$3.5 million grant to help hire 30 officers to patrol the Florida Keys.

The fax criticized President Clinton for spending federal cash to put cops "on the

beach" instead of on the street, and praised the Clinton administration for "making a dent in this state's coral reef crime." "We may need to fear a request for funding more lifeguards for 'Baywatch,'" the GOP wrote.

The Department of Environmental Protection, which oversees the marine patrol, was not amused.

"This agency is shocked and we're distressed that the Florida Republican Party would even suggest that Florida Marine Patrol officers, who risk their lives every single day, are even comparable to 'Baywatch' lifeguards," said Edie Ousley, DPE spokeswoman.

"Criminals don't discriminate about where they are going to commit a crime, whether it's in the streets of a downtown urban area or on the waterway."

State GOP Chairman Tom Slade acknowledged his party went too far this time. "Probably we got a bit carried away with the press release," Slade said Tuesday. "We certainly didn't mean to offend them. The target of that press release was the president, not the Florida Marine Patrol."

The author of the release was the party's communications director, Bob Sparks, who Slade said was unavailable Tuesday afternoon.

"Let me assume full responsibility," Slade said. "I scanned it before it went out. If I had really read it, I probably would have doctored it a little bit."

Ideally, Slade said, the parties should stick closely to the issues in its press releases, but then the media wouldn't pay attention. He said the point of the latest release was that if Clinton was going to hire officers to patrol the fishing reefs, then he should have said as much.

Ousley said the officers will be "cross-deputized" to enforce federal laws, including narcotics laws, as well as state laws.

"They're obviously not 'Baywatch' lifeguards," she said. "They're real-life cops."

The CHAIRMAN. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

Mr. MORAN. Mr. Chairman, I ask unanimous consent to strike the last word.

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

There was no objection.

Mr. MORAN. Mr. Chairman, my fellow colleague, the gentleman from Virginia [Mr. DAVIS], and I would like to engage our colleague, the gentleman from Kentucky [Mr. ROGERS], in a brief colloquy on the status of the Office of Cuba Broadcasting, which is funded under this appropriation. In the 1996 appropriation, Congress directed that the headquarters of the Office of Cuba Broadcasting be moved from Washington, DC, to south Florida. That is all the legislation said.

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

Mr. MORAN. I yield to the gentleman from Virginia.

Mr. DAVIS. Mr. Chairman, now the USIA and the International Broadcasting Bureau are in the process of determining exactly how to carry out that

vague mandate. They have been directed by the White House to move not just the headquarters but the entire broadcasting operation, nearly 200 people, and to move them as soon as possible. I never, never heard of a situation where the law specifies headquarters but affects the entire organization. This concerns me, as someone whose constituents are being face with an unwanted move.

Mr. MORAN. Reclaiming my time, Mr. Chairman, I am concerned as well for any constituents, who do not want to move, and for the independent integrity of the program.

As a member of the Committee on International Relations, which has jurisdiction over Radio and TV Marti, I am also concerned that before this language was inserted we had not had any hearings on this subject. I know this concerns the gentleman from Kentucky, and I would like to explore the issue very briefly.

The report that accompanies this appropriation directs USIA and the Broadcasting Board of Governors to provide to the Committee on Appropriations a report on the employees that are expected to move, the cost of the move, and the source of funds for the move.

I applaud the committee for requiring this report. Obviously, this report has not been completed as yet, and legislation has not been enacted, and yet people are being asked to pack their bags for Florida pronto.

My question for the gentleman is this: Does the committee intend for the Agency to wait until the Agency has completed this report and submitted it to the committee before it begins carrying out the move? I know that the chairman would agree that that makes the most sense, to complete the report before taking any action, both from a management and a cost point of view.

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

Mr. MORAN. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I thank the gentleman for raising this point. It is a valid point, obviously. Certainly it is my intention that the agency have a very firm grasp of the costs and the numbers and the source of funds before beginning to put the move into effect.

It is also my intent that this information be submitted to the committee as soon as it becomes available to the agency's managers. I do not see how a plan can move forward until there is a plan. So we would expect to see a plan right away.

Mr. MORAN. Reclaiming my time, Mr. Chairman, that certainly makes a great deal of sense. I thank the gentleman. That is very helpful.

Mr. DAVIS. If the gentleman will continue to yield, that is most reassuring. I thank the chairman as well.

AMENDMENT OFFERED BY MR. ENSIGN

Mr. ENSIGN. 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. ENSIGN:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds made available in this Act to the Federal Bureau of Prisons may be used to distribute or make available any commercially published information or material to a prisoner when it is made known to the Federal official having authority to obligate or expend such funds that such information or material is sexually explicit or features nudity.

The CHAIRMAN. Pursuant to the order of the House of yesterday, the gentleman from Nevada [Mr. ENSIGN] will be recognized for 5 minutes, and a Member in opposition will be recognized for 5 minutes.

The Chair recognizes the gentleman from Nevada [Mr. ENSIGN].

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

Mr. Chairman, I am offering an amendment that will end Federal inmates' access to pornographic material. This commonsense proposal is long overdue.

My amendment, which is part of a larger crime package I introduced earlier this month, will prohibit the distribution of sexually explicit materials and other information to prisoners. Congress should not be fueling the sexual appetites of offenders, especially those who have been convicted of despicable sex offenses against women and children. Magazines that portray and exploit sex acts have no place in the rehabilitative environment of prison, nor should we pay Bureau of Prison staff to distribute them.

The infamous serial killer Ted Bundy, executed several years ago in Florida's electric chair, stated before his death his belief that pornographic materials directly contributed to his violent crimes. While a number of factors determine whether a prisoner will become a law abiding citizen upon release from prison, cutting prisoners off from their sexually explicit magazines will certainly do no harm.

Over 100,000 inmates are locked up in Federal prisons around the country. Each year it costs well over \$21,000 to house, feed, clothe, and provide medical care to each prisoner. This cost will continue to rise. When taxpayers are footing the bill for their room and board, I think it is entirely reasonable to expect inmates to conform to acceptable levels of behavior and civility.

The bill we are considering today contains a \$23 million increase in funding for the Violence Against Women Act. I support this increase and am glad we were able to dedicate resources to this important program. However, if we do not adopt my amendment, we are sending the message that it is OK to provide sexually explicit magazines

and books to the very prisoners who have committed violent acts against women.

Ironically, the House-passed version of the Defense Authorization Act included a provision which prohibits commissaries on military installations from selling magazines such as Playboy and Penthouse. It is reprehensible that this Congress would contemplate denying these magazines to members of the armed services while distributing them to Federal prisoners in their daily mail.

I planned on offering a broader amendment which would have also banned materials which are vulgar, demeaning to women, disrespectful to law enforcement, and glamorize gang activity. Due to concerns of the authorizing committee and subcommittee, I narrowed my amendment to accommodate the Judiciary Committee's comments about the definition of some of these terms. It is not my intent to create confusing terminology that will create more demands on the Bureau of Prisons staff. Nevertheless, I do encourage the authorizing committee and subcommittee to take a close look at the types of materials prisoners have access to in the Federal prison system.

I hope all Members can join me in voting for this reasonable effort. It deserves our collective support.

Mr. Chairman, I yield such time as he may consume to the gentleman from Nebraska [Mr. CHRISTENSEN].

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

It is deplorable, Mr. Chairman, to think that America's Federal prisoners are granted access to vulgar, sexually explicit materials while serving time in our Federal prisons.

Those predators who prey upon our families deserve to be treated like they are behind bars, not like they are in an adult book store.

Far too often, those individuals convicted of crimes have the opportunity, while in prison, to use materials that glamorize the very acts for which they were convicted.

It's amazing to think that after this House passed the Defense authorization bill, which banned pornography from our Nation's military bases, that we would still allow Federal prisoners to use sexually explicit materials. If restrictions are placed on those men and women in our Armed Forces, then the same should apply to Federal prisoners.

The time to reform our Federal prisons has come. For too long liberal judges, slick criminal defense attorneys, and misguided policies have turned prisons into playhouses. It is time to fix these problems and I believe that this piece of legislation will help us reach this attainable goal.

It is time to stop this ridiculous cycle of hypocrisy and end prisoner's access to sexually explicit materials.

I believe this bill will make sure prisons are punishment, not playgrounds.

Vote "yes" on the Ensign amendment. It's the right thing to do.

Mr. ENSIGN. Mr. Chairman, I yield such time as he may consume to the gentleman from Kentucky [Mr. ROGERS], chairman of the subcommittee.

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

Mr. Chairman, I have no objection to this amendment offered by the gentleman from Nevada [Mr. ENSIGN]. I thank the gentleman for working with the authorizing committee to develop the language of the amendment, and I congratulate him and his other colleagues for recognizing this as a major accomplishment and achievement.

The CHAIRMAN. Does any Member seek time in opposition to the amendment?

The question is on the amendment offered by the gentleman from Nevada [Mr. ENSIGN].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BROWN OF CALIFORNIA

Mr. BROWN of California. Mr. Chairman, I offer amendment No. 20.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 20 offered by Mr. BROWN of California: Page 56, line 11, after the dollar amount insert "(reduced by \$4,099,000)".

Page 56, line 12, after the dollar amount insert "(increased by \$4,099,000)".

Page 56, beginning at line 12, after "National Weather Service," insert "including \$429,715,000 for Operations and Research, Local Warnings and Forecasts".

Page 56, line 15, after the period add the following: "No funds made available under this heading may be used for the Great Lakes sea lampicide eradication program administered by the Department of State or the Regional Climate Centers of the National Weather Service."

□ 1130

The CHAIRMAN. Pursuant to the order of the House of Tuesday, July 23, 1996, the gentleman from California [Mr. BROWN] will be recognized for 10 minutes and a Member in opposition will be recognized for 10 minutes.

Mr. ROGERS. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Kentucky reserves a point of order.

The Chair recognizes the gentleman from California [Mr. BROWN].

Mr. BROWN of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to offer an amendment which I think would correct a major shortcoming in the bill related to the base operations for the National Weather Service.

The bill before us reduces the operations and research account of the National Weather Service by \$18 million below current spending levels. Within this reduction, the bill eliminates all funding for the much-needed replacement of the radiosonde network and

also reduces funding for the local warnings and forecast activities of the National Weather Service. These reductions will have very far-reaching negative consequences that Members should be aware of.

First, the reductions will virtually eliminate the National Weather Service forecast function in Silver Spring, MD. This vital office compiles weather data from satellite, radar, and ground observations and uses this data to run high resolution computer simulations of weather patterns on NOAA's supercomputers, the kind of weather patterns that we can see out in the Speaker's lobby broadcast over television. It is this central forecast model that is, in fact, the basis for the weather products that are then forwarded to the local offices. Without those, we are left with a "mom and pop" forecast system that we had decades ago.

It may be fashionable these days to cut personnel in Washington headquarters, as suggested by the bill's report language; but in this case it is in fact the Weather Service Headquarters that operates the forecast model that is essential to the rest of the system. It is the central office that does this. This is simply not something that can be done locally.

Another effect of the bill will be to eliminate the staffing needed for the three new weather offices that the Secretary of Commerce recently identified as being essential to regaining full coverage in critical areas such as northern Indiana and Alabama. We have worked long and hard to ensure that the new NEXRAD system will have the capability to provide adequate coverage. It is simply foolish to cut the very funding that will be needed to operate these new sites, and the Members from these areas have frequently indicated their strong support for the kind of coverage that this would provide.

Although the report language of the bill expresses an intent that only headquarters staffing should be impacted by the proposed reduction, the National Weather Service has determined that it will be impossible to meet the reduction with headquarters RIF's alone. Additional reductions in the field would need to be made. This, in all likelihood, would mean a reduction of one shift in each field office nationwide.

Finally, the bill would cancel the radiosonde replacement network program of the National Weather Service thus terminating the principal source of upper air data required for all weather forecasts and warnings. Specifically, this network is critical for up-to-date data for major events such as hurricanes, snow storms, and major flooding.

It is ironic that we are taking this action at the outset of the hurricane season when national attention will be focused on the ability of the Weather

Service to give us accurate information on the path and potential hazards of such major tropical storms.

Mr. Chairman, unfortunately my amendment would not fully restore the funding that was eliminated in the bill. I have taken only a very modest first step by proposing the elimination of several unauthorized programs that were never requested by the administration.

These programs include the Great Lakes lamprey eradication program that is presently being administered by the Department of State and also the Regional Climate Centers that were part of NOAA's old weather forecast network. Together, these programs have received \$6 million in the bill, and my amendment would direct the funding freed up to the Operations and Research account of the Weather Service.

Mr. Chairman, it was never my intent, and I want to make this very clear, to eliminate the Great Lakes lampricide program which I fully support. I firmly believe, however, that it should remain in the State Department and the intended effect of my amendment was to accomplish this. This is the same aim that I understand most, if not all, the Members from that region would also prefer to have. I am aware, however, that the supporters of this program are uncomfortable with my amendment; and for that reason, Mr. Chairman, I do plan to withdraw it after this brief discussion.

I am certainly willing to work with the supporters of this program to put it on a firmer footing in conference and to ensure that it ends up in an agency that can sustain it.

I hope by offering my amendment that we can fully focus on the real problems this bill creates for the National Weather Service. I would ask the distinguished chairman and my colleagues to help rectify this problem before the bill gets to the President.

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

The CHAIRMAN. Does the gentleman from Kentucky continue his reservation?

Mr. ROGERS. I do, Mr. Chairman, but pending that, I seek time to oppose the amendment.

The CHAIRMAN. The gentleman from Kentucky [Mr. ROGERS] is recognized for 10 minutes.

Mr. ROGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin [Mr. OBEY], the ranking member of the full committee.

Mr. OBEY. I thank the gentleman for yielding me this time.

Mr. Chairman, let me simply say that I think that those of us in the Great Lakes region who are concerned with the lamprey program agree with the intent of the gentleman in terms of who ought to be administering the program. We also agree with him in terms

of the inadequacy of the funds provided for the Weather Service. But we do not like the third result of the gentleman's amendment, which would be to eliminate the program, because the lamprey eradication program is absolutely crucial to the retention of a healthy Great Lakes fisheries industry.

Mr. Chairman, I would simply say that I for one, and I know many others, would be very happy to work with the gentleman from California to work out the problems that he has indicated; but we appreciate the fact that he recognizes that it also has an additional result which would not be acceptable to us in the region, given our concern about the Great Lakes fisheries in general.

Mr. ROGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Chairman, I want to express my thanks to the distinguished gentleman from Kentucky for yielding me this time. I want to begin by expressing great respect and affection for my dear friend from California, Mr. BROWN. I agree with him fully with regard to the impropriety of cutting the money to the Weather Service. I also agree with him with regard to the urgent need to see to it that that program is properly funded and that the conduct of the lamprey program should be within the State Department. However, I would like my colleagues to understand something about the importance of the lamprey control program in the Great Lakes. The cost of this program is miniscule. The value of the fishery in the Great Lakes alone is better than \$4 billion. Each salmon and each lake trout which are a part of the prey of the lamprey is worth better than \$70 each, to each of the States in which it is caught. So the value of this fishery is enormous. A great and prosperous fishery is threatened by an alien species which has come into the Great Lakes. A few years ago better than 1 in 3 fish caught in the Great Lakes had a lamprey attached to it. The destruction of the fishery was enormous and the cost to the people both in terms of aesthetics and in terms of fish and wildlife values and just plain cash money was enormous. It is my hope that this program can be continued unimpaired.

I recognize the value of the suggestions of the gentleman from California for whom I reiterate great respect, but I urge my colleagues to support this protection of one of the great treasures of the United States, the Great Lakes, and the precious fishery resources which are utilized for the benefit of all the people of this country.

Mr. ROGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio [Mr. LATOURETTE].

Mr. LATOURETTE. Mr. Chairman, I was prepared to rise in opposition to

the gentleman from California's amendment today; and I, like my colleagues from the Great Lakes, appreciate his offer to withdraw the amendment.

Mr. Chairman, I appreciate the support that Chairman ROGERS has shown in controlling the sea lamprey in the Great Lakes by providing level funding in this bill of over \$8 million for the sea lamprey program.

The bill before us, however, already redirects over \$4 million to the Department of Commerce for administration by NOAA. This in my opinion and the opinion of others from the Great Lakes region, jeopardizes a program that has been very successful, so successful in fact that we have seen an eradication to over 90 percent from record levels of the sea lamprey.

For those in the Chamber who are not familiar with the sea lamprey, let me assure you that it is not something you want in your backyard. In the Great Lakes we have seen an invasion of this eel-like nonindigenous species. In addition to being just a hideous-looking thing, it is parasitic and during its parasitic period can devour between 10 and 40 pounds of fish.

Before the creation of this commission, the sea lamprey virtually destroyed our entire region's prosperous recreational and commercial fisheries, practically wiped it out. We cannot backslide on these efforts.

I look forward to not only working with the chairman, but also the gentleman from California and Members on both sides of the aisle.

Mr. ROGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan [Mr. STUPAK].

Mr. STUPAK. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from California [Mr. BROWN].

While Representative BROWN may be correct that funding for the sea lamprey control program belongs in the State Department, the elimination of this funding would be devastating to the Great Lakes fishing industry.

It's estimated that the total economic value of the Great Lakes fisheries is nearly \$4 billion per year.

Between Americans and Canadians combined, over 3.3 million people fish the Great Lakes recreationally, supporting about 54,000 full-time jobs.

Over the course of its 1-to-2-year adult life, a single sea lamprey can kill 40 or more pounds of fish.

In 1992, 71 percent of the lake trout in Northern Lake Huron were killed by the lamprey. In Lake Superior, about 40 percent of the annual mortality of lake trout is attributable to lamprey predation.

For over 40 years, the United States and Canada have abided by a binational treaty to fight the sea lamprey problem. The elimination of funding for the U.S. portion of this program would violate this longstanding international agreement.

The sea lamprey control program has been a huge success. The binational control program has reduced sea lamprey population by 90 percent from their record highs in the 1950's.

However, cutting funding for sea lamprey control now would be devastating, as complete eradication of the species is not possible.

In addition, the conventional form of fighting the sea lamprey, the chemical lampricide treatment, is rapidly increasing in cost, having tripled since 1986.

The Great Lakes Fishery Commission has been able to suppress lampreys by 90 percent. Any reduction in funding would undermine the Commission's efforts and once again jeopardize the Great Lakes fishing industry.

Even a short-term interruption in lamprey control could be devastating to the fishery. A disruption in funding could allow for a severe increase in sea lamprey population, causing greater lamprey predation and a critical loss of Great Lakes fish.

The sea lamprey problem is not limited to the Great Lakes region. The lamprey has been known to appear in Lake Champlain and the Finger Lakes in New York.

The last thing we want is for the sea lamprey to become like the zebra mussel—another nonindigenous aquatic nuisance species that causes millions of dollars in damages.

Originally discovered in the Great Lakes in the 1980's, the zebra mussel is spreading rapidly across the United States, having been found throughout the Mississippi Valley to the Gulf Coast, in Chesapeake Bay, and in isolated locations as far away as California.

Cutting funding for the sea lamprey program would erase the progress we have made in controlling the sea lamprey, and threaten the fishing industry with a population explosion of this deadly species.

Mr. ROGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from West Virginia [Mr. MOLLOHAN].

Mr. MOLLOHAN. I thank the gentleman for yielding me this time.

Mr. Chairman, I regrettably rise in opposition to the gentleman's amendment. I do not dispute the critical mission of the National Weather Service. I too, would like to see it funded more robustly. However, I cannot support the amendment's offsets, and I rise in opposition.

Mr. BROWN of California. Mr. Chairman, I yield 3 minutes to the distinguished gentlewoman from Michigan [Ms. RIVERS].

Ms. RIVERS. Mr. Chairman, I rise in support of the goal of this particular amendment which is to increase funding to the National Weather Service but in strenuous opposition to the ultimate outcome which would cut funding from the Great Lakes Fisheries Commission and their strong record on lamprey eradication.

For those not familiar with this particular species, they are a primitive eel-like fish who in their lifetime can, by attaching to fish and feeding on their body fluids, kill 40 or more

pounds of fish. By the 1950's lamprey predation in the Great Lakes greatly reduced the number of lake trout, whitefish and other desirable species in the Great Lakes and the once thriving fisheries were devastated. This is of tremendous economic impact to the Great Lakes. Generations of Americans and Canadians have grown up enjoying fishing in the Great Lakes and estimates place the total annual income value of the Great Lakes fisheries at up to \$4 billion. Over 2.5 million Americans fish the Great Lakes, another 83,000 adult Canadians fish the Great Lakes and these sport fishermen stimulate over \$3 billion in economic activity for the region and support roughly 54,000 jobs. By the same token a thriving commercial fishery is estimated to bring in an additional \$300 million annually to both countries and employ thousands. So the continued work on keeping this predator at bay is tremendously important.

I want to make sure that we maintain the funding at levels that will maintain these programs, but more importantly that this program go back to the State Department and not remain in the NOAA system for several reasons: First is that the Great Lakes are under management jurisdiction of two Federal Governments, one Province, 8 States and several sovereign tribal authorities. We need to have the expertise of the State Department involved in the negotiations that regularly go on in this area.

The House subcommittee proposal is going to add another layer of bureaucracy to a system that works pretty well right now and there really is not an argument to rework it. Also the State Department has mechanisms in place to efficiently and effectively transfer funds to international organizations such as the Great Lakes Fisheries Commission. Plus the Great Lakes Fisheries Commission relies on the State Department to provide diplomatic guidance, to negotiate financial arrangements, bilateral coordination of fishery management programs, et cetera. It is important that funding remain at a constant level for this program and that the program be returned to States.

Mr. Chairman, I would urge Members to vote against this particular amendment and to send a message to the conference committee to go with the Senate in returning this program to the jurisdiction of the Department of State.

Mr. BROWN of California. Mr. Chairman, may I inquire of the Chair the time remaining on both sides?

The CHAIRMAN. The gentleman from California [Mr. BROWN] has 2½ minutes remaining, and the gentleman from Kentucky [Mr. ROGERS] has 5¼ minutes remaining.

The point of order still remains in front of the amendment.

Mr. BROWN of California. I think we can resolve that, Mr. Chairman.

Mr. Chairman, I yield myself the balance of my time. Let me just make one concluding statement.

Actually, the gentlewoman from Michigan [Ms. RIVERS] made a number of points that I had intended to make with regard to the existing management of the program which is conducted under a treaty agreement with Canada, with the State Department as the responsible party. One of the points that I intended to make and which she has already confirmed is that the committee's proposal could have serious negative impacts on the sea lamprey program.

If the committee is insistent on changing the funding mechanism for the Great Lakes Fisheries Commission, a successful arrangement that has worked very well, we propose, and NOAA recommends, that changes be postponed until an arrangement that does not contravene the convention can be developed.

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Mr. Chairman, I have taken this time, and I apologize because I know how precious the time is, because I think this is a matter of sufficient importance, both because of the impact on the weather service and of course the impact of the offset which dealt with the sea lamprey program. I had hoped that the members of the committee, for who I have high respect, could consider these points as they moved their bill forward into the conference proceedings.

With that, Mr. Chairman, I ask unanimous consent that I be permitted to withdraw my amendment at this time and save the gentleman the pain of his point of order.

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

There was no objection.

AMENDMENT OFFERED BY MR. DEUTSCH

Mr. DEUTSCH. 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. DEUTSCH: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . . Of the funds appropriated in this Act under the heading "OFFICE OF JUSTICE PROGRAMS—STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE", not more than ninety percent of the amount to be awarded to an entity under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 shall be made available to such an entity when it is made known to the Federal official having authority to obligate or expend such funds that the entity that employs a public safety officer (as such term is defined in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968) does not provide such a public safety officer who retires or is separated from service due to injury suffered as the direct and proximate

result of a personal injury sustained in the line of duty while responding to an emergency situation or a hot pursuit (as such terms are defined by State law) with the same or better level of health insurance benefits that are paid by the entity at the time of retirement or separation.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, July 23, 1996, the gentleman from Florida [Mr. DEUTSCH] will be recognized for 5 minutes, and a Member in opposition will be recognized for 5 minutes.

The Chair recognizes the gentleman from Florida [Mr. DEUTSCH].

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

Mr. Chairman, the impetus for this amendment came out of an incident in my district where two Plantation police officers, Officers Alu and O'Hara, responded to a hostage situation. In their response to the hostage situation where there were two young girls being held by someone, they went into a residential home.

The gentleman set fire to himself and the two girls as well as the two police officers. The gentleman and two girls were killed. The two police officers were in critical condition. One officer, burned over 80 percent of his body, ended up spending 6½ months in intensive care.

During the initial period when they entered the hospital, they found out unfortunately that if they remain permanently disabled they would in fact lose their health care coverage for themselves and their family. They would be able to purchase COBRA coverage for 18 months. COBRA coverage, as most people know, is very expensive. But after that 18-month period they would become essentially uninsurable.

What this amendment would do is, throughout the country—the city of Plantation retroactively changed its ordinance, the State of Florida in its last session has required every jurisdiction in the State of Florida to continue health care benefits in the case of a law enforcement officer actively pursuing a criminal investigation or incident like that—to continue benefits. It does not require additional benefits. It only requires benefits that that law enforcement officer would have had had he been able to remain in the job.

I know there are at least one or two gentlemen that would like to speak, as well.

Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan [Mr. STUPAK].

Mr. STUPAK. Mr. Chairman, I am in strong support of the Deutsch amendment. As you know, I was a police officer and have been a strong advocate of the COPS Program. At the age of 32 I suffered a permanent injury. I am medically retired from the Michigan State Police. At the time I was 32 years old. I have two children and a wife. How do you provide, not just for the injuries that you have suffered, but how

do you provide for your family, how do you provide for your children health coverage if the jurisdiction that hired you does not provide it?

The Deutsch amendment says those that are involved in emergency situations, firefighters and police officers, would be allowed to continue their insurance coverage for not only themselves but also their families. We ask much of police officers and firefighters. The least we can do, when they are injured performing their duties, is to provide at least some degree of respectability and financial stability by providing health insurance for them.

I was fortunate that the State of Michigan provided that for me when I received my injuries, but unfortunately, as the gentleman from Florida [Mr. DEUTSCH] has pointed out, that is not the case all around this country.

We ask many things of police officers. I would ask that we not leave them hanging, that we provide some degree of security for them and their families when they do meet these permanently disabling injuries.

Mr. DEUTSCH. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina [Mr. HEINEMAN], another former law enforcement officer who has been instrumental in this amendment and instrumental in its companion bill.

Mr. HEINEMAN. Mr. Chairman, I rise in strong support of the Deutsch amendment. It is an amendment based on the Alu-O'Hara Public Safety Benefits Act. As a 39-year law enforcement officer veteran, I know how difficult it is for public safety officers to put their lives on the line day after day protecting the public.

Last year two would-be rescuers, police officers Alu and O'Hara, were seriously burned when they entered an apartment where a deranged person was holding two hostages. Tragically, the two hostages and the officers were doused with gasoline by the hostage taker, who set fire to both the officers and the hostages. The hostages died.

After nearly losing their lives, the officers and their families who depended on them lost their health benefits. Unlike veterans who have risked their lives to protect our national security, those who protect our community can lose everything if they are injured in the line of duty. Public safety officers who suffer career-ending injuries often have their health insurance canceled by municipalities or States that they were fighting to protect.

This bipartisan legislation would create a safety net for injured officers. This amendment creates an incentive for communities that receive Federal crime dollars to extend health insurance to officers who are injured in the line of duty and would otherwise be left without health coverage. I urge my colleagues to support the Deutsch amendment.

Mr. DEUTSCH. Mr. Chairman, I yield such time as he may consume to the gentleman from Kentucky [Mr. ROGERS].

Mr. ROGERS. Mr. Chairman, I have no objection to this amendment offered by Mr. DEUTSCH, and I thank the gentleman for working with the authorizing committee to develop the language of the amendment and thank him for his work. I urge adoption of the amendment.

Mr. DEUTSCH. Mr. Chairman, I yield such time as he may consume to the gentleman from West Virginia [Mr. MOLLOHAN].

Mr. MOLLOHAN. Mr. Chairman, I want to compliment the gentleman on his leadership in this area. The problem that he addresses is certainly one that needs to be addressed and that we need to be successful in working. He has provided considerable leadership in this area.

I personally am concerned that in its present form there might be a possibility that it would encumber the COPS Program, and we do not in any way want to do that. I hope that we can assess that possibility, that concern, as this process moves forward, and achieve the desired result in a way that accommodates certainly every goal of the COPS Program and also the very worthy underlying goal of the gentleman's amendment.

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

Mr. Chairman, let me thank both the chairmen and ranking members and their staffs, as well as my staff, for their work to get to the point where hopefully this amendment is going to be adopted. As the ranking member pointed out, I have been a very strong supporter of the COPS Program. I do not think this penalizes it.

As this works through final passage, our hope is that our continued discussion might be able to resolve some of those issues.

Ms. ROS-LEHTINEN. Mr. Chairman, the Deutsch-Heineman amendment is to protect all of those who work to protect us.

Throughout this country thousands of men and women serve their communities as police officers, firefighters, and emergency medical technicians. They all perform the vital and dangerous work of keeping us and our families safe from crime, fire, and accident.

We all accept the contract between society and the members of the Armed Forces who are injured in our defense. It is simple fairness that we recognize that the same obligation exists between society and those who risk their lives defending us against domestic threats.

In a number of jurisdictions, an officer who can no longer work, due to job related injuries, can lose his health coverage. This nearly happened to two police officers, Officer Joseph Alu and Detective James O'Hara, who were severely wounded in responding to a hostage situation.

This amendment simply affirms the principle that those public safety officers who are in-

jured in the line of duty will not have their heroism rewarded by being stripped of health coverage.

Mr. MANTON. Mr. Chairman, I rise today in strong support of the Deutsch amendment. There is nothing more tragic than the death or injury of an EMT, firefighter, or police officer incurred while performing their job. But what is equally tragic is that these courageous men and women, and their families, are often left with huge medical bills they are unable to pay.

Under current law, there is no assurance that public safety officers retain their health benefits after being injured in the line of duty. These injured public servants are left disabled and unable to pay those expenses resulting from simply doing their job.

Mr. Speaker, every American citizen benefits from the protection and security that our police and firefighters provide. It is only fair that these individuals be taken care of financially after serving their community at their own risk. In 1989, I introduced the Steven McDonald Public Safety Officers' Compensation Act that subsequently was passed into law. This bill provides for a one-time Federal disability payment to law enforcement and public safety officers permanently disabled while performing an official duty. The Deutsch amendment will further this most important goal of providing these officers with well-deserved financial security upon the unfortunate event they are injured on the job.

As a former New York City police officer, I am pleased that Mr. DEUTSCH has brought this important measure to the House floor. I urge my colleagues to support law enforcement and all public health officers by voting in favor of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. DEUTSCH].

The amendment was agreed to.

Mr. LONGLEY. Mr. Chairman, I ask unanimous consent to strike the last word.

Mr. CHAIRMAN. Without objection, the gentleman from Maine is recognized for 5 minutes.

There was no objection.

Mr. LONGLEY. Mr. Chairman, I want to compliment the gentleman from Kentucky, Chairman ROGERS, for his willingness to work with other Members, particularly on the most recent amendment dealing with enhanced protection for our public safety officers.

I want to seek the Chair's cooperation, and also the members of the committee. I am very concerned about the deep cuts sustained by the State maritime academies in the Maritime Administration Operations and Training account in this bill. These six schools, including the Maine Maritime Academy in my home State of Maine, as well as schools in Massachusetts, New York, Texas, California, and the Great Lakes region, provide this Nation with three quarters of its licensed merchant marine officers, officers of superb quality and dedication.

They do this largely as State-supported institutions whose students pay the majority of the schools' operating

costs through tuition. The Nation receives a tremendous return on this nominal investment in these schools. The total cost has been less than \$10 million spread amongst all six institutions.

This money provides the maintenance and repair funds for the training ships which are provided by the Government and provide the students with the sea time that is required for them to receive their mariner's license. It also provides modest incentive stipends to some of these students, and in exchange the United States can rely on a cadre of qualified maritime officers to man its ready reserve force ships in times of national emergency.

This program has been a model of State-Federal partnership as well as cost sharing in a vital program which the Congress has been advocating. Yesterday, unfortunately, the committee cut its funding to less than a quarter of what is needed to sustain the program at the six schools, and in my opinion has imposed these reductions without rationale or justification.

We are hopeful that the Senate will fully fund these important schools and ensure that the appropriation is sustained when that bill comes to conference. I would appreciate the Chair's willingness to work with us to see that the funding can be restored consistent with the objectives of the committee and this legislation.

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

Mr. LONGLEY. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I assure the gentleman we will work with his concerns very deeply. I thank the gentleman very much for his help.

Mr. LONGLEY. Mr. Chairman, I thank the gentleman, and I yield back the balance of my time.

AMENDMENT OFFERED BY MR. FRANK OF MASSACHUSETTS

Mr. FRANK of Massachusetts. Mr. Chairman, I offer amendment No. 5.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FRANK of Massachusetts: Before the short title at the end of the bill insert the following:

SEC. . None of the funds appropriated to the Federal Communications Commission by this Act shall be used to assign a license for advanced television services until the Commission has, by rule, specifically defined the obligations of holders of such licenses to operate in the public interest, convenience, and necessity, unless the assignment of such a license is by a system of competitive bidding (in the case of mutually exclusive applications for such a license).

The CHAIRMAN. Pursuant to the order of the House of Tuesday, July 23, 1996, the gentleman from Massachusetts [Mr. FRANK] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

Mr. BLILEY. Mr. Chairman, I reserve a point of order against the amendment on the ground that it would constitute legislation in an appropriations bill in violation of rule XXI, clause 2 of the Rules of the House.

The CHAIRMAN. The gentleman from Virginia reserves a point of order. The Chair recognizes the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume. I will not take very much now because, the point of order having been reserved, I think we will probably be debating the second of the amendments.

Mr. Chairman, I am very frustrated that we are about to make, as a government, a decision involving the disposition of one of our most valuable national resources, the currently unused portion of the broadcast spectrum. We were about to see it given, if we do not do something different, to the broadcasters, very wealthy entities. The broadcasters have already made it clear that when they accept this gift from us, they believe it is subsequently their property essentially to do as they wish with.

What is interesting is, we are talking not simply about a loss of revenue to the Federal Government, estimated upwards of \$11 billion, some estimates go as high as \$70 billion, but what is particularly striking to me is the majority is apparently expressing its preference here for central planning over the free market. We are being told that a Federal agency, the Federal Communications Commission, should as a matter of fiat decide how to allocate this valuable resource, and that the free market will not work to do it.

We will, as I said, be able to debate this at greater length. There are two versions of this amendment.

Mr. Chairman, I reserve the balance of my time at this point so that the gentleman's point of order could be acted on; and depending on how it is disposed of, we can proceed from there.

The CHAIRMAN. Does any Member seek time in opposition?

POINT OF ORDER

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

Mr. BLILEY. Mr. Chairman, regretfully and respectfully, I must insist on my point of order against the amendment on the ground that it would constitute legislation in an appropriations bill in violation of rule XXI, clause 2 of the Rules of the House.

The CHAIRMAN. Does any Member want to be heard on the point of order?

Mr. FRANK of Massachusetts. Mr. Chairman, I will be heard to say that I would not have offered legislation under an appropriations bill if we were offered the chance to legislate on a legislation bill. In the absence of our being given a chance to legislate any other way, I offered this.

The CHAIRMAN. Does any other Member seek to be heard on the point of order by the gentleman from Virginia?

If not, the Chair is prepared to rule. The gentleman from Virginia makes a point of order that the amendment violates clause 2 of rule XXI by legislating on a general appropriation bill.

As stated by the gentleman from Virginia in support of his point of order, an amendment forbidding expenditure of an appropriation unless or until action is taken that is not currently required by existing law is not in order as a limitation. This principle is recorded in Deschler's Precedents, volume 8, chapter 26, section 47.1.

Accordingly, the point of order is sustained.

AMENDMENT OFFERED BY MR. FRANK OF MASSACHUSETTS

Mr. FRANK of Massachusetts. Mr. Chairman, I offer amendment No. 6.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FRANK of Massachusetts: Before the short title at the end of the bill insert the following:

SEC. . None of the funds appropriated to the Federal Communications Commission by this Act shall be used to assign a license for advanced television services.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, July 23, 1996, the gentleman from Massachusetts [Mr. FRANK] will be recognized for 10 minutes in support of his amendment, and a Member opposed will be recognized for 10 minutes.

Does the gentleman from Virginia [Mr. BLILEY] seek to control the time in opposition?

Mr. BLILEY. Yes, Mr. Chairman, and I ask unanimous consent that half of my time be given to the gentleman from Michigan [Mr. DINGELL] and that he be permitted to control that time.

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

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts [Mr. FRANK].

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

Mr. Chairman, I had no objection to the gentleman from Virginia giving a significant chunk of time to the gentleman from Michigan. That is reasonable among colleagues. But giving a large part of the broadcast spectrum now owned by the public to some of the wealthiest entities in America for nothing seems to me to be in error.

□ 1200

I would have preferred a legislative forum in which to discuss this because we have a fundamental decision here. We now have, through technology,

available a significant part of the broadcast spectrum currently unallocated. No one has any legal right to it.

We have people who want simply to give that for nothing, this enormously valuable asset, the right to broadcast, to the TV networks, the TV license holders, entities wealthy in themselves, controlled by some of the wealthiest entities in America. The alternative, of course, would be to auction this off. The alternative would be to say, well, the public owns this important asset, it ought to be utilized. Let us let the free market decide.

Now, remember, there are two aspects to an auction. First, when you sell this to the highest bidder, and you could put conditions on it if you wanted to, but as you sell it you get two results: First, you get revenue for the public.

We are being told every day of the week that we cannot do things. The majority Member just complained that we are not doing enough for maritime, we are not doing enough for health care, we are not doing enough for the environment. Yet we will give \$11 to \$70 billion in assets away for free to some of the wealthiest people in the country. This retires the corporate welfare title for all time.

It would seem to me that those who advocate this, who then want to object to corporate welfare, would have a heavy burden of proof in differentiating this from that concept which they would then purport to lament. But there is another aspect to it which it seems to me the majority should like, the Republican majority. We have two ways to allocate this resource: One is by government fiat, by central planning. We can go to the Federal Communications Commission, that agency of public officials appointed by the President, and say, you decide. Forget all this market stuff. Market schmarket. Let us not get into this business. Let us make a nice central planning decision how to do this. Or we go the free-market route. We can say here is a valuable asset. The best way to decide how to use it is, in fact, to allocate it to the market and let the market decide.

We have had a series of auctions in other parts of the spectrum, and in every case they have produced even more money than we thought. My amendment simply says do not go forward. But as I made clear by offering the first amendment, to which people objected on procedural grounds, my preference is, in fact, to say either we have an auction or we say that this has public interest obligations, because I want to address now the approach of the broadcasters.

The broadcasters say, "Oh, don't auction this off; we are the trustees of the public interest. This is something which we want to deal with as a matter

of the public interest. Give it to us, don't have something as crass as an auction. Don't talk about money. We, after all, are seeped in the obligations to advance public debate."

That is until they get it. Once they get it, as witness the debate over children's television or the fairness doctrine or anything else, once they get this asset for free, having justified the gift on the grounds they are the trustees of public opinion, it all of a sudden becomes private property. I have never seen such a transformation. When the broadcasters want to get it, the question is whether they should pay for it or get it for free. They are a charity. They are the United Way. They are the spokesperson for the public interest. Once they get it this becomes private property, and no one should tell them what to do with it.

My first version of the amendment, ruled out of order, would say it has to be one or the other. Either they pay for it in an auction and let the free market decide how to best use it or they get it under the guise of they are seeped in the public interest and we then make clear that their public interest obligations are.

Mr. Chairman, as I close off at this point, let me just quote from someone who says:

*** the broadcasters should be happy with the deal they already have. They have been getting free channels for years. In return, they fulfill public interest obligations, such as reporting news and information. Now they want more airwaves for free.

Newspapers also report the news, but Congress has never had to buy them off. It seems to me, this man says, that giving broadcasters free spectrum is like giving newspapers free paper from our national forests.

Congress has never challenged whether broadcasters should be allowed to keep a channel. Instead, we are simply stating that if broadcasters want more channels, then they are going to pay the taxpayers for them. That does not kill television.

The broadcasters say they cannot afford to buy additional airways, which the Congressional Budget Office says is worth \$12 billion.

Broadcasters say that if they had to pay for the extra airwaves, it would be the end of so-called free, over-the-air television. The facts speak otherwise. According to the Washington Post, over the last 2 years broadcasts deals in the private sector amounted to \$31.3 billion.

All TV broadcast licenses in America were originally given away for free, but only 6 percent are still in the hands of the original licensee. The other 94 percent have been bought and sold. My point is that broadcasters have a long history of paying top dollar for existing channels. Somehow they cannot afford any new ones unless the taxpayer picks up the tab.

That was not just me speaking, Mr. Chairman; that was a private citizen by the name of Bob Dole. I suppose if he was a Senator under the rules I could quote him. But I quoted what Bob Dole said in April.

I just think it is disrespectful to the memory of that great Senate career so blatantly to disregard what Senator

Dole said within a few months. Sic transit gloria Dole. Here we have Senator Dole making this very important statement against this giveaway and within months of his departure his colleagues have forgotten the principles he enunciated.

I think on this issue Senator Dole, when he was Senator Dole, was right. I think Mr. Dole is still right. I think Mr. Dole would undoubtedly say himself that Mr. Dole is still right in exactly those same words, and I hope we will not make a multibillion dollar giveaway and allow the free market to make this decision.

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

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

Mr. BLILEY. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, first, I want to correct a couple of statements of my good friend from Massachusetts, because I know he always wants to be accurate. He says that he would not be doing this here if there were hearings and it was done in the proper way in the authorizing committee.

I would remind the gentleman that we passed a telecommunications bill and this issue was in the bill. It was thoroughly debated in the committee. Since the time we passed the bill there has been a hearing in the other body and there has been a hearing over here by the very able chairman of the subcommittee, the gentleman from Texas [Mr. FIELDS]. It has not been done in the dark of the night.

The second thing I want to point out is it is not a gift, it is a loan. And why is it a loan? It is a loan because one has to have all new equipment to broadcast digital TV. It is estimated to cost \$10 billion. While the broadcaster is purchasing his new equipment and broadcasting the signal under digital, he must continue to broadcast under analog, the existing technology, or he loses his audience.

We do not know when the American public will shift to advanced television. We do not even know if they will. We think they will, but we do not know when. And that is the reason for the loan.

Once the shift occurs, then the existing analog comes back, or if the station does not use the digital, that comes back. It is then packaged and auctioned off, and the taxpayers will get the highest dollar for it. The \$12 billion CBO estimate is purely speculative.

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

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

Mr. Chairman, I begin by expressing great respect and affection for my good friend from Massachusetts, Mr. FRANK. I have the most enormous regard for him. I would observe, however, that on

this matter both he and Mr. Dole are dead wrong, and I would like to explain why.

First of all, I would point out that we have had this matter before the body for consideration on a number of occasions. It was debated on the floor last August, when the telecommunications bill was considered by the House. It was debated again in January when the House considered the conference report. And language similar to that which is offered by my good friend from Massachusetts was overwhelmingly rejected by the Congress.

Now, why? The gentleman claims this is a giveaway. Nothing is further from the truth. The FCC and the broadcast industry are attempting to bring forward new technology of value to this country, high definition television, and to do so by lending to the broadcasters an additional channel. This will enable us to make the shift from current technology, using old-fashioned analog technology, to the new digital technologies which will afford this country the best and the highest quality television in the world.

At the conclusion of that, the loan of the additional spectrum will have to be returned. Either the licenses which are now used by the broadcasters or the new licenses will have to be returned. The law requires that this exchange be done in the public interest. It is in the Communications Act of 1934. It was passed as part of the Telecommunications Act which was enacted last year.

The specific controlling language says this, and I am referring to section 336(c) of the Communications Act:

Recovery of License. If the Commission grants a license for advanced television services to a person that, as of the date of such issuance, is licensed to operate a television broadcast station or holds a permit to construct such station or both, the Commission shall, as a condition of such license, require that either the additional license or the original license held by the licensee be surrendered to the Commission for reallocation or reassignment (or both) pursuant to Commission regulation.

What we are going is we are enabling this country to move forward into the digital age by making available spectrum which can be loaned to the licensees of the Commission, at the conclusion of which that spectrum must be returned to the Commission for reallocation.

Remember that the licensees are going to have to make a huge investment in new broadcasting facilities. That is for the benefit of the public, which is going to be watching a new kind of technology coming over their television sets. And so we have to provide first the spectrum to the broadcasters, and then we have to give the viewers the time to decide whether, and when, they want to acquire a digital television set in the home.

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

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 2½ minutes.

First, I want to correct the correction of the gentleman from Virginia. He said we dealt with this in the telecommunications bill. No. What we did in the telecommunications bill was to say that we will deal with this later. Now that it is later, we are saying we dealt with it in the telecommunications bill.

I read from the letter of January 31, 1996 to Reed Hundt, signed by the gentleman from Virginia, chairman of the committee in the Senate, the Senate majority leader now, and the Speaker. "We share Senator Dole's determination to protect American taxpayers." They did in January. Kind of faded. "We wish to inform the Commission that it is our intention to conduct open hearings and move legislation to overhaul our Nation's policies governing the electromagnetic spectrum. We request the Commission not issue any initial licenses or construction permits until legislation is completed."

There is no legislation. So, in fact, what they said when this came up in the telecommunications bill is we will do it later and now they say we did it in telecommunications bill.

Second, I say to my friend from Michigan, and I was delighted when he said he had great respect and affection for me. One day I will be here when he has respect and affection for someone he agrees with. It has not reached that.

We are only lending it to them. I accept that. This is the world's most expensive lendaway. This says here, "You can have this extraordinarily valuable asset for a very long time, there is no end date, and you do not pay for the use of it." So it is now a giveaway; it is a new thing; it is a lendaway. But I have to say if the gentleman were going to lend me his house to rent out and not pay him anything, if he were going to lend me a couple billion dollars that I could lease out and get the interest on, I would be pretty happy. It is turning over to the private sector people an enormously important asset.

Finally, the gentleman from Michigan sketches out a thoughtful way that we should have this view, and I understand from his perspective why he does. It is particularly intriguing that Members on the majority side agree because this is central planning. This is a valuable asset. We have a question about how the economy will use it in the future.

□ 1215

I am proposing the free market. I guess this shows that the broadcasters follow the model that Senator Magnuson said: All any business in America wants from the government is a reasonable advantage over the competition. All they want is that we give them this. Then they will be great enterprises, once they have got a \$15- or \$20- or \$30-billion head start.

In fact, Senator Dole, when he was still Senator Dole, was right then when he said that. The letter which said, we will not do this until we have passed legislation was right. We should not countenance a giveaway or a lendaway today.

Mr. BLILEY. Mr. Chairman, I yield 30 seconds to the gentleman from Florida [Mr. STEARNS].

Mr. BLILEY. Mr. Chairman, I yield the balance of my time to the gentleman from Texas [Mr. FIELDS] and I ask unanimous consent that he be permitted to control that time.

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

There was no objection.

Mr. DINGELL. Mr. Chairman, I yield 30 seconds to the gentleman from Florida [Mr. STEARNS].

The CHAIRMAN. The gentleman from Florida [Mr. STEARNS] is recognized for 1 minute.

Mr. STEARNS. Mr. Chairman, I think what we have here is we have the former chairman of the Energy and Commerce Committee and we have the present chairman of Committee on Commerce, under the Republicans, both agreeing that this is an issue where we should not charge the broadcasters to go into the higher spectrum.

The analogy I would like to bring you your attention is the Homestead Act. What happened was, we gave people land and we said, develop this land. Just like we gave the broadcasters the analog spectrum and we said, develop it. Now we are saying to the people on the homestead piece of land, we want you to go somewhere else. We are not going to go ahead and charge all these people to go somewhere else. We are asking them to go and try it out, and then we will auction off what they have. It is analogous to the Homestead Act.

I think if you think of it in those terms, you will realize we cannot charge the broadcasters for this. They already have huge mortgage payments, development of capital they have already invested. They cannot go ahead and reinvest on this new spectrum first without paying their old debt.

So what I am saying is, we need to allow them to go forward. Then we can auction off their old piece of property, their old analog. For that reason, I am against the Frank amendment.

Mr. Chairman, the telecommunications legislation we passed earlier this year calls for broadcasters to swap their current license to broadcast analog television for a new license to broadcast digital television. This approach allows for auctions to occur, which Mr. FRANK supports. However, it preserves the ability of American households' access to the best free television system in the world, something that does not seem to be of much interest of Mr. FRANK.

This approach, supported by many in Congress, follows the concepts agreed to about 8

years ago when the FCC directed broadcasters to develop advanced television. In an effort to develop and promote advanced television which uses the digital transmission of television signals as opposed to the analog transmission of signals, the FCC, with Congress' endorsement, agreed to provide broadcasters with an additional six megahertz of spectrum. Digital transmission is superior to analog transmission because it provides consumers with a clearer picture, higher-quality sound, greater interactivity, and improved data transmission.

Because broadcasters can't use existing spectrum to broadcast digital signals, it was agreed that a second channel would be provided to smooth the transition from the old analog format to the new digitized one. The purpose of having two channels was not to make the broadcasters happy, but to ensure that citizens yet to purchase new, and costly, digitally capable television sets would not lose their access to free, over-the-air services on their current television sets as the transition took place. This plan ensures that viewers will not lose access to current free over-the-air-television—which provides households with access to local news, weather, public service events, sports, not to mention entertainment.

The second channel is a straight swap of spectrum—not a giveaway. Once there are enough digital televisions in use throughout the country, the transition period would end. Then all broadcasts are to be digitally transmitted and the old analog spectrum currently in use would be returned to the Government which could auction it. If advanced television is a flop, broadcasters could return the digital spectrum and keep the old analog spectrum. Either way, the Government will have spectrum it can repack into larger more valuable sections and then auction for other purposes such as cellular or PCS. In addition, the Government may charge broadcasters a fee if they provide ancillary or supplemental services such as faxing, paging or other subscription fee services on the spectrum. This straight swap preserves, protects, and improves television capability in our Nation.

Under the well-established 8-year-old plan which provides for the transition from an analog world to a digital world, each television station will already have to pay \$8 to \$10 million in moving, equipment, and upgrading costs. Obviously, this is a huge cost for many, but particularly for most broadcasters in small and medium-sized markets, like Ocala and Jacksonville, FL, in my district, with assets under \$10 million. Heaping auction costs on top of this transition cost will make it virtually impossible for many local broadcasters to provide free, over-the-air programming in the digitized world. It does not take a genius to figure out that if enough broadcasters are forced out of the industry because of these costs, consumers will have less choice in their viewing options. This effect runs counter to the very purpose of the Telecommunications Act of 1996 which we envision to create more consumer choice. There is no reason the continuation of free television should be jeopardized needlessly in the information age.

Clearly, this rational approach is a win-win situation for all involved. Government wins because its coffers will be filled with auction proceeds and fees from ancillary or supplemental

services. Those who care about the continued livelihood of free, over-the-air broadcasting win because television programming won't be interrupted in the transition from analog to digital. Broadcasters win because they will remain competitive in the new information age. But above all, consumers win because by following sensible public policy we will ensure their continued access to news and information and will keep their analog television sets from becoming obsolete overnight.

In passing the groundbreaking Telecommunications Act of 1996 we allowed every segment of the telecommunications industry to move forward and offer us new, innovative, and less expensive products. Lets not hold back the only segment of the telecommunications industry that provides us with a free service. Oppose the Frank amendment and support the preservation of free-over-the-air broadcasting.

The CHAIRMAN. Because no Member controlling time is a member of the committee; therefore, the gentleman from Massachusetts [Mr. FRANK], as the proponent, has the right to close the debate.

Mr. DINGELL. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Texas [Mr. HALL].

Mr. HALL of Texas. Mr. Chairman, I rise in objection to this amendment. To permit a digital spectrum auction, as this amendment does, would absolutely disrupt the economics of the broadcast industry and would make it, I think, impossible for broadcasters to continue to offer free television to American viewers.

The burden would fall heaviest on the middle- and lower-income classes. I think we have to allow broadcasters to make the transition to digital without any spectrum auction because the financial burden of an auction plus as much as \$8 to \$10 million of additional hardware cost to digital could kill a broadcast station.

Of course, we are talking about a compact between broadcasters and the public, as Mr. DINGELL said, dating back 60 years. Killing local television means destroying a major lifeline for many. It would mean the end to a part of the American culture. I oppose the amendment.

Mr. HALL of Texas. Mr. Chairman, I rise today in opposition to the amendment offered by my colleague, Mr. FRANK. This Congress has just succeeded in passing the landmark Telecommunications Act of 1996 following months of hearings and negotiations. This legislation represented a bipartisan effort that resulted in an agreement made by the House and the Senate to instruct the Federal Communications Commission to move forward to implement a digital broadcasting plan.

My colleague, Mr. FRANK, wants to pass an amendment that would destroy any plan for a successful transition to digital broadcast television. To permit digital spectrum auction, as is Mr. FRANK's intent, would disrupt the economics of the broadcast industry and would make it impossible for broadcasters to continue to offer free television to American view-

ers. The burden would fall heaviest on the middle and lower income classes.

We must allow broadcasters to make the transition to digital without any spectrum auctions. The financial burden of an auction plus as much as \$8 to \$10 million of additional hardware costs to digital could kill a broadcast station.

We are not talking about a free giveaway, as some people want to call it.

This agreement is the result of legislation that this House overwhelmingly passed and the President has signed it into law. I think it is a waste of time to come here today and re-address this issue.

I personally do not want to go back to my Fourth District of Texas and tell my constituents that they will have to start paying for their local broadcasting because someone turned public interest into a fiscal issue and is using this digital spectrum as a revenue potential instead of a communications issue that should be decided on its merits. I urge my colleagues to keep local television tax free and allow every American to reap the benefits of digital technology instead of being asked to reach into their pockets as they so often do.

Mr. FIELDS of Texas. Mr. Chairman, I yield 30 seconds to the distinguished gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Chairman, if you like everything on television to be pay per view, if you want to pay extra to see the Olympics every time you want to see any Olympic game, if you want to pay extra for baseball or for ER or for all the programs you enjoy on commercial broadcast television that is commonly called free television, vote with the gentleman from Massachusetts [Mr. FRANK]. That is the net result.

If you charge the broadcasters extra taxes to broadcast those programs, they will charge everything pay per view. That is the net result. If you agree with Chairman BLILEY and the former chairman, the gentleman from Michigan, Mr. DINGELL, then vote "no" on this amendment to protect free TV. That is what it is all about.

Mr. FIELDS of Texas. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, let me begin by saying that I respectfully disagree with my friend from Massachusetts on this particular amendment. However, there are some areas of agreement. An area of agreement is that the spectrum is a national resource. The taxpayer deserves its due from that national resource.

Second, I would agree with the gentleman that there should have been a decision this year on the transition from analog to digital. It is a very complex issue. But we went through the process. This should be an issue that comes up early next year through the process. This is not the time to do it.

I believe very strongly, Mr. Chairman, that there should be a transition as quickly as possible from the old technology of analog to digital. That is

consumer beneficial. I believe that there should be an obligation for a period of time for a simulcast by the broadcaster, both in analog and digital. And I believe very strongly that as soon as there is adequate consumer penetration of the advanced television market, there should be a giveback of that analog and at that time there should be an auction.

It is my view that the consuming public, the taxpayer, gets more for an auction of that analog spectrum at that particular moment. It is important to recognize that we should not stifle or slow down in any way a transition that is going on, a very important part of this information age.

If you are for better television, if you are for television that remains free over the air to the consumer, at this particular moment, you must oppose the Frank amendment.

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

First the argument that this will be the end of free TV is, of course, nonsense, as Senator Dole pointed out. The broadcasters say, if you make us pay for this license, we will not be able to give you free TV. Ninety-four percent of the current broadcasters paid for that license. What they mean is, if we can pay each other billions of dollars, then we can do it for free. But if any of that leaks into the public, we will have to charge.

As Senator Dole pointed out in this speech, 94 percent of the current broadcasters paid for their license. What happens, of course, is they get the license for free. And that will happen with these licenses. We will give some digital, some licenses to the spectrum. People will get into the digital business. They will sell them back and forth to each other. Some of the wealthiest entities in this society are making money off of each other on this, which would be fine if it did not all begin with a free grant from the public. That is the second point.

My friend from Texas says, this is the way it ought to be, by Government fiat. Understand, and this, it seems to me, is the greatest inconsistency, I guess we once again understand, the free market is for minimum wage workers. The free market is for women on welfare. The free market is for little people. You reach a point where you are too big to be in the free market. Then you negotiate your deals with the Government, except it is not really a deal because you get this for nothing.

What we are being told is, given this new technology, given this great resource, the unused part of the spectrum, the central Government will decide how to do it. It will not be a free market decision. We will allocate by Government fiat these resources to the existing very wealthy entities, and they will decide how to do it. Should

there be high definition television? Should it replace the other? Why is the free market not for that?

This reaffirms the majority's view here that they believe the free market is great for small people and working people, but when wealthy entities come, let us not disrupt them with the free market.

Mr. RICHARDSON. Mr. Chairman, I oppose the amendment offered by my friend from Massachusetts.

I'm concerned that this amendment, if enacted, would jeopardize Americans' access to free television, especially those who live in rural America. Rural stations simply cannot afford to spend \$8-\$10 million converting their stations to digital television technology. Jobs will be lost if we do not convert to digital soon.

Ironically, delaying the issuance of this spectrum, as this amendment would certainly do, will only push back the date when we can auction off the tremendous chunk of spectrum that will be opened up when stations return their analog spectrum.

The FCC, as well as the Commerce Committee, has studied this for many years. We had hearings on this issue earlier this year, and the committee benefited from Mr. FRANK's testimony at that time.

It's now time to put some closure on this issue, so in a way, I'm glad my colleague has offered his amendment. Let's send a message to the FCC that this body wants the transition to digital television to begin sooner rather than later. I urge my colleagues to vote "no" on the Frank amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I insert the following documents in the RECORD. First, a letter dated, July 22, 1996, from a broad coalition of liberal, moderate, and conservative organizations expressing their support for the amendment to prevent the Federal Communications Commission from giving away licenses for advanced television services; second, a statement by former Senator Bob Dole in support of auctioning the spectrum for advanced television services; and third, a letter dated January 31, 1996, from Republican leaders requesting that the FCC not issue any licenses or permits for the provision of advanced television services until they can "move legislation to overhaul our Nation's policies governing the electromagnetic spectrum" which the Republican leadership has not even tried to do.

JULY 22, 1996.

Hon. BARNEY FRANK,
Rayburn House Office Building,
Washington, DC.

DEAR REPRESENTATIVE FRANK: We are writing to express support for your amendment to the Commerce, Justice, State and the Judiciary appropriations bill to prevent the Federal Communications Commission from assigning licenses for advanced television services in fiscal year 1997.

The issue of whether incumbent broadcast licensees should simply be given additional spectrum for digital operations free of charge is of great importance to the debate over fiscal policies for the next decade. The FCC estimates the value of the digital spectrum at \$11 billion to \$70 billion. In a time of budget cutting and fiscal belt-tightening, it would be irresponsible for Congress to permit the FCC to assign digital spectrum to exist-

ing broadcasters without a thorough examination of the costs of such action. While we believe broadcasters should have the opportunity to convert to digital broadcasting format, we do not believe that an open-ended giveaway of an extra 6 MHz of spectrum to all existing broadcasters is the best way to accomplish that end.

We applaud your bold move to ensure that Congress will have the opportunity to take a hard look at whether to auction or give away the spectrum, and whether to establish a specific time frame for completing the transition process. American taxpayers deserve no less.

Sincerely,

Media Access Project; Center for Media Education; Common Cause; Consumer Federation of America; Council for Citizens Against Government Waste; National School Boards Association; National Taxpayers Union; People for the American Way; Small Business Survival Committee.

REMARKS BY FORMER SENATOR BOB DOLE,
CONGRESSIONAL RECORD, page 7769, APR. 17,
1996

Mr. DOLE. Mr. President, TV broadcasters have broken their trust with the American people. For more than 40 years, the American people have generously lent TV station owners our Nation's airwaves for free. Now some broadcasters want more and will stop at nothing to get it. They are bullying Congress and running a multimillion-dollar scare campaign to mislead the public.

The reason is simple: Why pay for something when you can get it for free? But there is one small problem. The airwaves are the nation's most valuable natural resource and are worth billions and billions of dollars. They do not belong to the broadcasters. They do not belong to the phone companies. They do not belong to the newspapers. Each and every wave belongs to the American people, the American taxpayers. Our airwaves are just as much a national resource as our national parks.

Enter the TV broadcasters. Earlier this year, I blocked their legislative efforts to get spectrum for free. At my request, Congress is now holding open hearings on reforming our spectrum policies.

Apparently, the democratic process is not good enough for most broadcasters. So TV broadcasters are now running ads and so-called public service announcements, claiming that TV will die without this huge corporate welfare program, this billions and billions of dollars they want to take away from the American taxpayers. Of course, they do not call this giveaway welfare; they call it a tax. Imagine calling a giveaway a tax.

Also, I am aware that some broadcasters have asked Members of Congress to drop by their stations. In the midst of these friendly discussions, the broadcasters say, 'I thought you might want to see the ad we are considering running in your district.'

So much for subtlety.

It seems to me the broadcasters should be happy with the deal they already have. They have been getting free channels for years. In return, they fulfill public interest obligations, such as reporting news and information. Now they want more airwaves for free.

Newspapers also report the news, but Congress has never had to buy them off. It seems to me that giving broadcasters free spectrum is like giving newspapers free paper from our national forests.

Congress has never challenged whether broadcasters should be allowed to keep a

channel. Instead, we are simply stating that if broadcasters want more channels, then they are going to pay the taxpayers for them. That does not kill television.

The broadcasters say they cannot afford to buy additional airwaves, which the Congressional Budget Office estimates is worth at least \$12 billion. Last time I checked, the American people

We are trying to balance a budget with tax cuts for families with children, reducing spending, and closing loopholes.

Broadcasters say that if they had to pay for the extra airwaves, it would be the end of so-called free, over-the-air television. The facts speak otherwise. According to the Washington Post, over the last 2 years broadcast deals in the private sector amounted to a whopping \$31.3 billion. That is with a 'b'-billion dollars.

Here is another fact. All TV broadcast licenses in America were originally given away for free, but only 6 percent are still in the hands of the original licensee. The other 94 percent have been bought and sold. My point is that broadcasters have a long history of paying top dollar for existing channels. Somehow they cannot afford any new ones unless the taxpayer picks up the tab.

UNFUNDED MANDATE ON CONSUMERS

Before Congress lets huge moneyed interests get their fingers on this national resource, we must be certain that the American taxpayer is fully protected. The policy broadcasters want will not only force taxpayers to give away valuable airwaves, it will also force consumers to spend hundreds of billions of their own dollars on new equipment which is a point that I think has been overlooked. They have been trying to frighten everybody with television, and to get their way are going to have to have another television or some attachment.

The fact is that federally mandating a transition to digital broadcast will ultimately render all television sets in the country obsolete. You will not be able to use your television set.

Consumers will be forced to buy either new television sets or converter boxes to receive so-called free, over-the-air-broadcasts.

Last year we passed the unfunded mandates law. Perhaps some have forgotten, but that law applies to more than just State and local governments. It applies to the private sector and most importantly to individuals.

The impact of the broadcasters' plan would be dramatic. There are 222 million television sets in this country. At a Senate Budget Committee hearing last month, the broadcasters testified that the average digital television set's estimated cost is \$1,500, while the less expensive converter box will cost approximately \$500. Replacing every television set in America with a digital one would cost \$333 billion. Using the less expensive converter box would cost \$111 billion. No doubt about it, consumers will not be happy that Congress made this choice for them. That is precisely what we are going to do here unless we wake up and smell something.

The American people should have a say before Congress makes a decision on spectrum. After all, the airwaves are theirs and so are their TV sets. Neither belongs to the broadcasters.

NETWORK COVERAGE

Finally, TV broadcasters have rightly kept a watchful eye on a bloated Government. Whether it was \$600 toilet seats or \$7,000 coffee pots, they have always helped us quickly identify waste. But they have been strangely silent on this issue. In contrast, story after story, and editorial after editorial, protested this giveaway in the print media.

In fact, I have a whole bookful here. In fact, this is loaded with editorials and comments about this giveaway. You do not see it on television.

There have been a few exceptions. I want to be fair. CNN, which is a cable network, has reported on this issue, while CBS made an attempt a month ago. So-called public interest obligations seem to have gone out the window when it is not in the broadcasters' self-interest.

If five Senators took a legitimate trip somewhere overseas to investigate something that might be costing the American people money, that is reported on the evening news as a junket costing thousands and thousands of dollars to the American taxpayers because the Senators were over there trying to see if they were spending too much on foreign aid maybe in Bosnia or maybe somewhere else. That would be news. Maybe it is news. Maybe it should be reported. But when it comes to billion dollar giveaways, to them 'mum' is the word. You never hear about it on television. Dan Rafter will not utter a word. Peter Jennings, Tom Brokaw—maybe they do not know about it. But I would say to the American taxpayers and the people with TV sets that somebody had better protect the American public.

I have even had a threatening letter, which I will not put in the file, that if I do not shape up and stop talking about this, this broadcaster is going to get his 700 employees to vote for someone else in November. That is intimidation.

I have no quarrel with the broadcasters. I have always thought they were my friends. But it seems to me that when we are trying to balance the budget and when we are asking everybody to make a sacrifice, then we ought to make certain that we do not give something away worth billions and billions and billions of dollars.

Maybe the broadcasters felt this issue was not newsworthy. But if that is the case, why did the National Association of Broadcasters vote to go on the offensive and launch a multi-million-dollar ad campaign to preserve, as they spin it, free, over-the-air broadcasting?

I have already indicated it is not going to be free. It is going to cost you \$500 for a converter box or \$1,500 for a new TV set. That is not free.

I did not realize that ad campaigns have replaced the evening news.

CONCLUSION

Mr. President, if the broadcasters have a case to make, Congress is prepared to hear them. We are having fair and open hearings. That is what democracy is all about. It is not about distorting the truth and making thinly veiled threats. The American people know this. And despite what some might think, we are not easily duped.

I hope that fairness will prevail. I do not know what the value should be. But we should find out. Maybe it is \$1. Maybe it is \$1 million. Maybe it is \$50 billion. But I never found anything wrong with having a hearing and asking the people that might be impacted, including the American consumer, to come to testify. I believe many broadcasters understand their responsibility. Maybe there are only a few out there leading this effort to mislead the American public and to walk away with billions of dollars in welfare from the Congress of the United States.

I know this is not a very popular thing to do—to get up and take on TV broadcasters or radio broadcasters because they have a lot of free access to the airwaves. But I believe, if

we are serious about the budget and serious about the future, serious about the taxpayers, that it at least ought to be raised.

So I think they are all legitimate. But I think those broadcasters who have not been blinded by greed—and there are a lot of them out there that have not—will help shape the future of television.

Again, I must say that I know it does not get a lot of attention. But there are all kinds of columns here by different people, William Safire and others, page after page, hundreds of pages of stories about this giveaway.

I know the broadcasters are meeting in Las Vegas, and I think it is time to throw the dice and have a hearing. Maybe they can make their case. That is what Congress is all about.

But it seems to me that the President, I think, should have an interest in this. It is not a partisan issue. It is an issue of how we are going to pay the bills, how we are going to balance the budget, and what amount will properly be received in charging for spectrum.

Mr. MOYNIHAN. Mr. President, will the majority leader yield for a question?

Mr. DOLE. I am happy to yield.

Mr. MOYNIHAN. Does the leader have in mind to schedule hearings and to ask the administration officials to testify?

Mr. DOLE. In fact, I think we have had one. Senator Pressler, chairman of the Commerce Committee, had 1 day of hearings. There will be another day of hearings, I think, next week to be followed by additional hearings. So there is an effort to have everybody come in and testify and then make a judgment.

I see the Senator from South Dakota is on the floor now. That was part of the agreement on the telecommunications bill—that the bill would go forward, there would be hearings, and Congress would make a judgment for the American people. We are going to have to cough up the money on what we should do.

Mr. MOYNIHAN. I thank the Senator. It is none too soon.

CONGRESS OF THE UNITED STATES
Washington, DC, January 31, 1996.

HON. REED E. HUNDT,
Chairman, Federal Communications Commission,
Washington, DC.

DEAR MR. CHAIRMAN: As you are aware, Senator Majority Leader Dole and others have raised legitimate concerns about giving additional spectrum to television broadcasters. As you are aware, these concerns raise serious policy questions which include providing taxpayers fair compensation for the use of a national resource to the policy implications of giving preference to the broadcasters over all other potential competitors.

We share Senator Dole's determination to protect America's taxpayers, and to satisfactorily resolve this issue. We wish to inform the Commission that it is our intention to conduct open hearings and move legislation to overhaul our nation's policies governing the electromagnetic spectrum. We request that the Commission not issue any initial licenses or construction permits for Advance Television Services until legislation is completed. Furthermore, your input would be greatly appreciated as we work to solve this complicated issue.

We appreciate your cooperation in advance on this issue of the utmost importance.

Sincerely,

TOM BLILEY.
NEWT GINGRICH.
LARRY PRESSLER.

TRENT LOTT.

Mr. MANTON. Mr. Chairman, I move to strike the last word and I rise in opposition to the Frank amendment.

Mr. Chairman, new and advanced technology has made it possible for broadcasters to offer consumers high quality digital television that will eventually replace the current analog mode of broadcasting. Digital or advanced television promises consumers sharper pictures, CD quality sound, and more programming choices. But this transition to digital television will take time. Broadcasters will have to invest in new equipment and consumers will need new digital television sets or converters that will allow their current sets to receive digital signals.

Congress has directed the FCC to allocate to the broadcasters additional spectrum to begin broadcasting advanced television signals while simultaneously continuing to broadcast current analog signals. Once consumers are fully prepared to receive digital television, the broadcasters will be required to return the spectrum they use for analog television. This spectrum will be repackaged and auctioned by the Federal Government.

We should reject the Frank amendment and allow the FCC to complete this proceeding and finalize a plan for the transition to digital television that is based on sound public policy designed to maximize the benefits of technological progress for consumers and the Federal Government.

Mr. Chairman, some proponents of the Frank amendment have argued that an immediate auction of the spectrum that has been set aside for the transition to digital television would yield billions of dollars for deficit reduction. But what these proponents ignore is that such an option would destroy an orderly transition to digital broadcasting, deny millions of Americans the benefits of advanced television services, and raised less money for the Federal Treasury than an auction of repackaged analog spectrum.

Mr. Chairman, sound communications policy, not fiscal policy, should guide the FCC toward the completion of this proceeding. I urge my colleague to reject the Frank amendment. Let's allow the FCC to do its job and proceed with a plan to make certain that all Americans reap the benefits of digital television.

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

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

Mr. FIELDS of Texas. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 479, further proceedings on the amendment offered by the gentleman from Massachusetts [Mr. FRANK] will be postponed.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. 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. JACKSON-LEE of Texas: Page 52, line 10, after the dollar amount, insert the following: "(increased by \$10,000,000)".

Page 23, line 18, after the dollar amount, insert the following: "(reduced by \$10,000,000)".

The CHAIRMAN. Pursuant to the order of the House of Tuesday, July 23, 1996, the gentlewoman from Texas [Ms. JACKSON-LEE] will be recognized for 7½ minutes, and the gentleman from Kentucky [Mr. ROGERS] will be recognized for 7½ minutes.

The Chair recognizes the gentlewoman from Texas [Ms. JACKSON-LEE]. Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

I am offering an amendment to H.R. 3814 to increase the funding to the National Telecommunications and Information Administration grants programs in the Commerce Department. I would like my fellow colleagues to travel with me on a very brief journey in any order that we might invest in America's future.

As a member of the Committee on Science, I have always said that science is the work of the 21st century. My amendment would increase NTIA by 10 million. These funds will go to NTIA's information infrastructure grants program.

In 1995, out of the 1,800 applications representing over 4,000 organizations, only 117 grants to 47 States and the District of Columbia totaling more than 30.7 million were awarded; 1,800 applications representing over 4,000 organizations, we only got 117 grants.

These grants were matched by more than 60 million in non-Federal funds showing that there is a great interest in the private sector to partnership with the Government.

These grants will allow kids in farming communities and inner cities to bridge the information gap; bring better health care to seniors in their own homes; provide valuable training and new job opportunities to workers in economically depressed areas; and improve public safety by helping to extend emergency telephone service nationwide and much more.

The need for this important program is tremendous. As many communities in the country remain unable to access advanced networks or information. According to a 1995 study, only 20 to 25 percent of the Nation's hospitals and public libraries and only 9 percent of our classrooms have access to the Internet or advanced information services.

As a member of the telecommunications conference committee, one of the important issues was the access of Internet and telecommunications to our urban centers and, yes, our rural communities. I would hope my colleagues would recognize that we do a great disservice to the work force of the 21st century in not educating our

children now and providing the resources for it.

NTIA also brings computer literacy and skills to millions of Americans who would not otherwise have access. This has a direct tie-in to economic development that will pay off by the year 2000, when 60 percent of the new jobs will require skills currently held by only 20 percent of the population.

I have an interest in the dissemination of technology throughout our Nation's society. Toward that end I am always exploring avenues on how to best achieve that mission, and NTIA serves us as a very viable vehicle for training our population. Unfortunately the lack of funding has slowed that progress. With 2.5 million classrooms and 50 million grade school students lacking access to this important innovation, it is critical that all avenues be explored to make their technological needs.

Without any rival to its supreme information status today, there are many moves to create access to this new technology for all sectors of our Nation. We must be competitive with our western nations and this entire world.

I am sure Members are aware, just as I am, of the great benefits personal computer technology has afforded modern society. It is an artificial extension of human intellect which has advanced the effectiveness of communication and the quality of information gathering. This technology will be the economic backbone for many communities far into the next century.

Mr. Chairman, it is my belief that we can do no greater contribution or make no greater contribution than the recognition of the valuable importance of technology in the 21st century and that we not leave one soul on the sidelines looking on, not one child from our rural communities, not one child from urban America, not one library, not one school teacher, not one school, not one university.

I ask my colleagues to support this amendment.

Mr. Chairman, I am offering an amendment to H.R. 3814, the Commerce-Justice-State and the Judiciary Appropriations Act for fiscal year 1997, to increase the funding to the National Telecommunications and Information Administration [NTIA], grants programs in the Commerce Department. I would like to invite my fellow colleagues to invest in our Nation's future by supporting this amendment.

My amendment would increase funding to NTIA by \$10 million. These funds will go to NTIA's information infrastructure grants program.

In 1995, out of the 1,800 applications, representing over 4,000 organizations, only 117 grants to 47 States and the District of Columbia totaling more than \$35.7 million were awarded. These grants were matched by more than \$60 million in non-Federal funds. These grants will allow kids in farming communities and inner cities to bridge the information gap;

bring better health care to seniors in their own homes; provide valuable training and new job opportunities to workers in economically depressed areas; and improve public safety by helping to extend emergency telephone service nationwide; and much much more.

The need for this important program is tremendous, as many communities in the country remain unable to access advanced networks or information. According to a 1995 study, only 20 to 25 percent of the Nation's hospitals and public libraries, and only 9 percent of our classrooms have access to the Internet or advanced information services.

NTIA also brings computer literacy and skills to millions of Americans who would not otherwise have access. This has a direct tie-in to economic development that will pay off by the year 2000 when 60 percent of the new jobs will require skills currently held by only 20 percent of the population.

As a member of the House Committee on Science, I have an interest in the dissemination of technology throughout our Nation's society. Toward that end, I am always exploring avenues on how to best achieve that mission, and I believe that NTIA has proven itself to be up to the task of spreading the information age to many deserving communities across this country.

Unfortunately, the lack of funding has slowed the progression of computer technology into our Nation's schools. With 2.5 million classrooms and 50 million grade school students lacking access to this important innovation it is critical that all avenues be explored to meet their technological needs. Without any rival to its supreme information status to date, there are many moves to create access to this new technology for all sectors of our Nation.

I am sure you are aware, just as I am, of the great benefits personal computer technology has afforded modern society. It is an artificial extension of human intellect which has advanced the effectiveness of communication, and the quality of information gathering. This technology will be the economic backbone for many communities far into the next century.

Let us act today, so that tomorrow we will not have debates on the disparity in life, liberty, and property of the information haves versus the information have nots.

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

Mr. ROGERS. Mr. Chairman, I rise in opposition to the gentlewoman's amendment and I yield myself such time as I may consume.

Let me say, I understand the gentlewoman's concerns about rural and underserved areas that they not be left off the information superhighway. I share that concern very deeply because my own district would qualify in that category.

Recognizing the importance of the information infrastructure grants program for rural and underserved areas, we inserted in the bill funding for the program at the 1996 level. We did not cut a penny off the program from its current levels. At a time when most other programs were being slashed in the bill, including most of the commerce programs. We maintained the

funding level for this program. This amendment would seek a 47 percent increase for this program at the expense of the Federal prison system and specifically the building of new prisons.

Mr. Chairman, the need for new Federal prisons is clear. The Federal prison system is currently suffering from dangerous overcrowding: currently 23 percent overcrowded systemwide; 43 percent overcrowded at the high security facilities, obviously the most dangerous. By the year 2001, overcrowding at the high security facilities would exceed 50 percent as a result of the growing population of convicted criminals who are increasingly violent and subjected to longer sentences.

□ 1230

We continue on a path of building two new prisons this year at the higher security levels where we most desperately need relief from overcrowding. This amendment would jeopardize that program and seriously threaten the safety and security of the prison system and surrounding communities where people obviously are residing.

The accountability gap still exists at the Federal level. Repeat offenders continue to fill our prisons, and we want to ensure adequate space is available to ensure that these felons are off our streets.

There is no parole at the Federal level, and therefore the need for prison space is absolutely critical.

As much as I support the sentiments of the gentlewoman's amendment, I have to say to her that I am strongly opposed to it for the reasons I have said. One, we fully fund the information infrastructure grants program; two, the gentlewoman's amendment would jeopardize the Federal prison building program that we must continue. And so I urge a rejection of this amendment.

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

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

Mr. ROGERS. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Chairman, I want to commend the gentlewoman from Texas for her concern about rural educational programs and for refocusing the direction of her amendment from reducing the funding for our international broadcasting system which is so sorely needed.

However, I am impressed by the gentleman's remarks with regard to the need for doing more in alleviating the overcrowding of our prison system, and I hope the gentlewoman might find a better way of funding the educational programs that she is so worthily advocating by her amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 2½ minutes to the gentleman from California [Mr. BROWN], the ranking member of the Committee on Science.

Mr. BROWN of California. Mr. Chairman, I rise in support of this amendment. It will increase the funding for valuable programs at the National Telecommunications and Information Administration that will help spur the development of an advanced information infrastructure for the Nation.

I particularly commend the gentlewoman for her effort to provide additional support for a proven NTIA program that is assisting communities throughout the Nation to obtain connections to information networks and to develop and enlarge the uses for public benefits of networks, such as the Internet.

I refer to the NTIA Telecommunications and Information Infrastructure Assistance Program. This is a highly-competitive, merit-based grant program that provides seed money for innovative, practical technology projects throughout the United States. Many projects now in place to connect rural and urban underserved Americans to information networks would never have occurred without the Federal assistance provided by this program.

The NTIA program provides matching grants to nonprofit organizations such as schools, libraries, hospitals, and local governments. The grants are used to fund projects that improve the quality of, and the public access to, education, health care, and government services. The grants are used for a variety of purposes. For example, connections to networks are made possible by assistance with the purchase of computers, video conferencing systems, and network routers.

But in addition to physical network connections, the grants program assists communities in developing effective uses of networks by supporting purchase of software for organizing and processing all kinds of information; training in the use of equipment and software; and purchase of communications services, such as Internet on-line services.

This NTIA grants program has generated enormous enthusiasm and has been a recognized success. Over the 3 years of its existence, it has generated more than 3,600 applications from across the Nation. And because it is a matching grant program, the applications have spawned hundreds of millions of dollars in commitments from local, State, and private sector sources.

The importance of this program is in its potential to bring new opportunities for learning and job creation to residents in isolated areas and in underserved areas of the Nation by unleashing the power of modern information technologies. Projects have been supported that will improve educational opportunities for children in farming communities and inner cities, will bring improved health care to elderly patients without requiring them to leave their homes, will provide

worker training and new job opportunities in economically depressed areas, and will improve public safety by supporting the extension of emergency telephone service throughout the country.

Moreover, by serving as models that can be replicated in similar communities across the United States, projects supported by this program extend their effects far beyond the communities in which they take place, and provide economic and social benefits to the Nation as a whole.

Mr. Chairman, the amendment will strengthen a program that is helping to develop a nationwide, interactive, multimedia information infrastructure that is accessible to all citizens. The program has effectively leveraged Federal resources through partnerships with non-profit organizations in local communities.

The NTIA Telecommunications and Information Infrastructure Assistance Program has proven its value and deserves a higher priority in this appropriations bill. I urge my colleagues to vote yes on this amendment.

PARLIAMENTARY INQUIRY

Ms. JACKSON-LEE of Texas. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentlewoman will state her parliamentary inquiry.

Ms. JACKSON-LEE of Texas. Might I inquire of the proponent of the amendment if I have the right to close?

The CHAIRMAN. No. If a member of the committee is controlling time in opposition to the amendment, then he will have the right to close.

Ms. JACKSON-LEE of Texas. Then I will proceed at this time, Mr. Chairman.

Let me try to emphasize very quickly, first of all, we are talking about a \$10 million increase out of a \$395 million budgeting for prisons. I would say that the choices need to be made. We have empty beds available in various States who would welcome Federal prisoners. This does not mean colleagues are soft on crime, but it does mean that they can support the Texas A&M foundation grant that was to design a way of extending information infrastructure into underserved economically disadvantaged neighborhoods.

The grass-roots models will be locally driven and managed, or maybe they will be the Corpus Christi public library that will help them receive the library information network or the Texas children's hospital that helped to ensure medicine in the valley, a sophisticated medicine in the valley in Texas, to rural communities by telemedicine. This is a program that can effectively both save lives and create opportunity for young lives.

I would ask my colleagues to invest in the future and support the increase of \$10 million for the National Telecommunications Information Administration making the right choice.

Mr. ROGERS. Mr. Chairman, I yield myself the balance of the time, and I shall not take the full time.

We have heard the arguments here. We have plenty of money in this bill for the information infrastructure grant programs for rural areas. I come from a rural area, and as chairman I saw to it there was sufficient funding in this bill for that purpose. We provide the same funding as last year, although we cut most of the other Commerce Department programs.

Second, the gentlewoman's amendment would take the money for the increase that she seeks from the Federal prison building program which we desperately need, and this will put in jeopardy the building of two new prisons in the next fiscal year.

So I urge a strong "no" vote to the gentlewoman's amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas [Ms. JACKSON-LEE]. The amendment was rejected.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

The CHAIRMAN. The gentlewoman from Texas is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the House for allowing me to have what I think is a very important debate on this issue. We may never agree, but I do believe that we should certainly have a consensus around the valuable role that technology and the Internet will play in the lives of Americans.

I would offer to this committee and to authorizing committees that we provide a vehicle for the Department of the Census to do a survey that would inquire and determine who amongst us have been left out of access to the superhighway and Internet. I believe that, if we would allow additional funding for the Census Department to determine and survey, that we would have an opportunity to determine the reality of the need.

POINT OF ORDER

Mr. ROGERS. Point of order, Mr. Chairman.

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

Mr. ROGERS. Mr. Chairman, I was under the understanding that we are under a set of amendment that are controlled by the rule of the House.

The CHAIRMAN. The gentleman is absolutely correct. The gentlewoman from Texas moved to strike the last word. The Chairman asked if there was objection. When there was no objection, the Chair recognized her for 5 minutes.

Mr. ROGERS. All right. I withdraw the point of order.

The CHAIRMAN. The gentlewoman from Texas will continue.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I will be concluding.

I had asked to enter into a colloquy with the gentleman from Kentucky [Mr. ROGERS], and I would be happy to do that with him regarding my concern about determining who has been left out of the net of the Internet. My suggestion is that the Department of Census would be an appropriate vehicle in order for us to insure, as I know that the gentleman from Kentucky [Mr. ROGERS] and certainly the gentleman from West Virginia [Mr. MOLLOHAN] would welcome that all of us are involved in the superhighway. This is a proposal that I hope that we will have an opportunity to engage in further discussions and to provide the Bureau of the Census with the resources to gather information on computer use in the United States.

Might I inquire of the time that I have, Mr. Chairman?

The CHAIRMAN. The gentlewoman from Texas has 3½ minutes remaining.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California [Ms. MILLENDER-MCDONALD].

The CHAIRMAN. The gentlewoman cannot yield blocks of time when she moves to strike the last word. The gentlewoman from Texas can stand and yield to the gentlewoman, but she cannot allocate a set amount of time to her.

If the gentlewoman wishes to remain standing, she may then yield during her presentation to someone else for the opportunity to make a point.

Ms. JACKSON-LEE of Texas. Mr. Chairman, that is what I am seeking to do; is that appropriate?

The CHAIRMAN. If there is a Member on the floor seeking to have the gentlewoman from Texas yield, that may occur.

Ms. JACKSON-LEE of Texas. I will now, to the gentlewoman from California.

Mr. Chairman, might I provide her with a certain amount of time?

The CHAIRMAN. No, the gentlewoman may not allocate time and then sit down. She may simply yield to the gentlewoman from California on her own time.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield to the gentlewoman from California [Ms. MILLENDER-MCDONALD].

Ms. MILLENDER-MCDONALD. Mr. Chairman, I really would like to thank the gentlewoman from Texas and to really applaud her on her leadership in this area.

It is very important that I stand before my colleagues to strongly support her amendment and the increased funding for the National Telecommunications and Infrastructure Administration. We know how important this is

for our children, for the growth and the information highway that is much needed for the educational components of our schools. I am in strong support of this.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I am not sure whether or not the gentleman from Kentucky [Mr. ROGERS] is able to enter into a colloquy, and I will conclude by simply saying that it is important that the access to the superhighway be given to all of our constituents across the Nation.

I am gratified for the support of the gentleman from California [Mr. BROWN] on recognizing as a ranking member of the Committee on Science. I would only offer that we should work to have the right data. I think that, if we allow the Bureau of the Census to do its survey of who has access and who does not, this Congress would be moved to act to provide additional funding to ensure that we train people and as well provide the resources for this kind of technology to go into our rule and as well our urban centers.

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 116, after line 2, add the following new section:

SEC. 615. (a) Chapter 13 of title 31, United States Code, is amended by inserting after section 1310 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 appropriations 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 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.

Mr. KLECZKA. Mr. Chairman, I rise today in support of the Gekas amendment.

Mr. Chairman, only seven legislative work weeks are left until our October 4 target adjournment date. Significant appropriations work remains, and the specter of Government shutdown and rancorous, time-consuming debate over CR's has raised its head. The country cannot afford another drawn-out debate on funding levels while Government offices gather cobwebs.

During the two Federal Government shutdowns this past winter, constituents found out the hard way what Washington gridlock means. They couldn't get passports or some veterans benefits or even get questions answered about Social Security and many other services on which they depend. At the same time, the cost to the taxpayers of lost productivity was enormous.

In my State, the government does not shut down over budget wrangling. Instead, Wisconsin has in place a common-sense plan which maintains government operations while the budget goes through the legislative process. I have introduced legislation which would set this Wisconsin plan into Federal law.

This Gekas amendment is similar to my bill, H.R. 2965, the Keep Government Open Act, which would prevent a Federal shut down from occurring by establishing an automatic continuing resolution. Although my bill—like the Wisconsin plan—maintains current Government funding unchanged from last year's levels, while Mr. Gekas' plan is somewhat more complex, the essential concepts are the same.

With this proposal—like H.R. 2965—we can permanently avert Government shutdown crises and debilitating CR fights. Removing the pressure and rhetoric that build as part of the appropriations process would allow us to focus on substance and good public policy. I commend the gentleman from Pennsylvania and urge a "yea" vote on this amendment.

POINT OF ORDER

Mr. ROGERS. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation on 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."

□ 1245

Mr. Chairman, on the face of it, the amendment proposes to make perma-

nent changes to chapter 13 of title XXXI of the U.S. Code and therefore it is legislation on an appropriation bill.

The CHAIRMAN. The gentleman has raised a point of order. Does any Member wish to be heard on the point of order?

Mr. GEKAS. Mr. Chairman, I would like to be heard on the point of order.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GEKAS] is recognized on the point of order.

Mr. GEKAS. Mr. Chairman, for a long while now, almost every term since 1988 or 1989, I have introduced a bill which would constitute instant replay of last year's budget if no budget has been enacted by September 30. This legislation, this main legislation about which we are talking, would cause no problem for appropriators because their figures, if lower than last year's budget, would go into effect both in the House or in the Senate version of those appropriations. Thus, we would have the best of all worlds.

On September 30 if no budget has been enacted, the next day there will be an instant replay of last year's numbers or the current House numbers or the current Senate numbers, whichever is lowest. Thus, the appropriators can go along their merry way in doing their job without being hampered by the fact that instant replay would occur.

Mr. Chairman, here is where the parliamentary battle ensues. This bill of mine, to which I refer, was referred to the Committee on Appropriations. That makes it part and parcel of what the gentleman from Kentucky [Mr. ROGERS] is attempting to do here with the appropriation bills under his control. It means that it does not vary from the concept of appropriations, nor from the duty and right of the appropriators to go about their business in the current legislation. It is an appropriation bill, properly referred to the Committee on Appropriations.

Further, Mr. Chairman, this legislation does not violate any of the appropriations or any of the legislative policy contained in the current legislation. It merely serves to continue existing appropriations at lower figures. Therefore, it does not in any way affect or appropriate monies. All it does is continue existing appropriations.

Mr. Chairman, it is a method which will serve to end Government shutdowns forever. We will never have another shutdown of Government if this legislation is adopted. If on September 30 we do not have a budget, the next day a new budget comes into play mirroring last year's budget, or the lowest figures that are extant to that day. At the end of a CR, a continuing resolution, the same thing would happen.

If the Congress enacts a CR and the President signs it for, say, 3 weeks, at the end of that 3-week period, again, instant replay would occur the following day after the expiration of that CR

on the same basis, of the lowest figures.

This means that on the point of order, that an appropriation bill that does not change the policy of the appropriators and enhances their ability to be triumphant in their figures should be accorded the right of continuing as an amendment to this legislation.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

If not, the Chair is prepared to rule.

The gentleman from Kentucky [Mr. ROGERS] makes a point of order that the amendment offered by the gentleman from Pennsylvania violates clause 2 of rule 21 by legislating on a general appropriation bill.

The gentleman from Pennsylvania previously offered this amendment on July 17, 1996. The Chair sustained a point of order against the amendment at that time, as the Chair will again today. However, in so doing, the Chair would point out that the gentleman's invocation on that prior occasion of the "works in progress exception" as a defense to the point of order against his amendment was inapposite. That principle is a defense to a point of order against an unauthorized appropriation rather than to legislating on an appropriation bill.

For the reasons stated on July 17, 1996, the point of order is sustained and the amendment is not in order.

PARLIAMENTARY INQUIRY

Mr. GEKAS. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. GEKAS. Mr. Chairman, of what significance is it that the legislation was referred to the Committee on Appropriations, the original bill which now this amendment reflects?

The CHAIRMAN. The fact that legislation is separately within the jurisdiction of the Committee on Appropriations does not necessarily make it appropriate for this general appropriation bill at this time.

Mr. GEKAS. I thank the Chair.

The CHAIRMAN. Are there further amendments?

AMENDMENT OFFERED BY MR. GANSKE

Mr. GANSKE. Mr. Chairman, pursuant to the unanimous-consent agreement this morning, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GANSKE: Page 116, after line 2, insert the following new section:

SEC. 615. (a) LIMITATION ON USE OF FUNDS TO ISSUE CERTAIN PATENTS.—None of the funds made available in this Act may be used by the Patent and Trademark Office to issue a patent when it is made known to the Federal official having authority to obligate or

expend such funds that the patent is for any invention or discovery of a technique, method, or process for performing a surgical procedure (defined as a treatment for curing or preventing disease, injury, illness, disorder, or deformity by operative methods, in which human tissue is cut, burned, or vaporized by the use of any mechanical means, laser, or ionizing radiation, or the penetration of the skin or body orifice by any means), performing a medical procedure (defined as a nonsurgical, nondiagnostic procedure for curing or preventing a disease, injury, illness, disorder, or deformity), or making a medical diagnosis (defined as the identification of a medical condition or a disease or disorder of a body).

(b) EXCEPTIONS.—The limitation established in subsection (a) shall not apply to the issuance of a patent when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) the patent is for a machine, manufacture, or composition of matter, or improvement thereof, that is itself patentable subject matter, and the technique, method, or process referred to in subsection (a) is performed by or is a necessary component of the machine, manufacture, or composition of matter; or

(2) the patent is for a new use of a composition of matter or biotechnological process.

The CHAIRMAN. Pursuant to the agreement of Tuesday, July 23, 1996, the gentleman from Iowa [Mr. GANSKE] will be recognized for 10 minutes in support of his amendment, and a Member opposed will be recognized for 10 minutes.

The Chair recognizes the gentleman from Iowa [Mr. GANSKE].

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

Mr. Chairman, imagine if someone held a patent on taking a patient's temperature by placing a thermometer under the tongue, and charged a royalty of \$1 each time this was done. Imagine somebody downstairs in the House dining room choking on a piece of steak and the person who uses the Heimlich maneuver on the victim receives a bill from Dr. Heimlich for using this procedure.

For more than a century the Patent Office refused to grant patents on methods of treating the sick but did start issuing these patents in the 1950's. In recent years patent holders have started enforcing these patents either by excluding others from using the procedure or charging a licensing fee. The Patent Office now estimates it issues more than 100 medical procedure patents per month.

My amendment borrows from and improves the Medical Procedure Innovation and Affordability Act, which has over 130 House cosponsors. This amendment would prohibit the Patent Office from using funds appropriated in this bill to issue these types of patents. These patents are causing real problems.

Dartmouth Medical School recently spent 3 years and nearly \$500,000 in legal fees defending its right to perform cataract operations, because a

surgeon patented cataract operations and was seeking up to \$10,000 in royalties per clinic eye surgeon.

If these procedure patents and their attempted enforcement continue, health care costs are going to skyrocket. More importantly, owners of patented procedures with control can use them and potentially limit the widespread availability of critical medical advances.

I trained in surgery with Dr. Joseph Murray of Boston who did the world's first successful kidney transplant. Dr. Murray did not run out and get a patent on kidney transplants. He would have thought this was against a fundamental tenet of medical ethics that admonishes the physician to teach and share freely medical advances for the benefit of mankind.

I am offering this amendment to protect patients, not physicians. If anything, this bill is in direct conflict with physicians' financial interests. After all, it is doctors who are most likely to benefit financially from obtaining and enforcing medical procedure patents.

Further, it is not physicians who would ultimately bear the cost of patent royalties. It is patients and others, such as local and Federal governments and insurers, who pay for health care. Ultimately, it is the consumer who would pay in the form of higher taxes, more premiums, so a few physicians could enrich themselves.

Physicians do not need incentives provided by patent law as a stimulus to innovation. Just look at the medical journals and Members will note there is no shortage of innovation and research going on. Physicians should not get windfall profits at the expense of patients.

I would encourage possible opponents of this bill to carefully examine the language of this amendment. The amendment specifies: All presently patentable new drugs will remain patentable; all presently patentable machinery and devices for treating and diagnosing disease will remain patentable; all presently patentable biological products will remain patentable; all presently patentable new uses for nonpatentable drugs and biological products will remain patentable. I even added an additional exception for biotechnological process to make absolutely clear that this amendment does not, let me repeat, does not prohibit patents on gene therapy or other similar procedures.

I urge Members' support for these five reasons:

No. 1, patient access to new surgical and medical procedures is being threatened by medical patents;

No. 2, medical patents permit patent owners to charge monopoly prices and contribute to our Nation's health care costs;

No. 3, physicians have an obligation to share their knowledge and skills for the benefit of humanity;

No. 4, medical patents are not necessary for the advancement of medicine. Did Oxner, the Mayo brothers, Lahey, or DeBakey need patents to advance medical knowledge?

And No. 5, 80 countries around the world, including most of Europe, expressly prohibit medical patents. The United States is virtually alone in the world in granting monopoly rights to these procedures.

Mr. Chairman, as a physician for 20 years, I can tell the Members first hand that the Patent Office is ill-equipped to evaluate the novelty of medical procedures. As long as patents on medical procedures continue, there will be a chilling effect on the free exchange of medical advances.

If these procedure patents proliferate and are enforced, the patent laws will have the opposite effect of what they were designed for. We will see fewer, not more, new medical advances for the benefit of citizens.

Please vote for this amendment. Where would surgery be today if Louis Pasteur had sought a patent on the 15-minute scrub?

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

The CHAIRMAN. Does any Member seek recognition in opposition?

Mr. ROGERS. I do, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from Kentucky [Mr. ROGERS] for 10 minutes.

Mr. ROGERS. Mr. Chairman I yield myself such time as I may consume.

Mr. Chairman, I rise in reluctant opposition to the amendment, and I do so on a procedural basis. Mr. Chairman, there is a reason why there is a rule of this House that precludes an appropriating committee from authorizing during an appropriating bill. The reason for that is this type of an amendment. This is a very complicated issue that needs to have hearings and to work its way through the authorizing process of this body.

Here we are on an appropriations bill, almost out of the clear blue, having to decide or vote on an issue that is extremely complicated about which I am not aware of any hearings. I have no factual basis upon which to make my own judgment about whether or not this is a good idea. It very well may be. But it needs to go through the process.

Mr. Chairman, this is a policy issue, and should be decided through the authorization process, not this quick process, that is, the appropriations process. The Committee on the Judiciary of the House, the authorizing committee, is, I understand, studying the issue. It has already held hearings on the gentleman's legislation.

The gentleman is really attempting to bypass the authorization process by tacking this legislation onto this appropriations bill. The chairman of the authorization committee and the ranking member of the authorization sub-

committee as well as the administration, all oppose the Ganske amendment on the appropriations bill.

I do not think it would be wise for the House to rush forward on such a very significant policy issue without proper study, discussion, and going through the regular channels. This is not the proper forum to address such a complicated and important policy issue. We need to let the authorizers do their job, and they have told me that.

As an appropriations subcommittee chairman, I know there is one rule, unspoken almost, around here. When an authorizing committee chairman tells you, do not authorize in your appropriations bill on my subject, you do not do it. So I am standing here as the subcommittee appropriation chairman, with the authorization chairman sitting beside me saying do not let this happen, and I am having to stand here and say no.

So I oppose the amendment for those reasons, although the gentleman from Iowa [Mr. GANSKE] has brought up a very important subject that needs to be addressed by the authorization committee, as is being done. I commend him for that.

Mr. Chairman, I am happy to yield such time as he may consume to the gentleman from California [Mr. MOORHEAD], chairman of the subcommittee on the Committee on the Judiciary with this subject matter in his jurisdiction.

Mr. MOORHEAD. Mr. Chairman, I rise in reluctant opposition to this amendment. The subject matter of this amendment is patent law and it is based on an earlier legislative proposal, H.R. 1127. Both the subject matter of patents and H.R. 1127 are within the jurisdiction of the Judiciary Committee. The effect of this amendment is to strip the Judiciary Committee of its jurisdiction over this issue by attempting to legislate on this appropriations bill. For this reason alone this amendment should be rejected.

In addition, the Judiciary Subcommittee on Courts and Intellectual Property, which I chair, held a hearing on H.R. 1127, the legislation on which this amendment is based. During that hearing, a representative of the Patent and Trademark Office suggested that the PTO may well be able to address the issues raised by the legislation by modifying their internal, administrative procedures. I subsequently wrote to the Commissioner of Patents and Trademarks and requested that the PTO hold hearings on this issue.

Pursuant to my request the PTO conducted a public hearing on issues related to patenting of medical procedures. Interested parties were given the opportunity to comment and offer suggestions for improvements. The PTO is now analyzing these comments and preparing to address the problems which are identified. There is a very

good chance that this problem may be solved administratively for which the gentleman from Iowa should take full credit. I believe that this is the appropriate response and accordingly urge the rejection of this amendment.

I should state that this amendment is opposed by the U.S. Department of Commerce, the American Intellectual Property Law Association, the Intellectual Property Owners, the Biotechnology Industry Organization, the American Bar Association, and the Pharmaceutical Research and Manufacturers of America.

I believe that a reasonable problem has been pointed out by the gentleman from Iowa, and I believe that it is important to find out the best way that we can solve it, but I do not think it should be done on an appropriation bill with short notice.

□ 1300

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. MOORHEAD. I yield to the gentleman from Colorado.

Mrs. SCHROEDER. Mr. Chairman, I rise to agree with what the gentleman had to say.

Mr. Chairman, I tell this body that the gentleman from California is being very humble. He has worked very hard on this issue, and so has the Department of Commerce. We have a letter. Everything is moving. I hope we can move forward and put this to bed.

Mr. GANSKE. Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. NORWOOD].

Mr. NORWOOD. Mr. Chairman, I thank the gentleman from Iowa [Mr. GANSKE] for yielding me this time.

Mr. Chairman, I suppose if I were an experienced legislator this would seem complex, but since I am just a dentist who has practiced for the last 30 years, it seems sort of simple. What we are basically asking this body to do, and I urge Members to do this with every bone in my body, is pass this amendment for the American people. What we have here is a simple problem that simply needs to be corrected. What is right is right and what is wrong is wrong. All of my adult life I have been taught that as a health care provider, I should be very willing to share any knowledge I have on behalf of the patient. I know not to do that is not just unethical but it is immoral. What we are trying to do is to correct a problem in this country before it gets out of proportion and harms the very people who are providing care because there will be so much confusion, but most importantly because it harms the patient.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from West Virginia [Mr. MOLLOHAN].

Mr. MOLLOHAN. Mr. Chairman, I likewise rise in opposition to this amendment and echo the sentiments expressed by a number of speakers.

This simply is not the appropriate bill. This is not the appropriate forum to decide this issue. In response to the last speaker, whether it is a simple issue or a complex issue, I do not know whether that is really the point. The fact is, it is a very controversial issue and should best be decided by the authorizing committee. I am advised—and again because this is an appropriations committee, not an authorizing committee and we do not get into these things in substance like this—that there are very serious concerns raised by representatives of the biotech industry and other areas in industry about the effect that this amendment could have on the incentives which our system now has for innovative new research procedures.

In any event, all of those issues are for consideration by an authorizing committee, and because controversy does surround it, I think that is the better forum.

Mr. GANSKE. Mr. Chairman, I yield 1½ minutes to the gentleman from Michigan [Mr. UPTON].

Mr. UPTON. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Iowa [Mr. GANSKE].

Mr. Chairman, as I was watching the debate on TV and came over from my office, I know that we have heard from a number of different outside industry groups that in fact this amendment takes care of some of the concerns that they have. There is an exception here in this bill that is labeled as such, and there is an exception for the patient when there is a new use of a composition of matter or biotechnological process. It is unfortunate that the Committee on the Judiciary has not moved on this. This is an important issue.

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

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

Mr. KENNEDY of Massachusetts. Mr. Chairman, I would just like to point out to my friend that while there is an exemption that has been created for the composition of matter, the truth of the matter is that that still does not, for instance, provide the necessary scientific protections for companies that do not fall under that specific exemption.

There are, for instance, new advancements in Hodgkin's disease using fetal matter from pigs that would fall outside of this language.

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

Mr. UPTON. I yield to the gentleman from Iowa.

Mr. GANSKE. Mr. Chairman, the example that my colleague from Massachusetts is citing is exempted. It is the new use of a compositional material. It is specifically excluded in the amendment.

Mr. UPTON. Mr. Chairman, reclaiming my time, I would like my friend from Massachusetts to respond to the question that the gentleman from Iowa [Mr. GANSKE] raised in his opening statement about the Heimlich maneuver. Does the gentleman think that that should be patented and get a bill for that? That is one of the things that this goes against.

Mr. KENNEDY of Massachusetts. Mr. Chairman, if the gentleman will yield further, the gentleman from Iowa and I have had discussions about this. I am in favor of the general thrust of his legislation. I just think it is flawed in a manner that we ought to try to fix.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. DOOLEY].

Mr. DOOLEY. Mr. Chairman, I rise in strong opposition to the Ganske amendment. Regardless of the merits of what he is trying to achieve, I feel very strongly that the language is far too broad. The broad implications of the language threaten to invalidate up to one-third of all the biotech patents in the United States. When we see some of the tremendous potential for research in the development of new gene therapies through biotechnology that hold the promise of finding cures to many of the diseases we face such as cystic fibrosis, AIDS as well as Alzheimer's, we cannot put in place an impediment that restricts the investment and research which can hold the promise to cures to these. Unfortunately I feel that the way that the Ganske amendment is drafted, it will provide that disincentive for investment in this emerging field which will not serve the interests of the people and the interests of the health of people of this country.

Mr. GANSKE. Mr. Chairman, I make an inquiry as to how much time remains in debate.

The CHAIRMAN pro tempore (Mr. SOLOMON). The gentleman from Iowa [Mr. GANSKE] has 2½ minutes remaining, and the gentleman from Kentucky [Mr. ROGERS] has 2 minutes remaining.

Mr. GANSKE. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma [Mr. COBURN].

Mr. COBURN. Mr. Chairman, I think this debate goes back down to one of the core issues in our country, whether a physician, no matter what particular oath they took, whether or not they are going to follow that oath, nowhere should a medical procedure get in the way of offering care to any other patient. I think most people will agree with that.

If this bill is flawed in any way, that can be corrected. But the intent of this bill and the necessity of this bill demand that we pass this today. There are people who are not receiving the benefit of the skills of providers and health providers who have dedicated their life because of patent infringe-

ment attempts. So I would beg my colleagues to look, to support the healing professionals by allowing them to do what they have committed their lives to do, which is to offer care, not limited by someone's greed or someone's selfishness.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Chairman, first of all, I want to thank the chairman of the full committee for the excellent efforts that he is making thus far in this legislation. I also want to compliment Mr. GANSKE on the attempts that he is making to try to fix a problem. The trouble is that the solution that he has created is just far too broad.

I agree with the previous speaker that we ought not to be trying to deny anyone reasonable health care, we ought not to be allowing patents for certain medical procedures. But the truth is that the way this amendment is written, it would incorporate vast areas of the biotechnology field and companies that are coming up with innovative and creative solutions.

I think that if the gentleman were willing to work with us in a fashion that ended up providing protections against the procedures that he is concerned about without incorporating, at the same time, the gutting of the ability of these biotechnology companies to be able to move forward on their advancements, that we in fact could come together with a reasonable amendment that everybody in this Chamber would be happy to support, and I would look forward to working with the gentleman to accomplish such a task.

Mr. GANSKE. Mr. Chairman, I yield 30 seconds to the gentleman from Florida [Mr. WELDON].

Mr. WELDON of Florida. Mr. Chairman, I thank the gentleman for yielding me this time. I rise in strong support of the Ganske amendment. I commend the gentleman from Iowa for bringing this issue forward.

I know that many breakthroughs that have helped many of my patients in the past could possibly not have accrued to their benefit if doctors were out there patenting procedures. I think it is wrong for them to be doing that. I wholeheartedly commend the gentleman.

The CHAIRMAN pro tempore. The Chair would observe that there is 1 minute remaining on each side. The gentleman from Kentucky [Mr. ROGERS] has the right to close.

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

Mr. Chairman, I would point out that the list of cosponsors of the original bill that this is based on, that is, modified off the original medical patents bill, includes such colleagues as Chairman ARCHER, DEFAZIO, DELAY, FRANK, HYDE, KASICH, and WAXMAN.

Let me answer a few of the criticisms and go back over again. Let me repeat, the amendment is narrowly drawn. It prevents procedure patents, things like surgeons being able to do an appendectomy or surgeons being able to do a cataract operation. Can my colleagues just imagine looking in the Yellow Pages and having to look up which surgeon has the franchise to do an appendectomy?

This bill specifically says, all presently patentable new drugs will remain patentable, all presently patentable machinery and devices for treating and diagnosing disease will remain patentable, all presently patentable biologic products will remain patentable, all presently patentable new uses of non-patentable drugs and biologic products will remain patentable.

This takes care of the criticism. We have moved this forward now because we have not had cooperation from the industry.

Mr. ROGERS. Mr. Chairman, I yield 30 seconds to the gentleman from Florida [Mr. DEUTSCH].

Mr. DEUTSCH. Mr. Chairman, many people, and there is no disagreement in this Chamber that the substance of what the gentleman from Iowa [Mr. GANSKE] is trying to do makes a lot of sense, but as has been pointed out by a number of colleagues, and I will reiterate and focus in on it, there are clearly cases where the language of this amendment is broader than the intent. It will absolutely include certain biotechnology therapies that were under development that already exist. Whether we like it or not, the companies that do this invest sometimes tens and even hundreds of millions of dollars. If they cannot be provided with a patent for that protection, they just will not develop those lifesaving drugs.

I urge the defeat of the Ganske amendment.

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

The CHAIRMAN pro tempore. The gentleman from Kentucky [Mr. ROGERS] is recognized for 30 seconds.

Mr. ROGERS. Mr. Chairman, the debate here has demonstrated what I just said. This is too complicated for us to deal with in an appropriations bill times 10. We have biotechnology involved, doctors' rights, medicine, and technical advice in every aspect.

The gentleman from Iowa [Mr. GANSKE] has succeeded, I think, in big measure here by bringing this matter to our attention. The chairman of the authorizing subcommittee says, "Don't pass this on an appropriations bill; give us a chance to have our hearings, which we are doing." I urge a "no" vote on this amendment.

Ms. ESHOO. Mr. Chairman, I rise in reluctant opposition to the amendment by Dr. GANSKE.

I believe he is raising an extremely important issue and I support the intent of his

amendment to disallow the issuance of patents for medical procedures such as kidney transplants. However, this is a complicated issue that deserves greater consideration than 10 minutes of debate on an appropriations bill.

It is my understanding that the Judiciary Committee is currently reviewing the issue of patents for medical procedures. That is the correct forum for this debate.

Hearings should be held. Testimony should be taken and the subcommittee and full committee should have the opportunity to mark up legislation. A bill should be brought to the House for consideration only after these steps have been taken.

Lastly, greater care needs to be taken to ensure that medical advances in the field of biotechnology are not adversely affected by this legislation. The biotechnology industry is one of our country's greatest resources. We need to tread lightly in areas that could stifle the potential of this industry, because of the benefits it can bring to the health and welfare of the American people.

I commend Dr. GANSKE for bringing this issue forward and hope that we will have the opportunity to work together in the future to develop bipartisan legislation that addresses the need to prevent medical procedure patents.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I would like to first of all thank Mr. GANSKE for his willingness to work with me and my staff in making some improvements to the text of this amendment. The gentleman from Iowa has been very responsive to the concerns I have raised regarding the unintended harmful consequences the amendment would have on the biotechnology industry. And although we have made significant progress in the past 2 days, I must still rise in opposition to this amendment.

I agree with the underlying fundamental goal of this amendment: to limit the liability of physicians who use patented medical procedures—in order to improve the lives and health of their patients—from being sued for royalty fees or, even worse, be threatened with an injunction against using the procedures. This goal could be achieved by placing a limitation on enforcement of these patents or by giving blanket immunity to physicians who may use these procedures. If this were done, I think we would all be on the same page.

However, the approach this amendment takes is to ban all medical procedure patents first, and then creates two somewhat vague exceptions. Only if a patent falls within these two exceptions can it be issued. This is a failed approach. It has been likened to cutting one's fingernails with a chainsaw.

I am troubled by this approach first of all because this would be establishing a dangerous precedent by making drastic changes in patent law, to be considered for the first time on the House floor during debate on an appropriations bill. But more importantly, I oppose this amendment because the two exceptions that would continue to allow the issuance of medical patent procedures would not cover all situations where innovative science and research in the biotechnology field creates new medical therapies that have the potential of curing costly, deadly diseases.

Securing a patent for the use of medical drugs, therapies, and diagnosis of disease is

absolutely crucial for the biotechnology industry. Without patents, biotechnology companies cannot secure the capital investments needed to spawn the research to bring these uses to market. This amendment jeopardizes the innovation of the biotechnological industry and should therefore be soundly defeated.

I urge my colleagues to reject the Ganske amendment.

Mrs. SCHROEDER. Mr. Chairman, I rise in opposition to the Ganske amendment.

A very similar measure introduced by the gentleman from Iowa was the subject of a lengthy hearing before the Intellectual Property Subcommittee. It became very clear during that hearing that this measure does not, as the gentleman undoubtedly intends, create a narrow solution for a narrow problem. This amendment raises extremely complex issues relating to patent law. And in fact, this amendment unintentionally jeopardizes whole categories of biomedical research.

We have no business legislating radical changes in U.S. patent law on an appropriations bill. This amendment effectively strips the Judiciary Committee of its jurisdiction over this issue. But this is not just a jurisdictional quibble. This amendment represents very bad intellectual property law, and I urge my colleagues to reject it.

We are not only bypassing the Judiciary Committee with this amendment, but we are also engaging in a very hasty process that does not bode well for developing good policy. I want to point out that we just saw the most recent draft of this amendment late yesterday afternoon. This revision, I am sure, is intended to address the concerns raised about biomedical research, but the biotechnology research community continues to raise objections about the impact of this bill on medical devices or diagnostics and on patents for medical therapy or medical procedures. This amendment affects literally billions of dollars in research on deadly diseases, and it cannot be written hastily or without extremely careful consideration of its impact.

I also want to point out that our hearing on this issue established that the problems identified by the medical profession relating to patents on medical and surgical procedures can be solved by the U.S. Patent and Trademark Office through steps that are less drastic than excluding these inventions from patent protection and eliminating the incentives to invest in beneficial and cost-effective new medical and surgical procedures. In fact, the Patent Office has already conducted a public hearing in order to devise these steps.

Are you willing to tell the women of this country that you took away the financial incentive for promising research relating to metastatic breast cancer? The patent system has worked well to provide incentives for private investment in biotechnology research. Don't undermine those incentives with this hastily crafted amendment.

I urge a "no" vote on this amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Iowa [Mr. GANSKE].

The question was taken; and the Chairman pro tempore announced that the yeas appeared to have it.

Mr. GANSKE. Mr. Chairman, I demand a recorded vote, and pending that I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to House Resolution 479, further proceedings on the amendment offered by the gentleman from Iowa [Mr. GANSKE] will be postponed.

The point of no quorum is considered withdrawn.

Mrs. LOWEY. Mr. Chairman, I ask unanimous consent to strike the last word to enter into a colloquy with the chairman of the committee.

The CHAIRMAN pro tempore. Without objection, the gentleman from New York is recognized for 5 minutes.

There was no objection.

Mrs. LOWEY. Mr. Chairman, I along with many of my colleagues on both sides of the aisle are very troubled about the reductions in funding provided in this bill for the Maritime Administration which will adversely affect the six State maritime academies located in New York, California, Texas, Michigan, Massachusetts, and Maine. The administration requested \$9.3 million for the academies which represents level funding since 1989. A Federal contribution of \$9.3 million represents a small fraction of the academies' funding.

□ 1315

In fact, even though 89 percent of their funding comes from student tuition and State support, the State maritime academies produce 75 percent of our Nation's licensed Merchant Marine officers, the young men and women who enter the maritime industry and who activate the ready reserve force in national emergencies requiring sealift.

Without a doubt, assisting the State schools to train Merchant Marines is a cost-efficient way to produce the U.S. crews we need for our national security. A portion of the funds derived from the sale or disposal of ships in the National Defense Reserve Fleet are intended to be used for training and other expenses at the State maritime academies.

However, the reality is that no ships have been scrapped from the NDRF for more than 2 years because of legal disputes relating to certain hazardous materials on some of these ships. Because this dispute has made it virtually impossible to sell NDRF vessels in foreign countries, an intended source of funding is unavailable to the States' academies.

I must also add, Mr. Chairman, even if two academy ships were to be funded under the Department of Defense's ready reserve force, it would in no way compensate for the budget cuts in this bill.

Can the gentleman from Kentucky [Mr. ROGERS], the chairman of the subcommittee provide us some assurance that if NDRF ships continue to be in-

eligible for scrapping, he will work with the Senate to ensure that the Maritime Administration has the flexibility it needs to provide adequate funding for the State academies?

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

Mrs. LOWEY. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I have heard from several of our colleagues on both sides of the aisle who are concerned about funding for the State maritime academies. As the gentleman knows, there are 65 ships ready to scrap and if a way could be worked out to allow these ships to be scrapped, the State maritime academies would be the beneficiaries of 25 percent of the proceeds.

In addition, if the Maritime Administrator's request is agreed to, with respect to the ready reserve force, there would be just three ships to support under this account. But as we move into conference with the Senate on this bill and we receive additional clarification about the availability of these and other resources for the State academies, I will work with the gentleman and with the other Members concerned on this issue to try to address their concerns and to see what we can work out with the Senate on this important issue.

Mrs. LOWEY. Mr. Chairman, reclaiming my time, I thank the gentleman from Kentucky [Mr. ROGERS] very much. His assistance and leadership on these issues is greatly appreciated.

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

Mrs. LOWEY. I yield to the gentleman from Massachusetts.

Mr. TORKILDSEN. Mr. Chairman, I rise to express serious concern over the funding levels for maritime academies contained in this bill. It is essential that maritime academies are level-funded at \$9.3 million in order to effectively carry out their mission.

This is a very modest investment by the Federal Government for schools that produce 75 percent of our Nation's merchant marine officers. Additionally, these academies are an essential component to preserving our Nation's national security by manning our Defense Sealift Contingency Force and maintaining vessels in our ready Reserve fleet.

One of these academies is the Massachusetts Maritime Academy. Serving the tristate area of Massachusetts, Connecticut, and Rhode Island, Massachusetts Maritime Academy produces more U.S. Navy admirals than any other college or university outside of Annapolis. Currently, the proud and honorable Commander in Chief of the U.S. Atlantic Fleet, Adm. William J. Flanagan, Jr., class of 1964, is a distinguished alumnus.

Additionally, the Massachusetts Maritime Academy is home port to the

training vessel, *Patriot State*, a 20,000-horsepower, 547-foot steamship, which prepares our young men and women for a distinguished career in this Nation's merchant marine. The *Patriot State* is a ready Reserve vessel as designed by MARAD. The Federal Government contributes to the operation of the *Patriot State*. If this Nation's maritime academies are not level-funded, the *Patriot State* will not be fueled and ready for our Reserve fleet.

The CHAIRMAN. The time of the gentleman from New York [Mrs. LOWEY] has expired.

Mrs. LOWEY. Mr. Chairman, I continue to yield to the gentleman from Massachusetts [Mr. TORKILDSEN].

Mr. TORKILDSEN. Mr. Chairman, in both appreciation for the gentleman yielding and my colleague for California, I will be very brief.

State maritime academies like Massachusetts Maritime operate their ready Reserve ships at one-third of that expended by the Federal Government to maintain similar vessels in a like readiness status. These academies provide a high return on the small Federal investment. Graduates of the six State maritime academies all secure employment within 3 months of graduation. This is a record we should be proud of.

Mr. Chairman, I urge the Chair to work with the other body and the conference committee to level-fund this Nation's maritime academies. This is an investment in our future and our security.

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

Mrs. LOWEY. I yield to the gentleman from California.

Mr. CUNNINGHAM. Mr. Chairman, I am not going to rehash all that. I am going to say, I rise in support of the gentleman from New York and the words of the gentleman from Massachusetts [Mr. TORKILDSEN]. It does not matter if the maritime academy is in California, Massachusetts, or where, they provide a valuable resource.

I would also ask the Chairman when they look at scrapping these U.S. ships that they give preference to U.S. shipyards. Quite often there is a problem with older ships having asbestos, and so on, and they decline to do that. I think that would be in our best interest.

Mr. SHAW. Mr. Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN. Without objection, the gentleman from Florida is recognized for 5 minutes.

There was no objection.

Mr. SHAW. Mr. Chairman, the colloquy that I wish to engage the chairman in involves the NOAA issue affecting Florida and the Nation.

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

Mr. SHAW. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I would be pleased to engage in a colloquy with the gentleman from Florida [Mr. SHAW].

Mr. SHAW. Reclaiming my time, I would like to commend the chairman for the work of his subcommittee to ensure that needed resources are being dedicated to understanding the El Nino phenomenon, how we can improve our predictive capabilities, and understanding the full implications of these near- and mid-term climactic events on precious agriculture and vulnerable areas. Your committee report includes language that provides that some of the funding increases provided in the Climate and Global Change Program is intended to expand the International Research Institute program to include regional application centers.

Mr. ROGERS. If the gentleman would continue to yield, the gentleman is correct. The bill includes an overall increase for the Climate and Global Change Program, which is intended to be used to expand both the El Nino research program and the Health of the Atmosphere Program.

Mr. SHAW. Mr. Chairman, it is my understanding that this language is intended to refer to the regional application centers being developed now as a statewide consortium among Florida's top four research universities, which have developed some unique technology for regional modeling and predictive work in this regard. Is my understanding correct?

Mr. ROGERS. The gentleman is correct. The committee intends that NOAA make El Nino research a priority and use some of the funds within this account to expand the program to include regional application centers, like the proposal that the gentleman has mentioned and has been endorsed by the Florida delegation.

Mr. SHAW. Mr. Chairman, the gentleman has been extremely thoughtful and very supportive. I thank the gentleman. The work on El Nino, like the proposal from the Florida consortium, is a high priority for NOAA, your committee, and the entire Florida congressional delegation. I am encouraged by your support of statements today and the intent of the committee.

AMENDMENT OFFERED BY MR. GUTKNECHT

Mr. GUTKNECHT. Mr. Chairman, I offer amendment No. 28.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GUTKNECHT: Page 116, after line 2, insert the following new section:

SEC. 615. 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 23,

1996, the gentleman from Minnesota [Mr. GUTKNECHT] will be recognized for 10 minutes in support of his amendment, and a Member opposed will be recognized for 10 minutes.

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

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

Mr. Chairman, as one of my favorite presidents observed, well, here we go again. This is the 1.9 percent across-the-board reduction.

Just to set the stage again so Members understand how this amendment came about, we were rightly criticized by some of our friends on the other side of the aisle when we passed the joint budget resolution conference committee report, in which we increased discretionary spending by about \$4.1 billion more than the House-passed version of this budget resolution.

Passing a balanced budget, ultimately balancing the people's books, is not some mean-spirited, green eye-shaded accounting exercise. It really is about preserving the American dream for our children. Balancing the budget is not something that we do next year or we do 2 years from now or we do 3 years from now or 6 years from now. It is what we do every day on every appropriation bill that makes the difference, and that is why in good faith I am offering this amendment.

This is not some slap at the Committee on Appropriations or our own leadership. I think the gentleman from Kentucky [Mr. ROGERS] has done an excellent job with his appropriations subcommittee. I think all the appropriations subcommittees have done an excellent job. But we are going to increase discretionary spending in this cycle by about \$4.1 billion more than the House originally agreed to. And the way we can recover that \$4.1 billion is by offering a 1.9 percent reduction across-the-board on all the remaining appropriation bills.

So to the gentleman from Kentucky [Mr. ROGERS] and others, I just want to say that I think you have done a good job, but I think this is a perfecting amendment to help the House recover its fumble. I would hope that Members would join me in support of this amendment.

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

The CHAIRMAN. Who seeks time in opposition?

Mr. ROGERS. Mr. Chairman, I do.

The CHAIRMAN. The gentleman from Kentucky [Mr. ROGERS] is recognized for 10 minutes.

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

Mr. Chairman, this amendment would reduce every discretionary appropriation in this bill by 1.9 percent. It has been offered on at least five prior appropriations bills and has been de-

feated on all of them. I would hope we would keep the string alive.

This amendment would undermine the very initiatives we are trying to achieve in the bill. In the Department of Justice, it would undo the very things we are trying to do. One, in the Drug Enforcement Administration, we have increased funding to \$1.03 billion, \$167 million above last year, \$20 million over the President's request, including a \$75 million source country interdiction initiative and a \$56 million Southwest border initiative where 70 percent of our drugs come into the country and goes to our teenagers. This amendment would remove the increase over the President and hurt the efforts to rekindle the war on drugs which this administration, I think, has allowed to dwindle.

In the Immigration and Naturalization Service, the war on illegal aliens, the war to control the border, the bill provides \$2.2 billion, \$443 million over last year, \$30 million over the President's request, and 1,100 new Border Patrol agents. Everyone says we desperately need them. This amendment would reduce the appropriation by \$41 million, and take it below what the President requested of the Congress. The amendment would reduce the FBI by \$52 million.

This bill, Mr. Chairman, the very thrust of this bill is to control the borders, control crime, control drugs, and control teenage violence. This amendment does damage to those four initiatives. That is the reason I oppose it. It would reduce State and local law enforcement by \$71 million, including the Byrne grants, which goes to local communities, as we all know, to help them fight crime in their communities and the local law enforcement block grant, a new program that Congress initiated to help local communities fight crime as they see it. It would reduce COPS and the truth in sentencing State prison grants to help States build the prisons and keep their prisoners in jail 85 percent of their sentence.

In other areas of the bill where we have already taken reductions to make room for the increases in law enforcement, the additional percentage reductions would be very problematic. In the State Department, it would take an additional \$84 million, which is double the reduction we have already taken in the bill for the State Department. Out of USIA, it would take an additional \$20 million, with nowhere to take it except reductions in force and reductions in Voice of America, Radio Free Europe, Radio Marti, and Radio Free Asia.

In the Commerce Department, it would take an additional \$68 million out of NOAA and the Census and the International Trade Administration, all of which we have tried to prioritize as important for the Nation. In the Small Business Administration, a \$2.5

million reduction would be had by this amendment, which translates into \$125 million less in small business loans.

□ 1330

Overall, this amendment undermines the initiatives we have tried to undertake in law enforcement, in the war on crime and drugs, and gaining control of our borders.

In addition, it imposes much larger reductions in areas where we have already taken reductions, with serious impacts on our ability to carry on diplomacy and to carry out necessary functions like the census and our trade enforcement functions.

As a result, I would hope the body would reject this amendment, and I ask my colleagues to do just that.

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, we have just heard the gentleman from Kentucky speak of the reductions that would be brought forward. What I would ask those who are listening to this debate today is to consider the following: Wherever we work, whatever we do, could we not, through efficiency and better planning and good insight, reduce the costs of what we are doing or increase the efficiency with which we do it, or save 2 percent of the amount of time that it takes us to do it? Could we not do that?

The trouble is, inside Washington we do not believe that that is possible. The real fact is that we can save a whole lot more than 1.9 percent. Outside of Washington, DC, outside of the thought process that goes on here, in everyday America, people are doing that very thing.

This is not a cynical attempt to make a point. The fact is, the largess of our Federal bureaucracy is killing our future. The Republican Congress made a commitment to this country. They fumbled the ball. They have now decided to spend \$4.1 billion more than what they promised just 9 months ago to spend. This is getting back part of it. It is two pennies. It is two pennies for the future of our children.

It is not to say that the appropriation committees do not do a good job, but the fact is, the very people that are going to receive this money can do a better job. They be more efficient. They can accomplish more with less if, in fact, we will just tell them to do it.

I would ask our Members to support this amendment, not for us but for the commitment that we have made to the future, for our children and for our grandchildren.

Mr. ROGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from West Virginia [Mr. MOLLOHAN], the ranking member of the subcommittee.

Mr. MOLLOHAN. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in opposition to this amendment.

I want to begin by expressing appreciation to the gentleman from Minnesota, the author of the amendment, for his compliments to the chairman and to the committee in trying to go through this and be discerning about how we treat all of the respective accounts.

I want to assure the body that the chairman, the distinguished gentleman from Kentucky, has certainly provided leadership in doing that. As a matter of fact, he, myself, the staff, every member of the committee have spent hours going over this bill in a very discerning sort of way, choosing between accounts, making judgments, making value judgments about programs and trying to come up within our allocation with the very best funding scheme that we could. It has certainly been conscientiously done.

The problem I have with the gentleman's amendment is that it is not particularly careful. It is not discerning. In one sense only, it is not conscious; that is, we do not consider every account carefully. That is not the way to treat an appropriations bill, particularly at a time of shrinking resources when the pie is smaller. We need to approach these very carefully.

With regard to the distinguished gentleman from Oklahoma, who asked the question, can we not take a certain percentage out of any bill? Can we not take a certain percentage out of our own accounts or our business? I would say no to him, because I question the underlying premise. The underlying premise to that question is these accounts are adequately funded to begin with, and we can squeeze more out of them.

I want to assure him these accounts are not adequately funded. We could use more money for crime fighting in this Nation, and this committee has tried to give every penny to crime fighting we can at the expense of the other accounts in the bill. Consequently, the other accounts in the bill are all shortchanged. No, we do not have additional money in this bill, because the accounts are not now adequately funded.

So, for all those reasons, Mr. Chairman, I join my chairman in opposing the amendment and would ask that the body oppose this nondiscriminating amendment.

Mr. GUTKNECHT. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina [Mr. SANFORD].

Mr. SANFORD. Mr. Chairman, it strikes me that to properly control crime we first have to control spending. To properly control our borders, I think we first have to control spending. If we do not, a child born into America today will one day pay an 82

percent tax rate just to keep our government solvent.

What I want to focus on, instead of the facts and figures that I think we all know, though, is the human side of this cost. We are talking about \$466 million. We are talking about a 1.9 percent cut that we argue we cannot make in Washington.

I would argue that we can and we must because, if we take for instance the small town that I grew up in, Dale, SC, that had just a few hundred folks living in it, it would take them working and then paying taxes for the next 800 years simply to make up this 1.9 percent. Or if we went back into my district near Charleston, it would take 155,000 people paying taxes for 1 year to equal the 1.9 percent for the \$466 million that we are talking about.

Those may not be real numbers in Washington, but they are very real numbers over 1 year or 800 years of sweat and toil back home in South Carolina. For that reason I would urge adoption of this amendment.

Mr. ROGERS. Mr. Chairman, may I ask the times remaining and who has the right to close?

The CHAIRMAN. The gentleman from Kentucky [Mr. ROGERS] has 3½ minutes remaining, and the gentleman from Minnesota [Mr. GUTKNECHT] has 4½ minutes remaining.

The chairman of the committee has the right to close and protect the committee position.

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

Mr. GUTKNECHT. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. HOSTETTLER].

Mr. HOSTETTLER. Mr. Chairman, once again I rise in support of an amendment to eliminate 1.9 percent of the spending in an appropriations bill; 1.9 percent.

Around here, that is decimal dust. But it is not back home.

It is not decimal dust to the taxpayers back in Indiana who are sick and tired of having their government in Washington, DC, spend more than it takes in revenue.

We can talk about reducing the deficit—and we have—we have even taken some good steps in that direction.

But guess what?

The people of southwest Indiana are tired of talk. They want more action.

They want more action for the sake of our children, who are the ones who are really stuck with paying off America's debt. 1.9 percent.

I would imagine that the Americans watching this debate in their homes wonder why we are speaking so passionately about this amendment.

I would imagine that Americans watching this debate are thinking, surely this will pass.

Many are probably thinking that instead of 1.9 percent it ought to be 19 percent.

I should say to those folks watching this debate that the sad reality is that we have offered this amendment to most of the appropriation bills and it has failed every time; 1.9 percent.

It is a sad day for our children when we cannot even support a simple 1.9 percent across-the-board reduction.

I urge a yes vote on this amendment for ourselves and for our children.

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

Mr. Chairman, I think I cannot say anything that would add or detract from what the gentleman from Indiana [Mr. HOSTETTLER] just said.

This debate is simply about 1.9 percent of discretionary spending on this bill. This bill increases spending over last year over \$1 billion. We are talking about reducing that increase by \$466 million.

This debate again is not about 1.9 percent, it is about keeping the faith and keeping our word to our children. This is really about whether or not we have the courage to do the difficult things.

As my colleague said earlier, this is about whether different programs are adequately funded, and certainly that is true. But there is no limit to how much money we can spend on all of these very valuable programs. We can go through this debate on each and every bill, and we can make an argument for spending in every single category.

I am not saying the money is being wasted, but what I am saying is if we continue to pile debt upon debt on our children, sooner or later they are going to reach a point at which they cannot exist. They cannot make their house payments. We are denying them the quality of life, the standard of living that we have enjoyed.

If we forget everything I say, remember this: Every single dollar of personal income taxes collected west of the Mississippi River now goes to pay the interest on the national debt. And the tragedy is every year that line is moving further west.

When are we going to draw the line? When are we going to say enough is enough? Because realistically, ladies and gentleman, if we cannot cut \$4.1 billion in extra spending this year, then how in the world can we face our children and say but we will cut \$47 billion in just 3 years.

I admire what the appropriations committees have done. I admire what the chairman has done. I admire what this subcommittee has done. But the truth of the matter is we are not doing what we said we were going to do. We are allowing spending to go up. I am offering the body a chance to recover that fumble.

I would hope that we could finally, once said for all, get a majority vote on this important amendment.

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

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

Mr. Chairman, I want to commend the gentleman for his efforts at cutting spending and saving money, but on this particular bill we are talking about cutting, with his amendment, things like the fight on crime. We will be cutting the Drug Enforcement Administration. We will be cutting the FBI. We will be cutting the Marshals Service. We will be cutting courts. We will be cutting the fight against violence by children and violence against women. All of the things that I think in a bipartisan way in this body, we are united to try to fight, this amendment would cut.

It may be appropriate in other portions of the Government, it is not appropriate in cutting the crime-fighting agencies of the Government.

It would also cut the Border Patrol. It would do damage to the Nation's effort to control our borders, to fight crime by teenagers, to fight violence against women. It would cut the funding to each of our States for moneys to help them build prisons to house State prisoners.

I would urge the Members to reject the amendment on this bill. As the gentleman has said, this subcommittee has done a great job, in my opinion, on allocating scarce resources. We are not profligate spenders on this subcommittee. No one is going to say, I do not believe, that the law enforcement agencies of the Nation's Government are overfunded.

Certainly I hope the Members will reject this amendment and keep intact the Nation's fight against crime, against drugs, controlling our border and fighting violence against women and by children. Reject the amendment. Vote "no."

The CHAIRMAN. The question is on the amendment 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 demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 479, further proceedings on the amendment offered by the gentleman from Minnesota [Mr. GUTKNECHT] will be postponed.

AMENDMENT OFFERED BY MR. HUTCHINSON

Mr. HUTCHINSON. 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. HUTCHINSON: Page 116, after line 2, insert the following:

SEC. . Of the funds in this Act appropriated for a municipal or county jail, State or Federal prison, or other similar facility for the confinement of individuals in connection with crime or criminal proceedings, not

more than 90 percent of the funds otherwise authorized to be made available to any such municipal or county jail, State or Federal prison, or other similar facility, may be made available when it is made known to the Federal official having authority to obligate or expend such funds that the authorities of such jail, prison, or other facility have not reported to the Attorney General each death of any individual who dies in custody in that jail, prison, or facility, and the circumstances that surround that death.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, July 23, 1996, the gentleman from Arkansas [Mr. HUTCHINSON] will be recognized for 5 minutes, and a Member in opposition will be recognized for 5 minutes.

The Chair recognizes the gentleman from Arkansas [Mr. HUTCHINSON].

□ 1345

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

I want to commend and thank the gentleman from Virginia [Mr. SCOTT] for his leadership on this issue and his bipartisan efforts on this amendment.

This reporting of deaths in custody requirement passed the House last year during the Contract With America. It passed with bipartisan support by a voice vote. At that time both the chairman and the ranking member of the Subcommittee on Crime spoke in strong support of the reporting of deaths.

This amendment will ensure a measure of accountability on the part of law enforcement officials by requiring them to report deaths that occur while in custody. It requires municipal or county jails, State or Federal prisons who receive funds under this bill to report to the Attorney General the deaths of those who die in their facilities.

Today no one counts how many people die in jail cells and lockups across the country. This amendment will send a cautionary message about accountability and I believe it will save lives.

It is estimated that each year in this country over 1,000 men and women die while in prison, jail or police custody. An exhaustive investigative reporting piece in the Asbury Park Press in New Jersey revealed that while most of these deaths are listed as suicides, many are, quote, tainted with racial overtones, good-ole-boy conspiracies and coverups or investigative competence.

By requiring a report to a central source, the Attorney General, we will have an accurate account of how numerous these deaths are and what circumstances surround them. In supporting this amendment, we are supporting accountability of reporting of those 1,000 deaths which occur each year in jails and lockups across this country. I urge an "aye" vote on this amendment.

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

Mr. HUTCHINSON. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I have no objection to the amendment offered by the gentleman from Arkansas [Mr. HUTCHINSON], and commend him for it. I urge an "aye" vote.

The CHAIRMAN. Does any Member seek time in opposition to the amendment?

The gentleman from Arkansas, Mr. HUTCHINSON, has 3 minutes remaining.

Mr. HUTCHINSON. Mr. Chairman, I yield the balance of my time to the gentleman from Virginia [Mr. SCOTT].

Mr. SCOTT. Mr. Chairman, I am pleased to join my good friend from Arkansas in supporting this amendment.

This amendment simply requires that deaths which occur in State and local jails and prisons be reported to the U.S. Attorney General. A similar measure was adopted by the House on a voice vote without opposition during the consideration of the 1995 crime bill.

Dating back to my experience as a State legislator, Mr. Chairman, I have been concerned that there is no system of counting the deaths that occur in the custody of law enforcement officials. As detailed in the exhaustive year long investigative report last year by the Asbury Press in New Jersey, many of those deaths occur under suspicious circumstances. They estimated that about 1,000 of such deaths occur each year. These reports will allow us to get a handle on the nature and extent of how serious a problem it may be. We just do not know.

Some suggested this may be an unreasonable burden. But if any jurisdiction in America has so many deaths in custody that reporting all of them would be a burden, then this amendment is even more necessary.

I would hope that we would adopt the amendment, and I thank the gentleman from Arkansas for introducing it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas [Mr. HUTCHINSON].

The amendment was agreed to.

AMENDMENT OFFERED BY MS. NORTON

Ms. NORTON. 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. NORTON: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . The amount provided in this Act for "Equal Employment Opportunity Commission—Salaries and Expenses" is increased, and each other amount provided in this Act that is not required to be provided by a provision of law is reduced, by \$13,000,000 and 0.06 percent, respectively.

The CHAIRMAN. Pursuant to the unanimous-consent agreement of Tues-

day, July 23, 1996, the gentlewoman from the District of Columbia [Ms. NORTON] and a Member opposed will each control 10 minutes.

The Chair recognizes the gentlewoman from the District of Columbia [Ms. NORTON].

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

I am back again with an amendment that has a very different offset which I hope this body will now pass. I am back with a bipartisan amendment for a small increase in EEOC funding. My bipartisan sponsor is the gentleman from Oklahoma, Mr. J.C. WATTS. Mr. WATTS had intended to sponsor this bill with me but at the time the offset on the bill kept him from doing so.

I used that offset on the bill because it was my understanding that there was no way in which the prisons that are now under construction could be finished in time. The good chairman of the committee indicated that he had already taken that into account and that, therefore, somehow not even this very small amount of money, \$13 million, could be extracted from the delay in prison construction.

I am back with another idea, a .06 reduction across the board in this appropriation. It is so small but that it is hard to envision what amount of money that would be, but what it would do would be very great and very large.

Mr. Chairman, we are divided in this House on what the remedy is for discrimination. We are not divided on the proposition that there must be remedy for discrimination.

This bill is not about whether there will be a remedy, for that is the one thing that I think we could get a 100-percent vote. This is not a vote about affirmative action. This is not a vote about set-asides. This is not a vote about goals and timetables. This is a vote about whether a person should be able to walk into an office, file a complaint, and get a timely remedy.

This is a civil rights vote that comes very cheap this year in a Congress that has paid almost no attention to civil rights. It comes cheaper than it should. The President wanted \$35 million. The Watts-Norton amendment asks only for \$13 million.

Why are we making such a large point about such a small increase? Because we hope to make a large difference in whether or not offices will be opened or closed. In the 100,000-case backlog, that is the backlog I found when I came to the EEOC. We got rid of it. Why is it there again? Because there has not been the money. Even the alternative dispute resolution system, which I think is the way to handle discrimination cases, individual cases should be settled and that should be the end of it, that is the system that allowed me to get rid of the backlog, even that system will be delayed for want of this small amount of money.

I ask my colleagues to understand where the pressures are coming from. The half of the population that is female has discovered the EEOC. It is the sex discrimination cases that are driving the agency. Yes, the agency has a black face, and we are proud of that because black people went into the streets to get an antidiscrimination agency. It has a black face but it has a female engine today. The cases are about sex discrimination. That is the fastest growing group of cases.

We looked into this matter when the Mitsubishi case hit the front pages, and we found that there were obscene photos in the plant and physical assaults in the plant, and that Mitsubishi had called meetings of its employees where they said when such complaints are filed, people might stop buying cars and, therefore, they could lose their jobs, retaliation under the law if ever I have heard of it.

Then we asked EEOC, are you prosecuting this case, are you trying to settle this case? Do you have the money to do so? And we got the astonishing answer that in real terms the budget of this agency has not been increased since, as Chairman Casellas says, since Delegate NORTON was chairman. My friends, that was more than 15 years ago.

Then there were 3,390 people at the EEOC. Now there are 2,813 people, and I did not have any Americans With Disabilities Act. I did not have a 1991 Civil Rights Act that now has been entirely rewritten and therefore has to be reworked at the administrative level. I, in fact, wrote the sexual harassment guidelines, but I did not have thousands of sexual harassment cases because the consciousness was not then what it is now.

The chairman deserves credit for not cutting the EEOC, and he is right that he has cut some other agencies. But by leaving EEOC at level funding for 1995, 1996, and 1997, a very large cut has in fact occurred because expenses have gone up at an extraordinary rate. The case level has gone up at an extraordinary rate and there is simply not the money to do it. They already have a furlough day. They will have much more.

They must take every case that comes before them under the law. But the law does not say that they must indeed provide a remedy or provide fair dealing for every case that comes before them, because they can only do what they have the capacity to do, and they do not have the capacity to do the work they are mandated to do under the law today.

These cases will bury the agency. We have done almost nothing about civil rights. This is the way to stand up in America and say, look, there is too much racial division, there is too much division of every kind in this country. But there is no division on the proposition that this is a country that

stands for the right to file a complaint, leave it to the objective process and live with the resolution. We must make that objective process functional. I ask Members to support this amendment.

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

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

Mr. ROGERS. Mr. Chairman, I do.

The CHAIRMAN. The gentleman from Kentucky [Mr. ROGERS] is recognized for 10 minutes.

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

Mr. Chairman, as I said yesterday, the EEOC is handling the case load, the backlog, in a very efficient way. They are beginning to reduce that backlog, not as much as we would all like to see, but nevertheless the backlog is being reduced.

We kept the EEOC at level funding this year while we were cutting most of the other agencies over which we have jurisdiction except the law enforcement agencies. But we held them harmless from cuts so that they could continue to make progress in working off that backlog, and they have made progress this year. We commend them for that.

My problem with the gentlewoman's amendment is that it takes money from, as I have said before, the law enforcement functions that we are funding in this bill primarily. There would be moneys taken by this amendment from the war on drugs. We would see a reduction in the funding of the Drug Enforcement Administration.

We would see reductions in the funding for the Nation's attempts to control its border. We could see a cut in the Immigration and Naturalization Service and the numbers of Border Patrol agents that we can put on the border. We would see a reduction in the FBI funding which is waging the war on crime and of course terrorism.

We would see a reduction in the level of State and local law enforcement funding for those who are fighting crime, both drugs, youth and all other crime, in our communities and neighborhoods.

We would be cutting moneys from the Federal judiciary. We all know that they are swamped with cases and their funding levels are nowhere near where they need to be, even with the small increase in this bill.

So those are some of the places where the money for this amendment would have to come from. We are very reluctant to agree to that, even though I think most of us realize the need for more money in the EEOC whenever we can find it.

We did provide the level funding. We did not cut them from last year. So I would hope that the Members would stay with us on this and reject this amendment, even as they rejected the one yesterday.

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

Ms. NORTON. Mr. Chairman, I yield the balance of my time to the gentleman from Oklahoma [Mr. WATTS].

□ 1400

Mr. WATTS of Oklahoma. Mr. Chairman, I appreciate the Delegate from the District of Columbia, her effort on this amendment, and I want to say to the gentleman from Kentucky [Mr. ROGERS], I feel like I owe him an apology because we tried to get an amendment yesterday to add more money to EEOC; however, we were not in agreement on how the additional funding or where the money should come from.

I was not in support of taking it out of the Federal prison system, but the Equal Employment Opportunity Commission was born out of the civil rights movement of 1964 and opened its doors in 1965. At that time, the caseload was sparse and attorneys would handle maybe 10, 15 cases each, and now the caseload has grown, and there is a need to assist this Commission even further.

But like I said, however, I thought that penalizing the Federal prison system, which is what the amendment that was proposed yesterday did, this amendment would take a small amount out of discretionary spending, and I believe that is a small price to pay for equal justice.

So, Mr. Chairman, I urge a "yes" vote on this amendment, and I do appreciate the Chairman allowing us at this late hour to bring forth this amendment.

Mr. ROGERS. Mr. Chairman, I have a substitute amendment being prepared. I ask unanimous consent that I be allowed to offer a substitute amendment.

The CHAIRMAN. Under the order of the House of yesterday, July 23, only the author of the amendment can ask unanimous consent to modify her own amendment. No other Member can offer an amendment; it would not be in order.

She would have to ask, in this case, unanimous consent to modify her amendment.

Ms. NORTON. I ask unanimous consent to offer a—

The CHAIRMAN. Actually, the Chair was incorrect. It is to modify the amendment, not to substitute.

Mr. ROGERS. The gentlewoman, I think under the rules of the House, would be allowed to modify the amendment that she has pending in the nature of a substitute; is that correct?

The CHAIRMAN. She cannot offer a separate substitute; she can modify her own amendment only by unanimous consent. In order for that to occur, the Clerk would need to read a copy of the amendment.

Mr. ROGERS. So is the gentlewoman seeking to modify her pending amendment with the language that she is sending to the desk?

Ms. NORTON. I am.

Would my colleagues like me to read this language, or shall I send it to the desk to be read?

The CHAIRMAN. A copy must be submitted to the Clerk so that the Clerk can report the modification.

Perhaps the gentleman from Kentucky [Mr. ROGERS] could yield some time while we get this all worked out.

The gentleman from Kentucky is recognized for the purpose of yielding time.

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

What the gentlewoman and I have discussed, Mr. Chairman, along with the gentleman from Oklahoma [Mr. WATTS], is finding a place to find some more money for the EEOC, although not as much as the gentlewoman would originally seek in her amendment.

What the modified amendment will do would be to take \$8 million from another account within the bill so as to increase the funding level for the EEOC by some \$7 million.

I have discussed not only with the gentlewoman and with the gentleman, who is also very interested in this, but also the ranking member of the subcommittee, the gentleman from West Virginia [Mr. MOLLOHAN], and we are all in agreement.

So I would hope that we could support the gentlewoman's modified amendment.

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

The CHAIRMAN. Would the gentlewoman from the District of Columbia renew her request for unanimous consent to modify her amendment?

MODIFICATION TO AMENDMENT OFFERED BY MS. NORTON

Ms. NORTON. Mr. Chairman, I ask unanimous consent to modify my amendment in the terms that we have just heard from the gentleman from Kentucky [Mr. ROGERS].

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment offered by Ms. NORTON. At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . The amount provided in this Act for "Equal Employment Opportunity Commission—Salaries and Expenses" is increased by \$1,000,000. The amount provided for Small Business Administration, Disaster Loan Program Account for administrative expenses is reduced by \$8,000,000.

The CHAIRMAN. Is there objection to the modification offered by the gentlewoman from the District of Columbia?

There was no objection.

The CHAIRMAN. The amendment is now modified.

Does any Member seek to yield time?

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

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

Mr. ROGERS. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, I just really want this time to express appreciation to the gentleman from Kentucky [Mr. ROGERS] for being responsive to this request. There have been a number of efforts on the floor to increase this account, and they have been really in good faith, they have worked extremely hard, and I think this is a fine result, and I know everybody is appreciative to the gentleman from Kentucky for his understanding with regard to this matter.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman from Kentucky yield?

Mr. ROGERS. I yield to the gentleman from Colorado.

Mrs. SCHROEDER. Let me join in the chorus of thanking the gentleman. He was a gentleman last night, and he has been a wonderful gentleman today. I think this is a very, very essential add-on, and I thank the gentleman from Kentucky [Mr. ROGERS] for understanding the tremendous additional workload that these people have had.

So I thank the gentleman, and I thank the gentlewoman from the District of Columbia.

Ms. NORTON. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from the District of Columbia.

Ms. NORTON. Mr. Chairman, I am not only grateful but proud to stand with the gentleman and with the ranking member as well, and especially in this bipartisan exchange, to stand with my good friend from Oklahoma, Mr. WATTS, who sought me out and indicated that if indeed the offset had been different, he had very much wanted to support this matter with me.

I do believe that this is precisely the kind of bipartisanship on precisely the kind of issue we need more of in this country, and I am very proud and pleased to be associated with everybody in the Chamber.

Mr. WATTS of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Oklahoma.

Mr. WATTS of Oklahoma. Mr. Chairman, I too want to add my commendations. I appreciate, at this late hour the gentleman was not even aware of this amendment, and as Delegate NORTON mentioned, I asked her to offer this amendment, and we talked about it and brought it forth, and I appreciate the gentleman's assistance to us in this effort, especially at such a late hour.

Mr. ROGERS. Mr. Chairman, in concluding, let me thank the Members who have spoken for their nice compliments, but the gentleman from Oklahoma [Mr. WATTS] makes a very strong case. He puts a strong arm on a person, as well as the gentlewoman from the District of Columbia [Ms. NORTON], and of course our colleague

on the subcommittee and ranking member, the gentleman from West Virginia [Mr. MOLLOHAN].

We are all of one mind on this, and we had of course the amendments yesterday which sought also to increase, but we were able to find a modest increase instead of the one sought, and we were able to find a place where I think we can take money from another account without harming that other account or, certainly, the war on crime, drugs, or control of our borders.

So I congratulate the parties for hard work and making a very strong case, and with that, I am prepared to yield back, hoping we can get to a final conclusion.

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

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentlewoman from the District of Columbia [Ms. NORTON].

The amendment, as modified, was agreed to.

Mr. KLUG. Mr. Chairman, I move to strike the last word.

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

There was no objection.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. KLUG. I will not take that long, Mr. Chairman.

Speaking to the gentleman from Kentucky [Mr. ROGERS], chairman of the committee, last year I offered an amendment to the 1996 Commerce, Justice, State and Judiciary Appropriations Act, which prohibited NOAA from using funds provided to undertake a fleet modernization program. NOAA fleet modernization would cost more than \$1 billion according to the General Accounting Office. Private firms are more than capable of supplying NOAA with the data they need for charting and mapping. The university national oceanographic laboratory system has a fleet that is currently capable of doing NOAA's research. Bearing this in mind, I would like to ask the gentleman if my language prohibiting NOAA from implementing a fleet modernization program is indeed included in H.R. 3814.

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

Mr. KLUG. I yield to the gentleman from Kentucky.

Mr. ROGERS. The gentleman's language is, in fact, included in the bill under title VI.

AMENDMENT OFFERED BY MR. COLLINS OF GEORGIA

Mr. COLLINS of Georgia. 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. COLLINS of Georgia: Page 116, after line 2, insert the following:

SEC. 615. None of the funds made available by this Act may be obligated or expended to administer Federal Prison Industries except when it is made known to the Federal official having authority to obligate or expend such funds that Federal Prison Industries—

(1) considers 20 percent of the Federal market for a new product produced by Federal Prison Industries after the date of the enactment of this Act as being a reasonable share of total purchases of such product by Federal departments and agencies; and

(2) uses, when describing in any report or study a specific product produced by Federal Prison Industries—

(A) the 7-digit classification for the product in the Standard Industrial Classification (SIC) Code published by the Office of Management and Budget (or if there is no 7-digit code classification for a product, the 5-digit code classification); and

(B) the 13-digit National Stock Number assigned to such product under the Federal Stock Classification System (including group, part number, and section), as determined by the General Services Administration.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, July 23, 1996, the gentleman from Georgia [Mr. COLLINS] and a Member opposed will each control 7½ minutes.

The Chair recognizes the gentleman from Georgia [Mr. COLLINS].

Mr. COLLINS of Georgia. Mr. Chairman, I yield myself 3 of those 7½ minutes.

Mr. Chairman, this amendment deals with the Federal prison industries. What is the Federal prison industries? The FPI, also known as UNICOR, is a Government-owned corporation with a board of directors created to provide employment and rehabilitation for convicts. The program, which had over \$450 million in sales in 1995, projected by GAO to have sales of \$1.2 billion by the year 2000, provides manufacturing jobs for convicts who in return are paid a wage for their work.

In addition, the law guarantees this prison manufacturing corporation a captured consumer base because it requires all Government agencies to give first priority to FPI over all private sector manufacturers.

What does the Collins-Hoekstra amendment do? This amendment simply states that in order for the FPI to use the \$3 million for administrative expenses authorized, and I repeat authorized, in this appropriations bill, not appropriated since the corporation is self-sustaining, the agency must comply with the original intent of Congress. The original statute clearly required assurance that FPI not dominate more than a reasonable share of the market for a specific product.

The FPI has failed to restrict a dominance to a reasonable share of markets. As a result the FPI is eliminating small business jobs all over the country for hard-working, law-abiding, tax-paying citizens.

Has there been a hearing on this problem? Yes. The Committee on Small Business recently held a hearing

on this very issue. The chief operating officer of the FPI testified that the agency has indeed violated the reasonable share and specific product provisions of the current law. The FPI is dominating many markets for manufactured goods by lumping together product identification numbers and establishing a false impact study which underreports FIP's true share of market and fails to reflect the resulting damage inflicted upon small business.

This amendment will ensure that FPI does not dominate more than a reasonable share of the market for new products, new products. This amendment will clarify that the reasonable share is equal to 20 percent of the market share of a specific product as distinguished by an assigned identification number.

This amendment grandfathers current contracts held by FPI. Therefore, not one contract, not one Federal job, not one convict job will be lost due to this amendment. By requiring FPI to comply with the original intent of Congress, we will save small business jobs for law-abiding, hard-working family breadwinners, at least for the next year, covered by this appropriations bill.

In addition, we will continue to provide work and rehabilitation for convicts. This will provide the authorizing committee the opportunity to study the problem and will be a fair and generous solution for all.

Mr. ROGERS. Mr. Chairman, I yield myself such time as I may consume, and I reluctantly rise in opposition to the gentleman's amendment due primarily to the strong opposition of the chairman of the Subcommittee on Crime, the gentleman from Florida [Mr. MCCOLLUM] whose authorization committee has oversight of the Federal prison industries program.

Here is another instance, Mr. Chairman, where I have a chairman of the appropriate authorizing subcommittee saying to me, "Do not put authorization language in your appropriations bill." I do not know the merits particularly of the gentleman's proposal, but I am objecting on procedural grounds, primarily because the authorization committee wants this considered in this subcommittee, not in an appropriations bill.

Mr. MCCOLLUM has asked that I raise his concerns with regard to this amendment because he is detained at this moment in an important hearing in his subcommittee and simply cannot get away.

□ 1415

I am speaker more or less in place of the gentleman from Florida [Mr. MCCOLLUM].

Mr. Chairman, the gentleman's amendment, as I understand it, seeks to ensure that the Federal Prison Industries consider 20 percent of the Federal market for new products that they

produce as the reasonable share and, thus, the limit of the market they shall obtain. As the gentleman knows, the Federal Government is the only consumer of products that the Federal Prison Industries produces.

According to the authorization committee, the amendment would have the following impact:

One, it would effectively prevent Federal Prison Industries from even bidding for a significant number of Government contracts by severely narrowing the definition of "new product";

Two, it would undermine the statutory process passed by Congress to decide what products the Federal Prison Industries sells to the Federal Government and in what amounts;

And three, it would drastically limit any growth of Federal Prison Industries. It would severely limit Federal Prison Industries from giving work skills and real job experience to the overwhelming majority of inmates incarcerated in the future.

In addition, the Bureau of Prisons is opposed to this legislation being added to the appropriations bill. They believe the changes to Federal Prison Industries requirements should be completely vented and hearings held and dealt with in the full authorization context.

I also understand the authorization committee plans to begin extensive hearings on the future of Federal Prison Industries after the August break. I am told that the chairman of that committee, the gentleman from Florida [Mr. MCCOLLUM], has agreed to consider this proposal as part of a planned overhaul of the entire Federal prison industry system.

While I understand that the gentleman may not agree with the impact of his legislation that the authorization committee is asserting, I believe that this disagreement and lack of true understanding of the impact is cause to object to this language on an appropriations bill. This is another complicated issue, Mr. Chairman, that we could debate the impact of, but once again, this is not the process that we do that.

There is a reason why there is a rule of the House saying legislation shall not be placed on an appropriations bill, authorizing legislation, because we need to have hearings and study and think and have all input from all angles in a sustained period of time, not in a 10-minute burst of time on an appropriations bill where we do not simply understand the impact of what we may be doing. It deserves the attention of the authorization committee, and the chairman of that committee has asked that the process be respected, that we not legislate on this bill will a matter subject to his jurisdiction.

For that reason, Mr. Chairman, although I highly respect the gentleman

and his amendment, I have to urge a "no" vote on his amendment.

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

Mr. COLLINS of Georgia. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. HOEKSTRA].

Mr. HOEKSTRA. Mr. Chairman, I thank the gentleman for yielding time to me, and for working so hard at making this amendment possible.

Mr. Chairman, let us clarify again what we are doing here. We are talking about limiting Federal Prison Industries [FPI], and going after new products in new markets. This does not affect the markets or products they are currently producing. This amendment is very limited in its scope, and based on the performance of FPI it should be much broader. It is only a small step at reining in FPI's aggressive and arrogant zeal for new products and new business in new markets to employ increased levels of Federal inmates, and every time they do this they are doing it at the expense of small businesses and medium-size businesses and American workers around this country.

They have abused their privileges. They have abused their position in this marketplace where they have super preference. What super preference means is that the Federal Government can only buy from FPI. FPI has to provide a waiver to the Federal Government before they buy from the private sector or before the Federal Government decides to buy from a blind or handicapped rehabilitative agency. They have abused this privilege.

This is a shot across their bow that says no more, no more in new products. As the gentleman from Florida [Mr. MCCOLLUM] goes through the process of having the extensive hearings, then we can go back and take a look at the abuses they put in place over the last number of years. Specifically, in my district, they have decided that a reasonable number is that they should grow office furniture sales by \$60 million. That shows that they will unemploy about 350 workers, potentially, in my district.

Mr. Chairman, it is time to rein them in. This is a reasonable amendment until we can have more and complete hearings.

Mr. ROGERS. Mr. Chairman, I yield 2¼ minutes to the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Chairman, I thank the gentleman for yielding time to me, and I want to compliment him and the ranking member for the excellent job they are doing on this legislation.

Mr. Chairman, I am opposed to this amendment and I want to tell the Members why. This amendment would impose heavier restrictions on the Federal Prison Industries, it would eliminate up to 7,000 inmate jobs. I have looked at this program and I have looked at the implications of this

amendment. It would actually threaten also thousands of private sector jobs.

There are basically three reasons, in analyzing this amendment, why I would be opposed to it. One, it allows the private sector suppliers who rely on its businesses to create thousands of jobs at the present time. The private sector jobs in this amendment would be destroyed. It is the only program that requires prisoners to give something back to society they have harmed. It is the only program that truly allows prisoners to develop the work ethic and skills necessary for them to become productive members.

We have done a lot here in this Congress to try to attack this issue of crime which is so prevalent in society today. What we have to do is when the prisoners come back, these inmates come back to society, they have to be able to do useful work. That is the purpose of this program. Prisoners who graduate from the program have a lower recidivism rate than those who do not. It only stands to reason.

Also, it allows prisoners to earn some income which can be used to pay court-ordered fines, victim restitution, and child support. All of this is accomplished without the use of a single taxpayer dollar.

Mr. Chairman, this Congress, more than any other recent Congress, has taken tough stands against criminals. Without FPI, all talk of putting criminals to work would become meaningless. There would be no outlet for the products of their labor. Words, I think, should be backed up by deeds. We have had a lot of words here in the Congress, that we are going to fight crime and pass various legislation.

That is why I am opposed to this bill, because I think it is going to harm not only society but it is going to impede the rehabilitation of our prisoners, which I think is so important, especially in today's society.

Mr. COLLINS of Georgia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I believe the gentleman who just spoke to the original amendment that was offered, because this amendment does not affect any existing jobs that are now held or that are used to produce products by FPI, he was referring to the previous amendment, not this one. I know he misspoke only because of not having knowledge of the current amendment.

Mr. Chairman, I yield 1 minute to the gentleman from Tennessee [Mr. HILLEARY].

Mr. HILLEARY. Mr. Chairman, I rise in strong support of this important amendment. The conduct of the Federal Prison Industries, or FPI, is of grave concern to many small apparel manufacturers in my district back in Tennessee.

FPI has continued to expand production with very little regard for small

businesses and the people they employ. Because of its super preferences, FPI is able to take contracts away from private industry which otherwise would be able to bid on them. This obviously means a loss of jobs to law-abiding citizens and threatens the very existence of many small businesses.

Throughout history, contractors from the private sector have responded to the Government's need for apparel and other products. In times of war or other natural emergencies, these contractors have provided the military and other Federal agencies products they needed to protect our national interests. Moreover, FPI uses their Government preference to take work away from many industries which are besieged by low-cost industries, imports, and stiff competition, even in their own domestic market.

I fully understand and agree with the idea of work for prisoners, but Mr. Chairman, I respectfully submit this is not the way to do it. Mr. Chairman, I strongly support this amendment and urge my colleagues to do so also.

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

Mr. Chairman, let me just sum this up by saying that there is not a Member of this Congress that I know of who is not strongly in favor of working prisoners, inmates. We feel like they should work. I probably am one of the strongest that there was in the State legislature of Georgia supporting work on behalf of those who have committed wrong.

But also I am very interested and concerned about private sector small business jobs. The FPI has encroached considerably on a number of small businesses. They have violated what the intent of Congress was by lumping specific product numbers together so they could present a false impact statement as to how their new product or the product on the market they were entering was going to affect a particular small business. This is wrong.

We should not be doing anything in this Congress that would harm the job or harm the business of small business and the private sector who are hiring employees, law-abiding citizens, taxpayers, breadwinners, people who go to work every day to support their families, even though we all support strong and hard ethic and work rules for prisoners.

Mr. Chairman, I urge the amendment to support small business, support private sector jobs, and support this amendment.

Mr. ROGERS. Mr. Chairman, I yield such time as he may consume to my colleague, the gentleman from West Virginia [Mr. MOLLOHAN].

Mr. MOLLOHAN. Mr. Chairman, let me just quickly say I rise in opposition to the amendment, for a lot of the good reasons that the chairman of the subcommittee cited.

Mr. ROGERS. Mr. Chairman, I yield the balance of my time to the gentleman from Florida [Mr. MCCOLLUM], chairman of the Subcommittee on Crime of the Committee on the Judiciary.

The CHAIRMAN. The gentleman from Florida is recognized for 1 minute.

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

Mr. Chairman, I would like to emphasize my opposition to this amendment. The reason I am opposed to this is not because I want to negatively affect the business community of America or the jobs of anybody, but because prison industries are crucial for this Nation.

This amendment would limit any growth of Federal Prison Industries. In effect, it would be preventing the Federal Prison Industries, our Federal prison system, from giving work skills and real job experience to prisoners. It is as simple as that. The limits are too severe. It is not that we do not want to constrain to some degree, but this particular amendment unfortunately limits it far too severely.

If we are going to have the ability to find a way to get the proper restraints on this system I would be happy to support it, but today this one is far too restrictive, and I urge a "no" vote in unequivocal terms to this amendment. Otherwise, we simply will not be able to do the job, with the increasing growth of numbers of Federal prisoners, and we have huge numbers coming into our system. We will not be able to put them into work in meaningful jobs if this amendment is adopted.

Mr. PAYNE of Virginia. Mr. Chairman, I rise in strong support of the Collins amendment. While I have some concerns about the language of the amendment, I believe the FPI problem is one that must be addressed by Congress.

My congressional district contains private sector industries in all four of the product categories which form the bulk of FPI's production: furniture, apparel, textiles, and electronics. FPI's production in the first two of these categories has increased dramatically over the years, in many cases violating FPI's own guidelines in securing market share far above what Congress intended. Sales of dorm and quarters furniture, for example, increased by 138 percent between 1991 and 1993, without triggering Board review as mandated by law. This is accomplished, at least in part, by arbitrary changes in market share definitions by FPI.

I have tried for 5 years to work with FPI to come to some accommodation on these issues, and they have consistently delayed and evaded my efforts. I do not wish to cripple FPI, because I believe the task they face of training and employing prisoners is an important one. But I strongly believe this can and must be accomplished without taking thousands of jobs away from law-abiding, hard-working Americans.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. COLLINS].

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

Mr. COLLINS of Georgia. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 479, further proceedings on the amendment offered by the gentleman from Georgia [Mr. COLLINS] will be postponed.

The CHAIRMAN. Are there other amendments?

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 479, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 6 offered by the gentleman from Massachusetts [Mr. FRANK]; an amendment offered by the gentleman from Iowa [Mr. GANSKE]; amendment No. 28 offered by the gentleman for Minnesota [Mr. GUTKNECHT]; and the amendment offered by the gentleman from Georgia [Mr. COLLINS].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

□ 1430

AMENDMENT OFFERED BY MR. FRANK OF MASSACHUSETTS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts [Mr. FRANK] 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 16, noes 408, not voting 9, as follows:

[Roll No. 348]

AYES—16

Beilenson	Filner	Shays
Blumenauer	Foglietta	Visclosky
Conyers	Frank (MA)	Waters
DeFazio	Hinchee	Yates
Dellums	Royce	
Fawell	Sanford	

NOES—408

Abercrombie	Barr	Bilirakis
Ackerman	Barrett (NE)	Bishop
Allard	Barrett (WI)	Billey
Andrews	Bartlett	Blute
Archer	Barton	Boehlert
Army	Bass	Boehner
Bachus	Bateman	Bonilla
Baesler	Becerra	Bonior
Baker (CA)	Bentsen	Bono
Baker (LA)	Bereuter	Borski
Baldacci	Berman	Boucher
Ballenger	Bevill	Brewster
Barcia	Bilbray	Browder

Brown (CA)	Gallegly	Lofgren	Roybal-Allard	Solomon	Traficant
Brown (FL)	Ganske	Longley	Rush	Souder	Upton
Brown (OH)	Gejdenson	Lowey	Sabo	Spence	Velazquez
Brownback	Gekas	Lucas	Salmon	Spratt	Vento
Bryant (TN)	Gephardt	Luther	Sanders	Stearns	Volkmer
Bryant (TX)	Geren	Maloney	Sawyer	Stenholm	Vucanovich
Bunn	Gilchrest	Manton	Saxton	Stockman	Walker
Bunning	Gillmor	Manzullo	Scarborough	Stokes	Walsh
Burr	Gilman	Markey	Schaefer	Studds	Wamp
Burton	Gonzalez	Martinez	Schiff	Stump	Ward
Buyer	Goodlatte	Martini	Schroeder	Stupak	Watt (NC)
Callahan	Goodling	Mascara	Schumer	Talent	Watts (OK)
Calvert	Gordon	Matsui	Scott	Tanner	Waxman
Camp	Goss	McCarthy	Seastrand	Tate	Weldon (FL)
Campbell	Graham	McCollum	Sensenbrenner	Tauzin	Weller
Canady	Green (TX)	McCrery	Serrano	Taylor (MS)	White
Cardin	Greene (UT)	McDermott	Shadegg	Taylor (NC)	Whitfield
Castle	Greenwood	McHale	Shaw	Tejeda	Wicker
Chabot	Gunderson	McHugh	Shuster	Thomas	Williams
Chambliss	Gutierrez	McInnis	Sisisky	Thompson	Wilson
Chapman	Gutknecht	McIntosh	Skaggs	Thornberry	Wise
Chenoweth	Hall (OH)	McKeon	Skeen	Thornton	Wolf
Christensen	Hall (TX)	McKinney	Skelton	Thurman	Woolsey
Chrysler	Hamilton	McNulty	Slaughter	Tiahrt	Wynn
Clay	Hancock	Meehan	Smith (MI)	Torkildsen	Young (AK)
Clayton	Hansen	Meek	Smith (NJ)	Torres	Zeliff
Clement	Harman	Menendez	Smith (TX)	Torricelli	Zimmer
Clinger	Hastert	Metcalf	Smith (WA)	Towns	
Clyburn	Hastings (FL)	Meyers			
Coble	Hastings (WA)	Mica			
Coburn	Hayes	Millender-			
Collins (GA)	Hayworth	McDonald	Coleman	Lincoln	Stark
Collins (MI)	Hefley	Miller (CA)	Collins (IL)	McDade	Weldon (PA)
Combest	Hefner	Miller (FL)	Gibbons	Peterson (FL)	Young (FL)
Condit	Heineman	Minge			
Coolley	Herger	Mink			
Costello	Hilleary	Moakley			
Cox	Hilliard	Molinari			
Coyne	Hobson	Mollohan			
Cramer	Hoekstra	Montgomery			
Crane	Hoke	Moorhead			
Crapo	Holden	Moran			
Creameans	Horn	Morella			
Cubin	Hostettler	Murtha			
Cummings	Houghton	Myers			
Cunningham	Hoyer	Myrick			
Danner	Hunter	Nadler			
Davis	Hutchinson	Neal			
de la Garza	Hyde	Nethercutt			
Deal	Inglis	Neumann			
DeLauro	Istook	Ney			
DeLay	Jackson (IL)	Norwood			
Deutsch	Jackson-Lee	Nussle			
Diaz-Balart	(TX)	Oberstar			
Dickey	Jacobs	Obey			
Dicks	Jefferson	Olver			
Dingell	Johnson (CT)	Ortiz			
Dixon	Johnson (SD)	Orton			
Doggett	Johnson, E. B.	Owens			
Dooley	Johnson, Sam	Oxley			
Doolittle	Johnston	Packard			
Dorman	Jones	Pallone			
Doyle	Kanjorski	Parker			
Dreier	Kaptur	Pastor			
Duncan	Kasich	Paxon			
Dunn	Kelly	Payne (NJ)			
Durbin	Kennedy (MA)	Payne (VA)			
Edwards	Kennedy (RI)	Pelosi			
Ehlers	Kennelly	Peterson (MN)			
Ehrlich	Kildee	Petri			
Engel	Kim	Pickett			
English	King	Pombo			
Ensign	Kingston	Pomeroy			
Eshoo	Kleczka	Porter			
Evans	Klink	Portman			
Everett	Klug	Poshard			
Ewing	Knollenberg	Pryce			
Farr	Kolbe	Quillen			
Fattah	LaFalce	Quinn			
Fazio	LaHood	Radanovich			
Fields (LA)	Lantos	Rahall			
Fields (TX)	Largent	Ramstad			
Flake	Latham	Rangel			
Flanagan	LaTourette	Reed			
Foley	Laughlin	Regula			
Forbes	Lazio	Richardson			
Ford	Leach	Riggs			
Fowler	Levin	Rivers			
Fox	Lewis (CA)	Roberts			
Franks (CT)	Lewis (GA)	Roemer			
Franks (NJ)	Lewis (KY)	Rogers			
Frelinghuysen	Lightfoot	Rohrabacher			
Frisa	Linder	Ros-Lehtinen			
Frost	Lipinski	Rose			
Funderburk	Livingston	Roth			
Furse	LoBiondo	Roukema			

NOT VOTING—9

	Lincoln	Stark
	McDade	Weldon (PA)
	Peterson (FL)	Young (FL)

□ 1449

Ms. BROWN of Florida, and Messrs. GOSS, BONILLA, JEFFERSON, NEAL of Massachusetts, KENNEDY of Massachusetts, and OLVER changed their vote from "ayes" to "no."

Mr. FOGLETTA and Mr. ROYCE 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. GANSKE

The CHAIRMAN. The pending business is the demand for a recorded vote of the amendment offered by the gentleman from Iowa [Mr. GANSKE] 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 CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 295, noes 128, not voting 10, as follows:

[Roll No. 349]

AYES—295

Abercrombie	Bass	Bryant (TX)
Ackerman	Bateman	Bunn
Allard	Beilenson	Bunning
Andrews	Bentsen	Burr
Army	Bereuter	Burton
Bachus	Bilirakis	Buyer
Baesler	Bishop	Callahan
Baker (LA)	Blumenauer	Calvert
Baldacci	Boehlert	Camp
Ballenger	Bonilla	Canady
Barcia	Borski	Castle
Barr	Boucher	Chabot
Barrett (NE)	Browder	Chambliss
Barrett (WI)	Brown (OH)	Chenoweth
Bartlett	Brownback	Christensen
Barton	Bryant (TN)	Chrysler

Clay	Hoke	Poshard	Dooley	Kennedy (RI)	Petri	Cubin	Inglis	Ramstad
Clement	Holden	Pryce	Dorman	Kennelly	Pombo	Cunningham	Istook	Roberts
Coburn	Horn	Quillen	Dreier	Knollenberg	Porter	Dannan	Jacobs	Roemer
Collins (GA)	Hostettler	Quinn	Dunn	Lantos	Portman	Deal	Johnson, Sam	Rohrabacher
Collins (MI)	Hunter	Radanovich	Engel	Laughlin	Ramstad	Doolittle	Jones	Roth
Condit	Hutchinson	Rahall	Eshoo	Levin	Rangel	Dornan	Kasich	Roukema
Cooley	Hyde	Regula	Farr	Livingston	Reed	Dreier	Kelly	Royce
Costello	Inglis	Riggs	Fattah	Lofgren	Richardson	Duncan	Klecicka	Salmon
Cox	Istook	Rivers	Fazio	Longley	Roemer	Edwards	Klug	Sanford
Cramer	Jackson (IL)	Roberts	Fields (LA)	Lowe	Rogers	Ewing	LaHood	Scarborough
Crapo	Jackson-Lee	Rohrabacher	Fields (TX)	Lucas	Rose	Fields (TX)	Largent	Schaefer
Creameans	(TX)	Ros-Lehtinen	Filner	Maloney	Roybal-Allard	Foley	Laughlin	Seastrand
Cummings	Johnson (SD)	Roth	Foglietta	Markey	Sabo	Fox	Lucas	Sensenbrenner
Danner	Johnson, Sam	Roukema	Fox	Matsui	Sawyer	Franks (NJ)	Luther	Shadegg
Davis	Kanjorski	Royce	Frank (MA)	McDermott	Scarborough	Funderburk	Manzullo	Shays
de la Garza	Kasich	Rush	Furse	McNulty	Schroeder	Gillmor	McHale	Smith (MI)
Deal	Kelly	Salmon	Gallely	Meehan	Schumer	Goodlatte	McInnis	Smith (WA)
DeFazio	Kildee	Sanders	Gephardt	Meek	Serrano	Goodling	McIntosh	Solomon
DeLay	Kim	Sanford	Gilman	Millender-	Skaggs	Goss	Metcalf	Souder
Diaz-Balart	King	Saxton	Gutiérrez	McDonald	Stark	Graham	Mica	Spence
Dickey	Kingston	Schaefer	Harman	Miller (FL)	Studds	Gutknecht	Minge	Stearns
Dicks	Klecicka	Schiff	Hefner	Moakley	Thompson	Hall (OH)	Myrick	Stenholm
Dingell	Klink	Scott	Hilliard	Mollohan	Thornton	Hall (TX)	Neumann	Stockman
Doggett	Klug	Seastrand	Houghton	Moorhead	Torres	Hamilton	Norwood	Stump
Doolittle	Kolbe	Sensenbrenner	Hoyer	Moran	Torrice	Hancock	Nussle	Talent
Doyle	LaFalce	Shadegg	Jacobs	Morella	Velazquez	Hansen	Orton	Taylor (MS)
Duncan	LaHood	Shaw	Jefferson	Neal	Vucanovich	Hayworth	Parker	Thornberry
Durbin	Largent	Shays	Johnson (CT)	Oliver	Walker	Hefley	Peterson (MN)	Tiahrt
Edwards	Latham	Shuster	Johnson, E. B.	Owens	Watt (NC)	Heger	Petri	Torricelli
Ehlers	LaTourette	Sisisky	Johnston	Pallone	White	Hoekstra	Pombo	Walker
Ehrlich	Lazio	Skeen	Jones	Pastor	Williams	Hoke	Portman	Weldon (FL)
English	Leach	Skelton	Kaptur	Payne (VA)	Wilson	Holden	Pryce	Zimmer
Ensign	Lewis (GA)	Slaughter	Kennedy (MA)	Pelosi	Woolsey	Hostettler	Radanovich	
Evans	Lewis (KY)	Smith (MI)						
Everett	Lightfoot	Smith (NJ)						
Ewing	Linder	Smith (TX)						
Fawell	Lipinski	Smith (WA)						
Flake	LoBiondo	Solomon						
Flanagan	Luther	Souder						
Foley	Manton	Spence						
Forbes	Manzullo	Spratt						
Ford	Martinez	Stearns						
Fowler	Martini	Stenholm						
Franks (CT)	Mascara	Stockman						
Franks (NJ)	McCarthy	Stokes						
Frelinghuysen	McColum	Stump						
Frost	McCrery	Stupak						
Funderburk	McHale	Talent						
Ganske	McHugh	Tanner						
Gejdenson	McInnis	Tate						
Gekas	McIntosh	Tauzin						
Geren	McKeon	Taylor (MS)						
Gibbons	McKinney	Taylor (NC)						
Gilchrest	Menendez	Tejeda						
Gillmor	Metcalf	Thomas						
Gonzalez	Meyers	Thornberry						
Goodlatte	Mica	Thurman						
Goodling	Miller (CA)	Tiahrt						
Gordon	Minge	Torkildsen						
Goss	Mink	Towns						
Graham	Molinari	Trafficant						
Green (TX)	Montgomery	Upton						
Greene (UT)	Murtha	Vento						
Greenwood	Myers	Visclosky						
Gunderson	Myrick	Volkmer						
Gutknecht	Nadler	Walsh						
Hall (OH)	Nethercutt	Wamp						
Hall (TX)	Neumann	Ward						
Hamilton	Ney	Waters						
Hancock	Norwood	Watts (OK)						
Hansen	Nussle	Waxman						
Hastert	Oberstar	Weldon (FL)						
Hastings (FL)	Obey	Weller						
Hastings (WA)	Ortiz	Whitfield						
Hayes	Orton	Wicker						
Hayworth	Oxley	Wise						
Hefley	Packard	Wolf						
Heineman	Parker	Wynn						
Heger	Paxon	Yates						
Hilleary	Payne (NJ)	Young (AK)						
Hinchee	Peterson (MN)	Zeliff						
Hobson	Pickett	Zimmer						
Hoekstra	Pomeroy							

NOES—128

Baker (CA)	Brewster	Combest
Becerra	Brown (CA)	Conyers
Berman	Brown (FL)	Coyne
Bevill	Campbell	Crane
Bilbray	Cardin	Cubin
Bliley	Chapman	Cunningham
Blute	Clayton	DeLauro
Boehner	Clinger	Dellums
Bonior	Clyburn	Deutsches
Bono	Coble	Dixon

NOT VOTING—10

Archer	Lewis (CA)	Weldon (PA)
Coleman	Lincoln	Young (FL)
Coleman	McDade	
Collins (IL)	Peterson (FL)	
Frisa		

□ 1458

Mr. PALLONE and Mr. FIELDS of Texas changed their vote from "aye" to "no."

Messrs. VOLKMER, FORBES, HASTINGS of Florida, WYNN, HEINEMAN, EWING, and Mrs. THURMAN changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. GUTKNECHT

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment 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 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 125, noes 300, not voting 8, as follows:

[Roll No. 350]

AYES—125

Allard	Bunning	Coburn
Bachus	Burton	Collins (GA)
Baker (CA)	Callahan	Combest
Baker (LA)	Campbell	Condit
Barrett (WI)	Chabot	Cooley
Bartlett	Chenoweth	Cox
Barton	Christensen	Crane
Bilirakis	Chrysler	Crapo
Brownback	Coble	Creameans

NOES—300

Abercrombie	DeFazio	Hastings (WA)
Ackerman	DeLauro	Hayes
Andrews	DeLay	Hefner
Armey	Dellums	Heineman
Baesler	Deutsch	Hilleary
Baldacci	Diaz-Balart	Hilliard
Ballenger	Dickey	Hinchee
Barcia	Dicks	Hobson
Barr	Dingell	Horn
Barrett (NE)	Dixon	Houghton
Bass	Doggett	Hoyer
Bateman	Dooley	Hunter
Becerra	Doyle	Hutchinson
Beilenson	Dunn	Hyde
Bentsen	Durbin	Jackson (IL)
Bereuter	Ehlers	Jackson-Lee
Berman	Ehrlich	(TX)
Bevill	Engel	Jefferson
Bilbray	English	Johnson (CT)
Bishop	Ensign	Johnson (SD)
Bliley	Eshoo	Johnson, E. B.
Blumenauer	Evans	Johnston
Blute	Everett	Kanjorski
Boehlert	Farr	Kaptur
Boehner	Fattah	Kennedy (MA)
Bonilla	Fawell	Kennedy (RI)
Bonior	Fazio	Kennelly
Bono	Fields (LA)	Kildee
Borski	Filner	Kim
Boucher	Flake	King
Brewster	Flanagan	Kingston
Browder	Foglietta	Klink
Brown (CA)	Forbes	Knollenberg
Brown (FL)	Ford	Kolbe
Brown (OH)	Fowler	LaFalce
Bryant (TN)	Frank (MA)	Lantos
Bryant (TX)	Franks (CT)	Latham
Bunn	Frelinghuysen	LaTourette
Burr	Frisa	Lazio
Buyer	Frost	Leach
Calvert	Furse	Levin
Camp	Gallely	Lewis (CA)
Canady	Ganske	Lewis (GA)
Cardin	Gejdenson	Lewis (KY)
Castle	Gekas	Lightfoot
Chambliss	Gephardt	Linder
Chapman	Geren	Lipinski
Clay	Gibbons	Livingston
Clayton	Gilchrest	LoBiondo
Clement	Gilman	Lofgren
Clinger	Gonzalez	Longley
Clyburn	Gordon	Lowey
Collins (MI)	Green (TX)	Maloney
Conyers	Greene (UT)	Manton
Conyers	Greenwood	Marky
Costello	Gunderson	Martinez
Coyne	Gutiérrez	Martini
Cramer	Harman	Mascara
Cummings	Hastert	Matsui
Davis	Hastings (FL)	McCarthy

McCollum	Pelosi	Stupak	Clement	Hefley	Payne (VA)	LaFalce	Neal	Scott
McCrery	Pickett	Tanner	Coble	Heineman	Porter	LaHood	Nussle	Serrano
McDermott	Pomeroy	Tate	Coburn	Hilleary	Pryce	Lantos	Oberstar	Shadegg
McHugh	Porter	Tauzin	Collins (GA)	Hinchey	Radanovich	Largent	Obey	Shaw
McKeon	Poshard	Taylor (NC)	Combest	Hobson	Ramstad	Lazio	Olver	Sisisky
McKinney	Quillen	Tejeda	Condit	Hoekstra	Reed	Levin	Ortiz	Skaggs
McNulty	Quinn	Thomas	Conyers	Holden	Regula	Lewis (CA)	Orton	Skeen
Meehan	Rahall	Thompson	Cooley	Hostettler	Rivers	Lewis (GA)	Owens	Skelton
Meek	Rangel	Thornton	Cramer	Hunter	Roberts	Lightfoot	Packard	Slaughter
Menendez	Reed	Thurman	Crane	Istook	Ros-Lehtinen	Lipinski	Pallone	Smith (MI)
Meyers	Regula	Torkildsen	Crapo	Jacobs	Roukema	Livingston	Parker	Smith (WA)
Millender-	Richardson	Torres	Cubin	Johnson (CT)	Salmon	Lofgren	Pastor	Spratt
McDonald	Riggs	Towns	Cummings	Johnson, Sam	Saxton	Longley	Payne (NJ)	Stark
Miller (CA)	Rivers	Traficant	Cunningham	Jones	Scarborough	Lowey	Pelosi	Stockman
Miller (FL)	Rogers	Upton	Danner	Kasich	Schaefer	Lucas	Peterson (MN)	Stokes
Mink	Ros-Lehtinen	Velazquez	Deal	Kelly	Schiff	Luther	Petri	Studds
Moakley	Rose	Vento	Diaz-Balart	Kennedy (RI)	Seastrand	Maloney	Pickett	Stupak
Molinari	Roybal-Allard	Visclosky	Dickey	Kim	Sensenbrenner	Manton	Pombo	Talent
Mollohan	Rush	Volkmer	Doyle	King	Shays	Markey	Pomeroy	Taylor (MS)
Montgomery	Sabo	Vucanovich	Duncan	Kingston	Shuster	Matsui	Portman	Tejeda
Moorhead	Sanders	Walsh	Dunn	Klecza	Smith (NJ)	McCollum	Poshard	Thompson
Moran	Sawyer	Wamp	Ehlers	Klug	Smith (TX)	McDermott	Quillen	Thurman
Morella	Saxton	Ward	Ehrlich	Solomon	Solomon	McKeon	Quinn	Torres
Murtha	Schiff	Waters	English	LaTourette	Souder	McKinney	Rahall	Towns
Myers	Schroeder	Watt (NC)	Everett	Laughlin	Spence	McNulty	Rangel	Velazquez
Nadler	Schumer	Watts (OK)	Fawell	Leach	Stearns	Meehan	Richardson	Vento
Neal	Scott	Waxman	Flanagan	Lewis (KY)	Stenholm	Meek	Riggs	Visclosky
Nethercutt	Serrano	Weller	Foley	Linder	Stump	Menendez	Roemer	Volkmer
Ney	Shaw	White	Forbes	LoBiondo	Tanner	Millender-	Rogers	Vucanovich
Oberstar	Shuster	Whitfield	Fox	Manzullo	Tate	McDonald	Rohrabacher	Walsh
Obey	Sisisky	Wicker	Franks (CT)	Martinez	Tauzin	Miller (CA)	Rose	Ward
Olver	Skaggs	Williams	Franks (NJ)	Martini	Taylor (NC)	Miller (FL)	Roth	Waters
Ortiz	Skeen	Wilson	Frelinghuysen	Mascara	Thomas	Mink	Roybal-Allard	Watts (OK)
Owens	Skelton	Wise	Frost	McCarthy	Thornberry	Moakley	Royce	Waxman
Oxley	Slaughter	Wolf	Funderburk	McCrery	Thornton	Mollohan	Rush	White
Packard	Smith (NJ)	Woolsey	Geren	McHale	Tiahrt	Moorhead	Sabo	Williams
Pallone	Smith (TX)	Wynn	Gilchrest	McHugh	Torkildsen	Moran	Sanders	Wilson
Pastor	Spratt	Yates	Gilman	McInnis	Torricelli	Morella	Sanford	Wise
Paxon	Stark	Young (AK)	Goodling	McIntosh	Traficant	Murtha	Sawyer	Wolf
Payne (NJ)	Stokes	Zeliff	Gordon	Metcalf	Walker	Myers	Schroeder	Woolsey
Payne (VA)	Studds		Goss	Meyers	Wamp	Nadler	Schumer	Yates

NOT VOTING—8

Archer	Lincoln	Weldon (PA)
Coleman	McDade	Young (FL)
Collins (IL)	Peterson (FL)	

□ 1505

Mr. HASTERT changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. COLLINS OF GEORGIA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia [Mr. COLLINS] 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 CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 182, noes 244, not voting 7, as follows:

[Roll No. 351]

AYES—182

Allard	Bilbray	Burton
Baesler	Blumenauer	Callahan
Baker (LA)	Boehner	Camp
Ballenger	Brewster	Castle
Barcia	Brownback	Chambliss
Barr	Bryant (TN)	Chapman
Bartlett	Bryant (TX)	Chenoweth
Barton	Bunning	Chryslers
Bateman	Burr	Clayton

Abercrombie	Clyburn	Galgely
Ackerman	Collins (MI)	Ganske
Andrews	Costello	Gejdenson
Archer	Cox	Gekas
Arney	Coyne	Gephardt
Bachus	Cremeans	Gibbons
Baker (CA)	Davis	Gillmor
Baldacci	de la Garza	Gonzalez
Barrett (NE)	DeFazio	Goodlatte
Barrett (WI)	DeLauro	Greenwood
Bass	DeLay	Gutierrez
Becerra	Dellums	Gutknecht
Beilenson	Deutsch	Hall (TX)
Bentsen	Dicks	Hansen
Bereuter	Dingell	Harman
Berman	Dixon	Hastings (FL)
Bevill	Doggett	Hefner
Bilirakis	Dooley	Herger
Bishop	Doolittle	Hilliard
Billey	Dorman	Hoke
Blute	Dreier	Horn
Boehlert	Durbin	Houghton
Bonilla	Edwards	Hoyer
Bonior	Engel	Hutchinson
Bono	Ensign	Hyde
Borski	Eshoo	Inglis
Boucher	Evans	Jackson (IL)
Browder	Ewing	Jackson-Lee
Brown (CA)	Farr	(TX)
Brown (FL)	Fattah	Jefferson
Brown (OH)	Fazio	Johnson (SD)
Bunn	Fields (LA)	Johnson, E. B.
Buyer	Fields (TX)	Johnston
Calvert	Filner	Kanjorski
Campbell	Flake	Kaptar
Canady	Foglietta	Kennedy (MA)
Cardin	Ford	Kennelly
Chabot	Fowler	Kildee
Christensen	Frank (MA)	Klink
Clay	Frisk	Knollenberg
Clinger	Furse	Kolbe

NOES—244

NOT VOTING—7

Coleman	McDade	Young (FL)
Collins (IL)	Peterson (FL)	
Lincoln	Weldon (PA)	

□ 1514

Mr. DAVIS changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Ms. HARMAN. Mr. Chairman, I rise today in strong support of H.R. 3814, the Commerce/Justice/State appropriations bill for fiscal year 1997. The bill is tough on crime and the funding it provides will help us in the effort to gain control of our borders.

Since I first took office, my constituents have stressed to me time and again what a high priority they place on public safety and crime prevention. I am pleased to see that this bill provides \$1.4 billion—equal to last year's spending—on the successful Community Policing block grants. This means that we will continue to put thousands of new local law enforcement officers on the beat in our cities.

I would also like to commend the chairman of the subcommittee for fully funding National Institute of Justice programs like the regional Law & Technology Centers. These centers, which identify defense technologies suitable for use by law enforcement, have already produced notable results. The Western Regional center, located in El Segundo, CA, is currently helping develop image enhancement technology which has already been used to solve the murder of a police officer in my district.

Additionally, I am pleased that the bill funds key technology programs at the Department of Commerce including the Manufacturing Extension Partnership (MEP) and the Advanced Technology Program. Both of these initiatives are examples of how government and industry

can form partnerships to stimulate our Nation's research and development base. Nowhere is this partnership more evident than at the California Manufacturing and Technology Center in Southern California's South Bay—where last year, 51 small manufacturers hired 442 additional employees after implementing improvements recommended by the CMTC.

Furthermore, the bill provides an increase of \$457 million for agencies enforcing our immigration laws, paying for 1,000 new border patrol agents and 2700 additional detention beds. It also provides \$500 million in sorely needed reimbursement to the States for the cost of incarcerating criminal aliens.

As originally reported, the bill needed some changes; most notably, restoration of funding to the Legal Services Corporation. As a young lawyer in the late 1960's and early 1970's, I witnessed the birth of the Legal Services Corporation and participated in its struggle for adequate funding. The LSC has been a lifeline for the thousands over the years, helping poor Americans defend themselves against wrongful evictions, wrongful denial of Social Security benefits, and wrongful denial of parental rights. It has also helped victims of domestic violence—in fact, one out of every three cases handled by LSC concerns family law matters including abusive spouses, and neglected and abused juveniles. LSC has already been cut by over 1/3. The additional massive cuts in the bill as reported were unnecessary and hurtful. I am pleased to note that the Mollohan amendment that the House has just passed restored \$109 million in funding to the LSC.

Mr. Chairman, on the whole this is a good bill. It is tough on crime and illegal immigration, and provides much needed resources to our law enforcement authorities. I urge my colleagues to support its passage.

Mr. PORTMAN. Mr. Chairman, I rise today to express my support for H.R. 3814. I believe this legislation represents a solid approach to our Nation's commitment in fighting drug abuse and protecting our borders.

The bill provides more than \$7.1 billion in funding for the Drug Enforcement Administration in order to renew a counternarcotics attack, and an additional \$75 million for the DEA to target source countries and restore the successful international drug efforts to 1992 levels.

H.R. 3814 also places a priority on protecting our borders. As you know, it adds 1,100 new border control agents and 2,700 more detention cells to ensure the deportation of illegal aliens residing in the United States.

I am concerned, however, about the significant increase in Federal money that goes toward fighting crime. I simply believe that it is bad policy in light of the Federal Government's limited role in fighting crime and our very serious debt crisis.

Congress plays an important and appropriate role in clarifying rights under the Constitution and protecting our borders. These issues were addressed in legislation passed in the Contract With America, for example: Victim Restitution, Effective Death Penalty Act, Criminal Alien Deportation Acts. Community policing on the other hand, has always been viewed as a local responsibility.

I cannot justify committing billions of dollars in Federal funds for a responsibility that is

truly a responsibility of State and local governments. I fear that efforts by Congress to assert control in areas that, under the Constitution, are clearly left to State and local agencies, will result in politicizing the crime issue, too much Federal control, and an unjustified increase in our budget deficit.

It makes more sense to let localities raise money to meet local needs; sending taxpayer dollars to Washington results in less money coming back because of administration costs.

Because of the overall funding levels in the bill, I supported the Gutknecht amendment to reduce spending by 1.9 percent across-the-board, which would further help our deficit reduction efforts.

Mr. PAYNE of Virginia. Mr. Chairman, I rise to express my strong support for the Trade Adjustment Assistance Program for Firms. It is my understanding that the managers amendment would allow funding for the program, with an understanding that a specific source of funds would be identified during conference. The TAA for Firms Programs provides management assistance to manufacturers nationwide who have been severely impacted by foreign imports.

The TAA Program for Firms is extremely cost effective, as increased Federal and State taxes paid by manufacturers that have been through the program more than pay for the cost of the program. According to the most recent Trade Adjustment Assistance Report, every dollar invested into the TAA for Firms Program returns almost \$7.50 to States and the Federal Government in tax revenue. This number does not include savings to the Government from unemployment and welfare benefits which we are not providing the employees of the companies that participate in the program because we keep these workers employed.

During the years TAA for Firms has been available, Federal appropriations have totaled \$77.3 million. Almost 79,000 jobs have been impacted during this period, for a Federal investment of \$980 per job—making this an extremely cost-effective expenditure of Federal dollars.

During the period 1989–95, 597 companies nationwide participated in the TAA Program. Two years before becoming eligible for the program, these companies employed almost 82,000 workers. By the time of their eligibility, employment levels in these companies had dropped by 14 percent. But within 2 years of entering the program, employment was up over 12 percent, restoring three-fourths of the employees lost through foreign competition prior to entering the program.

Nationally, sales levels for these companies dropped from \$6.8 billion to \$6.1 billion in the 2 years prior to their entering the program. Within 2 years, sales had increased to \$8 billion, a 30 percent increase from their levels at certification.

Most importantly, productivity, as measured by sales per employee, has increased significantly. Two years prior to certification, sales per employee averaged less than \$83,000. At certification, sales per employee were averaging slightly over \$87,000. However, after completion of all or the bulk of the approved assistance, sales per employee have increased to over \$101,000. This is an increase of almost 16 percent since certification.

TAA for Firms is the only Federal program that gives direct aid to companies for specific and individualized company needs. Many of these needs are not technology needs, but involve problems in marketing, financing, production, product development, distribution, and systems integration. No other Federal Government program provides assistance in these areas.

When NAFTA was approved, we made a commitment to the employees and companies that would be adversely impacted by the liberalization of trade with Canada and Mexico that we would provide transitional assistance to help them adjust to the increase in imports. TAA for Firms represents our part of the commitment we made to these companies, a commitment we must not now disavow. Small firms have sought TAA assistance in such volume that there is presently a backlog of \$11.2 million in projects that cannot be completed due to lack of funds.

Clearly, the assistance provided by this program is still desperately needed by small companies trying to compete in a post-NAFTA world. I am pleased that an agreement has been reached to fund the TAA for Firms Program in this bill. I believe it is important to retain the only Federal program that gives these small companies a fighting chance at survival.

Mr. CUNNINGHAM. Mr. Chairman, I rise to thank the chairman of the subcommittee, Mr. ROGERS, for his outstanding work on the fiscal year 1997 Appropriations bill for the Departments of Commerce, Justice, State and the Judiciary. This bill places a priority on helping State and local governments address the most serious problems that affect my constituents each and every day: illegal immigration, drug trade, and drug abuse.

Every American should be disturbed by the fact that, after a decade of declining drug use rates among school children, the last 3 years have seen a sharp increase in drug abuse. What has caused this alarming increase? I say it's a lack of leadership. In the 1980's, under the leadership of President and Mrs. Reagan, our communities started an effort to Just Say No to drug and drug dealers. Every American youngster learned that it was cool to stay off drugs and away from drug dealers.

What do we hear from this White House? It sounds like Just Say I Don't Know. Days after taking office, President Clinton worked to slash the Office of National Drug Control Policy, essentially waiving the white flag in the war on drugs.

This bill, which I am proud to support, jump starts the stalled war on drugs. We are providing more than \$7.1 billion for the War on Drugs, including an increase of more than \$173 million for the Drug Enforcement Agency (\$20 million more than the President's request) and a new \$75 million initiative to restart our international drug interdiction efforts in Latin America and other overseas areas. This bill also includes critical funding for a \$56 million initiative to stop drug trafficking along the Southwest border. Much of that will help restart efforts in San Diego to stop the drug smuggling that has escaped the administration's Operation Gatekeeper program.

In addition to working for real solutions to our Nation's drug problem, this bill puts real teeth in our effort to protect our borders and

stop illegal immigration. All told, this bill provides more than \$2.8 billion for enforcement of our immigration laws. We fund the Immigration and Nationalization Service (INS) at \$2.2 billion, or \$30 million more than the President's request. We put 1,100 new order patrol agents across our borders (400 more than the President's request) and pay for 2,700 more prison cells (2000 more than the President's request) to ensure that illegal aliens are deported from this country, rather than released onto our streets.

I would like to thank Chairman ROGERS again for his leadership in drafting an outstanding bill that lives up to federal responsibilities to enforce our borders and stop illegal immigration. I specifically appreciate his help in including \$500 million to reimburse states like California for the costs of incarcerating illegal aliens.

While helping to address the alien detention problem in southern California, Mr. ROGERS has been a great help in my including a provision in the report accompanying this bill that would stop a misguided Justice Department effort to take over part of a military base in my district. This provision would direct the Attorney General to find alternatives to an arrangement that had allowed the Justice Department to detain illegal aliens in the military brig at NAS Miramar. This arrangement, for the two weeks that it was in effect last March, resulted in a riot and a fire that shut that vital national security base down and severely disrupted the Pentagon's ability to defend our country.

Mr. Chairman, this is a good bill that will help restart our effort to stop violent crime, stop illegal immigration, and stop the drug problems that plague our schools. I commend Chairman ROGERS for his effort and call on Members to support passage of the bill.

Mr. GUTKNECHT. Mr. Chairman, I rise today to offer my support for the amendment offered by the gentleman from Florida [Mr. DEUTSCH]. This national training initiative is a good next step in our continuing efforts to protect communities all across our Nation.

Dealing responsibly and effectively with cases of missing and exploited children is an immense undertaking, and we here in Congress should strive to assist our law enforcement officials to the best of our abilities. Whether we offer guidelines for community notification systems, Federal tracking plans, or now Federal training programs, our end goal is always public protection. But a coordinated and professional response by law enforcement officials from all over the country will help ensure quick and decisive action if such horrific cases occur.

I am proud to support the inception of the Jimmy Ryce Law Enforcement Training Act, along with the dedicated personnel of the National Center for Missing and Exploited Children [NCMEC]; Federal Bureau of Investigation, Criminal Justice Information Services Division, National Crime Information Center [NCIC]; Federal Bureau of Investigation, Child Abduction and Serial Killer Unit [CASKU]; Morgan P. Hardiman Task Force on Missing and Exploited Children; and the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention [OJJDP].

This is a good effort to wage a collective fight against some of the worst criminals in our

country. I look forward to seeing this training program established.

Mr. NORWOOD. Mr. Chairman, I rise to express my support for the gentleman from Iowa's amendment. This amendment would prevent the U.S. Patent Office from issuing patents to health care providers for medical procedures they create.

The fact that I must speak on such an issue greatly disturbs me. As a health care provider, I have always understood that my job was to help patients. It is not to make myself rich. It is not to make myself famous. My job is to improve the health and well-being of those people who place their trust in my hands.

When I became a dentist, I vowed to act in my patients' best interest. It is the moral and ethical duty of every health care provider to be a patient advocate. Patenting medical procedures, which essentially forces other health providers to compensate the original provider for their procedure, is a twisted way to practice medicine. Congress has a moral duty to ensure that we do not allow the Federal Government to place its stamp of approval on this essentially selfish act.

In addition to the ethical implications of medical procedure patents, there is also the matter of increased costs. Unlike the Clinton administration, which took its one shot at improving the health care of Americans by nationalizing the health care system, this Congress has made significant and substantive efforts to make health care more accessible and more affordable. Allowing health providers to patent procedures they develop to help their patients will not only create perverse incentives in the health care market, it will also drive up the cost of health care. If we do not pass this amendment, we will be condemning patients and their employers to escalating health care costs. We may also be forcing providers into using less advanced procedures because they want to avoid the additional costs of using the patented procedure.

The health provider community must not allow itself to succumb to those corrupt forces that have overtaken the health payer industry. Once the provider turns his back on the patient, there will be no one to ensure that the patients' interests are protected. The health provider community must never forget the great privilege it has to improve their patient's physical condition.

The United States cannot afford to be on the trailing edge of this issue. already, over 80 countries ban medical procedure patents. These countries include Britain, France, and Israel, as well as countries like South Africa, Colombia, and Saudi Arabia. For the sake of patients in this country, this Congress must take a stand and protect patients from opportunistic health providers and rising health care costs.

I urge my colleagues to support the Ganske amendment.

Mr. MARTINEZ. Mr. Chairman, I would like to begin by commending my colleague, Congressman DEUTSCH, on the exemplary work he has done on behalf of public safety officers nationwide.

I understand that the impetus for the gentleman's efforts came about when two police officers in his district were critically injured in an attempt to defuse a highly volatile hostage sit-

uation. After being severely burned and prevented from returning to duty as a result of their injuries, Officers Alu and O'Hara were threatened with the termination of their health care policies.

I find it unconscionable that we would reward public safety officers for making our lives safer and more secure by terminating their insurance policies and leaving their families vulnerable to financial destitution. Apparently the State of Florida agrees. In response to the situation in which Officers Alu and O'Hara found themselves, the Florida State Legislature promptly passed legislation guaranteeing health care coverage for public safety officers injured in the line of duty and unable to return to work.

However, while Florida responded swiftly and humanely to this egregious loophole in the law, public safety officers in many other States remain vulnerable to this blatantly unjust consequence of their jobs. For that reason, Congressman DEUTSCH introduced H.R. 2912, the Alu-O'Hara Public Safety Officers Health Benefits Act, of which I am proud to be a cosponsor. H.R. 2912, which is now being offered as an amendment to the Commerce-Justice-State Appropriations for fiscal year 1997, gives incentives to States to ensure that they provide security for their public safety officers. While this amendment would not require that public safety officers receive additional benefits, it would ensure that they, and their families, would continue to receive the benefits they would have received had they not been injured on the job.

Let Florida be an example to us all. Pass this amendment and provide protection for those who protect us.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. HUTCHINSON) having assumed the chair, Mr. GUNDERSON, 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. 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, pursuant to House Resolution 479, 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 put them en gros.

The amendments were agreed to.

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

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

MOTION TO RECOMMIT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. OBEY. I certainly am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. OBEY moves to recommit the bill, H.R. 3814, to the Committee on Appropriations with instructions to report the bill back promptly with an amendment to increase funding for contributions to international peacekeeping activities with appropriate offsets.

Mr. OBEY. Mr. Speaker, I do not intend to push this to a rollcall vote. This motion to recommit simply increases funds for peacekeeping with appropriate offsets in the bill. I am offering the motion to indicate my concern about the level of funding for that program.

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

Mr. ROGERS. Mr. Speaker, I rise in opposition, urge a "no" vote, and I yield back the balance of my time.

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 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 246, nays 179, not voting 8, as follows:

[Roll No. 352]

YEAS—246

Archer	Christensen	Franks (NJ)
Baessler	Clinger	Frelinghuysen
Baker (LA)	Coble	Frisa
Ballenger	Combust	Furse
Barr	Costello	Galleghy
Barrett (NE)	Cramer	Ganske
Bass	Cunningham	Gejdenson
Bateman	Davis	Gekas
Beilenson	Deal	Geren
Bentsen	DeFazio	Gilchrest
Bereuter	DeLauro	Gilman
Berman	DeLay	Goodling
Bevill	Deutsch	Gordon
Bilbray	Diaz-Balart	Greene (UT)
Billakis	Dickey	Greenwood
Bishop	Dicks	Gunderson
Billey	Dixon	Hall (OH)
Blute	Doggett	Harman
Boehlert	Dooley	Hastert
Bonilla	Dorman	Hastings (WA)
Bonior	Doyle	Hefner
Bono	Dreier	Heineman
Borski	Dunn	Hilleary
Boucher	Ehlers	Hobson
Brewster	Engel	Holden
Browder	English	Horn
Brown (FL)	Ensign	Houghton
Brownback	Eshoo	Hoyer
Bunn	Evans	Hunter
Burr	Everett	Hutchinson
Buyer	Farr	Hyde
Callahan	Fawell	Johnson (CT)
Calvert	Fazio	Kanjorski
Camp	Fields (TX)	Kasich
Campbell	Flanagan	Kelly
Canady	Foley	Kennelly
Cardin	Forbes	Kim
Castle	Fowler	King
Chambliss	Fox	Kingston
Chapman	Franks (CT)	Kleczka

Klug	Moran	Shuster
Knollenberg	Morella	Sisisky
Kolbe	Murtha	Skaggs
LaHood	Myers	Skeen
Latham	Myrick	Skelton
LaTourette	Nadler	Smith (NJ)
Laughlin	Nethercutt	Smith (TX)
Lazio	Ney	Smith (WA)
Leach	Norwood	Solomon
Lewis (CA)	Nussle	Souder
Lightfoot	Ortiz	Spence
Linder	Oxley	Spratt
Lipinski	Packard	Stenholm
Livingston	Pallone	Talent
LoBiondo	Parker	Tate
Loftgren	Paxon	Tauzin
Longley	Payne (VA)	Taylor (NC)
Lowe	Pelosi	Tejeda
Lucas	Peterson (MN)	Thomas
Luther	Pickett	Thornton
Manzullo	Porter	Thurman
Martini	Portman	Torkildsen
Mascara	Poshard	Torricelli
Matsui	Pryce	Towns
McCollum	Quillen	Trafiacant
McCrery	Quinn	Upton
McDermott	Radanovich	Visclosky
McHale	Rahall	Vucanovich
McHugh	Regula	Walker
McInnis	Richardson	Walsh
McNulty	Riggs	Wamp
Meek	Roberts	Watts (OK)
Meyers	Rogers	Weller
Mica	Ros-Lehtinen	White
Miller (CA)	Roukema	Whitfield
Miller (FL)	Sawyer	Wicker
Minge	Schiff	Wilson
Molinari	Schumer	Wise
Mollohan	Seastrand	Wolf
Montgomery	Serrano	Young (AK)
Moorhead	Shaw	Zeliff
	Shays	Zimmer

NAYS—179

Abercrombie	Fattah	Largent
Ackerman	Fields (LA)	Levin
Allard	Filner	Lewis (GA)
Andrews	Flake	Lewis (KY)
Army	Foglietta	Maloney
Bachus	Ford	Manton
Baker (CA)	Frank (MA)	Markey
Baldacci	Frost	Martinez
Barcia	Funderburk	McCarthy
Barrett (WI)	Gephardt	McIntosh
Bartlett	Gibbons	McKinney
Barton	Gillmor	Meehan
Becerra	Gonzalez	Menendez
Blumenauer	Goodlatte	Metcalf
Boehner	Goss	Millender-
Brown (CA)	Graham	McDonald
Brown (OH)	Green (TX)	Mink
Bryant (TN)	Gutierrez	Moakley
Bryant (TX)	Gutknecht	Neal
Bunning	Hall (TX)	Neumann
Burton	Hamilton	Oberstar
Chabot	Hancock	Obey
Chenoweth	Hansen	Olver
Chrysler	Hastings (FL)	Orton
Clay	Hayworth	Owens
Clayton	Hefley	Pastor
Clement	Herger	Payne (NJ)
Clyburn	Hilliard	Petri
Coburn	Hinchee	Pombo
Collins (GA)	Hoekstra	Pomeroy
Collins (MI)	Hoke	Ramstad
Condit	Hostettler	Rangel
Conyers	Inglis	Reed
Cooley	Istook	Rivers
Cox	Jackson (IL)	Roemer
Coyne	Jackson-Lee	Rohrabacher
Crane	(TX)	Rose
Crapo	Jacobs	Roth
Creameans	Jefferson	Roybal-Allard
Cubin	Johnson (SD)	Royce
Cummings	Johnson, E. B.	Rush
Danner	Johnson, Sam	Sabo
de la Garza	Johnston	Salmon
Dellums	Jones	Sanders
Dingell	Kaptur	Sanford
Doolittle	Kennedy (MA)	Saxton
Duncan	Kennedy (RI)	Scarborough
Durbin	Kildee	Schaefer
Edwards	Klink	Schroeder
Ehrlich	LaFalce	Scott
Ewing	Lantos	Sensenbrenner

Shadegg	Tanner	Waters
Slaughter	Taylor (MS)	Watt (NC)
Smith (MI)	Thompson	Waxman
Stark	Thornberry	Weldon (FL)
Stearns	Tiahrt	Williams
Stockman	Torres	Woolsey
Stokes	Velazquez	Wynn
Studds	Vento	Yates
Stump	Volkmer	
Stupak	Ward	

NOT VOTING—8

Coleman	Lincoln	Weldon (PA)
Collins (IL)	McDade	Young (FL)
Hayes	Peterson (FL)	

□ 1534

Mr. MOAKLEY changed his vote from "yea" to "nay."

Mr. RIGGS, Ms. BROWN of Florida, and Mr. TOWNS 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

Ms. SLAUGHTER. Mr. Speaker, I was unable to be present for rollcall votes 317 through 326 earlier this week. Had I been present, I would have voted "yea" or "aye" on rollcall votes 317, 319, 320, 324, 325, and 326 and "nay" or "no" on rollcall votes 318, 321, 322, and 323.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. McCathran, one of his secretaries.

PROVIDING FOR CONSIDERATION OF H.R. 3816, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1997

Mr. QUILLEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 483 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 483

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. 3816) making appropriations for energy and water development for the fiscal year ending September 30, 1997, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 or 6 of rule XXI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an

amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. 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. HUTCHINSON). The gentleman from Tennessee [Mr. QUILLEN] is recognized for 1 hour.

Mr. QUILLEN. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. BEILENSEN], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, House Resolution 483 is an open rule providing for the consideration of H.R. 3816, making appropriations for energy and water development for fiscal year 1997.

The rule waives clause 2 and clause 6 of rule XXI which prohibits unauthorized appropriations, legislation in general appropriations bills, and reappro-

priations against provisions in the bill. These waivers are necessary since many programs funded by this bill have not been reauthorized. The measure also includes some transfers of funds and minor legislative provisions, and the appropriations committee worked closely with the authorizing committees on these matters.

The rule also provides for priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD, and it allows the Chair to postpone and cluster roll call votes, and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote.

This rule allows the majority leader or his designee to offer a motion to rise and report the bill after the final lines of the bill have been read. Finally, the rule allows one motion to recommit, with or without instructions.

Mr. Speaker, Chairman JOHN MYERS and Ranking Minority Member TOM BEVILL have done a remarkable job in putting together the energy and water development appropriations bill for fiscal year 1997. Together they fought to get sufficient funds allocated to protect investments in water and energy infrastructure and to maintain and operate facilities and programs within the subcommittee's jurisdiction while still contributing toward deficit reduction.

Combined they have contributed approximately 50 years to the Energy and Water Appropriations Subcommittee, always working in a bipartisan manner. Those who take their places on the subcommittee after their retirement will find that their's will be a tough act to follow.

They have repeatedly displayed what can be accomplished through bipartisan cooperation, friendship, and respect—an example we should all aspire to follow.

Mr. Speaker, H.R. 3816 provides funds for critical programs such as flood con-

trol, maintenance of over 25,000 miles of inland waterways, Bureau of Reclamation projects, Department of Energy functions and various independent agencies including the Appalachian Regional Commission [ARC] and the Tennessee Valley Authority [TVA]. Both of these agencies have made a tremendous impact on the regions they serve. The Tennessee Valley Authority is required by law to perform flood control and river navigation services for the entire Tennessee Valley area which would otherwise be provided by the Army Corps of Engineers.

TVA's economic development program has helped many communities in the region meet their infrastructure and development needs. These funds have been significantly reduced in recent years, and I oppose any attempts to further erode the funding base for this important program.

No funds appropriated for TVA are used for its power program, and I strongly urge the Members of the House to reject any amendment which may be offered to reduce or eliminate funds for these two agencies. They provide crucial services to the deserving communities in the Appalachian and Tennessee Valley regions. Funding for TVA and ARC has already been reduced, and any further reduction would seriously jeopardize the ability of these agencies to carry out their important functions.

Mr. Speaker, I urge my colleagues to support this open rule and this important appropriations bill.

Mr. Speaker, I ask unanimous consent to insert extraneous material into the RECORD following my statement.

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

There was no objection.

The materials referred to follow:

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,¹ 103D CONGRESS V. 104TH CONGRESS

[As of July 23, 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	80	60
Structured/Modified Closed ³	49	47	37	27
Closed ⁴	9	9	17	13
Total	104	100	134	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 23, 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. Res. 51 (1/31/95)	O	H.J. Res. 1	Balanced Budget Amdt	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of July 23, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
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).
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	
H. Res. 105 (3/6/95)	MO			A: voice vote (3/6/95).
H. Res. 108 (3/7/95)	MO			A: 257-155 (3/7/95).
H. Res. 109 (3/8/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95).
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps	PQ: 234-191 A: 247-181 (3/9/95).
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: 242-190 (3/15/95).
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 (10/1/95).
H. Res. 237 (10/17/95)	MC	H.R. 2259	Disapprove Sentencing Guidelines	A: voice vote (10/18/95).
H. Res. 238 (10/19/95)	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. Res. 251 (10/31/95)	C	H.R. 2491	Seven-Year Balanced Budget	
H. Res. 252 (10/31/95)	MO	H.R. 1833	Partial Birth Abortion Ban	A: 237-190 (11/1/95).
H. Res. 257 (11/7/95)	C	H.R. 2546	D.C. Approps.	A: 241-181 (11/1/95).
H. Res. 258 (11/8/95)	MC	H.J. Res. 115	Cont. Res. FY 1996	A: 216-210 (11/8/95).
H. Res. 259 (11/9/95)	O	H.R. 2586	Debt Limit	A: 220-200 (11/10/95).
H. Res. 262 (11/9/95)	O	H.R. 2539	ICC Termination Act	A: voice vote (11/14/95).
H. Res. 269 (11/15/95)	C	H.R. 2586	Increase Debt Limit	A: 220-185 (11/10/95).
H. Res. 270 (11/15/95)	O	H.R. 2564	Lobbying Reform	A: voice vote (11/16/95).
H. Res. 273 (11/16/95)	C	H.J. Res. 122	Further Cont. Resolution	A: 249-176 (11/15/95).
H. Res. 284 (11/29/95)	O	H.R. 2606	Prohibition on Funds for Bosnia	A: 239-181 (11/17/95).
H. Res. 287 (11/30/95)	O	H.R. 1788	Amtrak Reform	A: voice vote (11/30/95).
H. Res. 293 (12/7/95)	O	H.R. 1350	Maritime Security Act	A: voice vote (12/6/95).
H. Res. 303 (12/13/95)	C	H.R. 2621	Protect Federal Trust Funds	PQ: 223-183 A: 228-184 (12/14/95).
H. Res. 309 (12/18/95)	O	H.R. 1745	Utah Public Lands	PQ: 221-197 A: voice vote (5/15/96).
H. Res. 313 (12/19/95)	C	H. Con. Res. 122	Budget Res. W/President	PQ: 230-188 A: 229-189 (12/19/95).
H. Res. 323 (12/21/95)	C	H.R. 558	Texas Low-Level Radioactive	A: voice vote (12/20/95).
H. Res. 366 (2/27/96)	MC	H.R. 2677	Natl. Parks & Wildlife Refuge	Tabled (2/28/96).
H. Res. 368 (2/28/96)	O	H.R. 2854	Farm Bill	PQ: 228-182 A: 244-168 (2/28/96).
H. Res. 371 (3/6/96)	O	H.R. 994	Small Business Growth	Tabled (4/17/96).
H. Res. 372 (3/6/96)	C	H.R. 3021	Debt Limit Increase	A: voice vote (3/7/96).
H. Res. 380 (3/12/96)	MC	H.R. 3019	Cont. Approps. FY 1996	PQ: voice vote A: 235-175 (3/7/96).
H. Res. 384 (3/14/96)	C	H.R. 2703	Effective Death Penalty	A: 251-157 (3/13/96).
H. Res. 386 (3/20/96)	MC	H.R. 2202	Immigration	PQ: 233-152 A: voice vote (3/19/96).
H. Res. 388 (3/21/96)	C	H.J. Res. 165	Further Cont. Approps	PQ: 234-187 A: 237-183 (3/21/96).
H. Res. 391 (3/27/96)	C	H.R. 125	Gun Crime Enforcement	A: 244-166 (3/22/96).
H. Res. 392 (3/27/96)	C	H.R. 3136	Contract w/America Advancement	PQ: 232-180 A: 232-177, (3/28/96).
H. Res. 395 (3/29/96)	MC	H.R. 3103	Health Coverage Affordability	PQ: 229-186 A: Voice Vote (3/29/96).
H. Res. 409 (4/23/96)	MC	H.J. Res. 159	Tax Limitation Const. Amdt.	PQ: 232-168 A: 234-162 (4/15/96).
H. Res. 410 (4/23/96)	O	H.R. 842	Truth in Budgeting Act	A: voice vote (4/17/96).
H. Res. 411 (4/23/96)	O	H.R. 2715	Paperwork Elimination Act	A: voice vote (4/24/96).
H. Res. 418 (4/30/96)	C	H.R. 1675	Natl. Wildlife Refuge	A: voice vote (4/24/96).
H. Res. 419 (4/30/96)	O	H.J. Res. 175	Further Cont. Approps. FY 1996	A: voice vote (4/24/96).
H. Res. 421 (5/2/96)	O	H.R. 2641	U.S. Marshals Service	PQ: 219-203 A: voice vote (5/1/96).
H. Res. 422 (5/2/96)	O	H.R. 2149	Ocean Shipping Reform	A: 422-0 (5/1/96).
		H.R. 2974	Crimes Against Children & Elderly	A: voice vote (5/7/96).
		H.R. 3120	Witness & Jury Tampering	A: voice vote (5/7/96).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of July 23, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
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).
H. Res. 437 (5/16/96)	MC	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 (5/5/96).
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: 245-166 (6/25/96).
H. Res. 460 (6/25/96)	O	H.R. 3675	Transportation Approps	A: voice vote (6/25/96).
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	A: voice vote (7/16/96).
H. Res. 479 (7/16/96)	O	H.R. 3814	Commerce, State Approps	A: voice vote (7/17/96).
H. Res. 481 (7/17/96)	MC	H.R. 3820	Campaign Finance Reform	
H. Res. 482 (7/17/96)	MC	H.R. 3734	Personal Responsibility Act	
H. Res. 483 (7/18/96)	O	H.R. 3816	Energy/Water Approps	A: 358-54 (7/18/96).

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.

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

□ 1545

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

Mr. Speaker, we support this rule, which allows Members to offer any amendment that is otherwise in order under the standing rules of the House.

I do want to point out, however, that this rule, like other rules we have considered for appropriations bills this year, waives points of order against legislating on an appropriations bill. That is not a practice we want to encourage, but we accept it in this case because we recognize that there are times when waiving that rule is necessary and appropriate. I would note that the relevant authorizing committees do not have any objections to this waiver of this particular rule.

Mr. Speaker, the bill that this rule makes in order provides \$19.4 billion for the U.S. Army Corps of Engineers, the Bureau of Reclamation, and the Department of Energy. This legislation has been developed in a strong spirit of bipartisanship, for which we commend and thank the chairman of the Subcommittee on Energy and Water Development, the gentleman from Indiana [Mr. MYERS], and the ranking member, the gentleman from Alabama [Mr. BEVILL]. Both gentlemen are not only excellent legislators but very fine gentlemen and human beings, both of whom will be greatly missed by Members of this institution in the years to come.

However, many of us do have serious concerns about some of the bill's provisions. We note that solar and renewable energy research would be cut by \$44 million below this year's level and \$142 million below the level requested by the President. A reduction of that size would severely threaten the development of these advanced technologies,

and would thus be a setback to our efforts to reduce our dependence on imported oil, diversify our energy resources, reduce pollution, and generate jobs in this growing field.

We also object to the bill's drastic cut in the Department of Energy's administrative funding, which would reduce spending for that purpose by almost half the current amount. The deep spending cuts would severely impair the department's ability to carry out its basic management responsibilities.

Fortunately, amendments will be offered to at least partially reverse some of the more extreme spending cuts that the bill currently contains.

We also anticipate amendments on several highly controversial projects that are funded by this bill, including one that would eliminate the bill's \$17 million for the Advanced Light Water Reactor Program, one eliminating the bill's \$9.5 million for construction of the Animas-LaPlata water project, and one eliminating the bill's \$45 million for the Nuclear Technology Research and Development Program.

Mr. Speaker, again, although we do, as I have suggested, have some concerns about this bill, we strongly support the rule. We urge its passage, so we can proceed to consideration of this legislation.

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

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Indiana [Mr. MYERS], the chairman of the subcommittee.

Mr. MYERS of Indiana. Mr. Speaker, I thank the committee for the rule that the gentleman has given this subcommittee this year, once again. I particularly thank both the gentleman from Tennessee [Mr. QUILLEN] and the gentleman from California [Mr. BEILENSEN] for the very nice words each have said about the gentleman from Alabama [Mr. BEVILL] and me.

I take these few moments here to explain what we expect to be able to accomplish this evening, the remainder of this evening. We hope and expect to finish this bill tonight. With the cooperation of the membership we will be able to do that. I do not like to see us have to control the time, to limit the time on debate on any amendment, but if it is necessary then we will not hesitate to do that. We must do that if it becomes necessary to accomplish the mission tonight.

I hope we will have the cooperation of those Members who will be offering amendments, that we limit the time on those amendments voluntarily; much better to do it voluntarily than do it where we have to compel the action by the House to limit the time, but if necessary, we will. I hope those who have very little to say, and each of us has a lot of things we could say, and right now I could be a little more brief, I expect, but if we can limit the time this evening and not speak unless we have absolutely something to say, it will help us accomplish our goals tonight.

I do not think anyone wants to stay until midnight, but apparently, because of the remaining schedule this week of floor activity, if it is necessary to stay that late or even later to finish the bill, we expect to finish the bill tonight. So please, I ask for Members' cooperation. Again, I thank Members for the time they have given us today.

Mr. BEILENSEN. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. BROWN].

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

Mr. Speaker, I take this time to make a few comments, recognizing that the time will be limited during consideration of the bill. May I assure the distinguished chairman that I will cooperate with him fully in getting us out of here by midnight by not offering

any amendments of my own, although I will speak on some of the others.

Mr. Speaker, as my distinguished colleague, the gentleman from California, indicated, there are some situations in this bill which cause us a little heartburn, and I am sure the gentleman knows what they are. They are the same as were mentioned earlier. We believe that the cuts in the solar and renewable category are excessive, and we likewise have some problem with the management cuts, but we trust that these can be at least partially resolved during the further course of the bill.

Mr. Speaker, I also want to thank the committee for including a very small item there which is of personal concern to me, and which I will discuss later on in the bill. That is an item of \$400,000 for continued research on the Salton Sea.

The Salton Sea is not in my district. It is in the district of my good friend and colleague, the gentleman from California, DUNCAN HUNTER. It is shared by the gentleman from California, SONNY BONO, but it happens to be the area in which I grew up. I used to swim in the Salton Sea when I was a kid, and it is no longer swimmable. It is on the path to complete collapse, with the death of the fish and the birds that use the fish, the destruction of the recreational industry, and various other things of that sort.

The Bureau of Reclamation, which I feel has the major responsibility here, has been researching this for some years, and has not even yet discovered what I could point out to them, that there is fish kill. There are acres of dead fish along the beach. There are, similarly, dead waterfowl, and this is on a major flyway, and it is going to be catastrophic.

The \$400,000 was not requested by the Bureau, it was added by the committee, in their wisdom, and I commend them for that. The Bureau, for some reason or other, the Bureau of Reclamation, which has a \$10 million authorization to do this work passed in the water bill of several years ago, of 1992, has asked for only \$100,000 a year.

In my opinion it has been dilatory and delinquent in moving to the stage of offering recommendations to solve this problem. At the risk of belaboring a personal matter, I am going to take a few minutes during the course of the general debate on the bill to discuss this even further. We are talking about the destruction of a regional resource, which I hate to see happen. I do not want to amend the bill by adding \$40 million to save it, but we will lay the groundwork for doing that later.

Mr. QUILLEN. Mr. Speaker, I yield 7 minutes to the gentleman from Michigan [Mr. KNOLLENBERG], a member of the committee.

Mr. KNOLLENBERG. Mr. Speaker, I appreciate the gentleman from Tennessee yielding time to me.

Mr. Speaker, I rise in support of this rule.

I support this rule. It is an open rule which will allow an open debate on the issues involved in the energy and water development appropriations bill for fiscal year 1997.

This is the 13th of 13 appropriations bills. And I salute Chairman SOLOMON and the Rules Committee for providing open rules.

This demonstrates the hard work and commitment by Chairman SOLOMON and the Rules Committee to an open and fair discussion of all Members' concerns throughout the appropriations process.

Being Members of Congress from 435 congressional districts, 50 States, and from diverse regions throughout America, we bring a different story, a different understanding, a different set of priorities to this floor of U.S. House of Representatives.

And with our diverse backgrounds we will not agree on everything. We enter this debate, sometimes a rigorous debate, on the what the spending priorities will be for the Federal Government for fiscal year 1997.

But under this open rule we can air our ideas, discuss our concerns, and persuade others through debate.

One of the issues that I am particularly concerned about within the Department of Energy is the issuance of buyouts for DOE and contractor employees.

As the cold war came to a close during the fall of 1991, we left behind a legacy of nuclear waste from the weapons manufacturing sites. As we made a transition from production to clean up the Department of Energy ramped up their employee numbers at the nuclear cleanup sites to, in many cases, twice their previous staffing levels.

Sites like Hanford, WA, saw staffing increases from approximately 11,500 level in the late 1980's to almost 17,000 in 1994.

The Rocky Flats site in Colorado saw increases from about 5,000 employees in 1998 to numbers over 7,500 in 1991.

And at the Savannah River site in South Carolina, employee numbers were almost doubled from around 10,600 in 1988 up to almost 21,000 in 1992.

These increases occurred even though production of nuclear weapons at these sites ceased by September 1991.

Now I will be the first to point out that these employee numbers have since been brought down to full production levels in the past few years. But I am still concerned with the Department's staffing plans to facilitate further down sizing.

One of the mechanisms that the Department uses to minimize social and economic impacts caused by the layoffs of cold war warriors is section 3161 of the Defense Authorization Act of 1993.

Employee severance packages provided for under section 3161 include

cash buyouts, job training, health care coverage, and relocation costs coverage.

I support these benefits for the cold war warriors who for decades were quintessential to maintaining our Nation's security through nuclear deterrence.

However, I am very concerned about how these benefits have been distributed freely to noncold war warriors.

I would like to relay to you an experience I had during my visit to Rocky Flats in early June. During a briefing on work force restructuring, I asked the contractor's vice president of human relations a hypothetical question.

I asked: "If I had worked at Rocky Flats for 5 years, what separation benefits would I receive if I voluntarily left today?"

I was told I would receive a benefits package that would include:

First, a cash buyout based on percentage of salary and years employed.

Second, 3 years of health benefits: year 1—full coverage; year 2—partial coverage; and year 3—eligible for COBRA.

Third, relocation expenses.

Fourth, training expenses.

The contractor vice president went on to say, that even if I had only been employed for 1 year, I would be entitled to this severance package.

The buyouts include severance packages totalling over \$25,000 per separated employee.

Buyouts for those recently employed are not exclusive to Rocky Flats by any means. In fact, I have strong concerns that such buyouts are common at all sites EM wide. When placed under close scrutiny by the inspector general's office, buyouts at the Fernald Environmental Management project in Ohio were found to be handled with reckless disregard for the American taxpayer.

In 1994, the Fernald nuclear cleanup site was instructed to reduce the work force involved in doing remedial investigations and feasibility studies and instead to focus the work force on actual cleanup.

This shift in skills mix was to occur simultaneously with a work force reduction of 660 employees—a 36-percent reduction—over 3 years.

An April 1996 inspector general report on work force restructuring at the Fernald site, found that in many cases staffing buyouts were followed by the rehiring of employees with essentially the same skill mix. This resulted in no significant reductions in the bloated work force and it did not save any money.

One example of such careless management at the Fernald site is where 14 secretaries were voluntarily separated during the 1994 restructuring, all receiving lucrative severance packages. But then 19 new secretaries were hired back during the same fiscal year.

The IG report continues that “[i]n the [1995] restructuring, [Fernald] identified 47 secretaries for separation, 3 of whom were hired after the first restructuring.” Since the announcement of the 1995 restructuring, Fernald has hired an additional 19 secretaries.

This ramping up, buying down, ramping up, buying down is absolutely ridiculous and can't be allowed to continue.

In the report that accompanies this bill, the committee has addressed these waste and inefficiencies that plague the worker transition program. This report notifies the Department of Energy of the committee's concerns about generous separation and severance benefits being offered to non-cold war warriors.

Mr. Speaker, everyone should know that while the subcommittee is not unilaterally opposed to buyouts, they should be used sparingly, judiciously, and as part of an overall work force restructuring plan.

I would say to my colleagues that the subcommittee is committed to getting to the bottom of this and this bill lays the ground work for some much-needed reforms in the years to come.

I support this open rule that will allow for further open debate on the important issues concerning energy and water appropriations.

□ 1600

Mr. QUILLEN. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois [Mr. WELLER].

Mr. WELLER. Mr. Speaker, first, I want to thank my friend, the gentleman from Tennessee [Mr. QUILLEN], for yielding me this time. Of course, I stand in strong support of this open rule and also stand in strong support of this bill.

I particularly want to congratulate my friend, the gentleman from Indiana [Mr. MYERS], on his leadership on this bill in bringing it to the floor and also thank him, his subcommittee and the ranking member for their bipartisan efforts.

This week the Chicago region suffered a devastating flood throughout the entire Chicago metropolitan area, particularly in the south suburbs and the southwestern suburbs which I represent; in fact, affecting hundreds if not thousands of homes, millions if not multimillions of dollars' worth of damage affecting both homes and, of course, small businesses.

Governor Edgar moved very quickly to declare a state of emergency in a number of the counties and, of course, has since requested from the President a disaster declaration on a Federal scale. As I pointed out earlier, hundreds if not thousands of homes are damaged and hundreds if not thousands of small businesses are now being surveyed for damage as a result of this high water and floods that devastated

the Chicago metropolitan area. Particularly in Will and Cook Counties which I represent, we saw excessive damage.

I do want to point out that in the south suburbs there is an effort that has been under way for the last generation which, had it been completed, it is estimated at least 90 percent of the damage that occurred would not have occurred, protecting hundreds if not thousands of homes from flood damage. That project is known as the tunnel and reservoir project, or the deep tunnel as it has been nicknamed for the last generation. It is not done yet and we are continuing to work in a bipartisan effort to complete this project.

The deep tunnel or the tunnel and reservoir project is a system of tunnels drop shafts, pumping stations and reservoirs. Unfortunately, one of the uncompleted reservoirs in this whole project, the Thornton Reservoir, actually is located in my district in the south suburbs. When completed, this reservoir will provide 5 billion gallons of floodwater storage and could have prevented the bulk of the floodwater damage that occurred to hundreds if not thousands of homes and small businesses in the south suburbs.

This reservoir, when completed, will have a service area of over 90 square miles and will provide relief to 131,000 dwellings in 18 communities. In fact when it is done, the real benefit to many homeowners will be lower flood insurance premiums as well as higher home values.

The taxpayers and constituents in the south suburbs of Chicago are deeply in support of the Thornton Reservoir and the deep tunnel project and greatly appreciated the fact that Chairman MYERS came to my district the week of the Fourth of July and personally surveyed and spoke with local officials. The timing could not have been better, considering the floodwaters came just 2 weeks later.

This is an investment in the future. I do want to thank my colleagues of both parties in the House for the bipartisan effort, our efforts to bring flood relief to the south suburbs as they progressed.

I want to point out that the House in the last few weeks has approved \$101 million in the ag appropriations bill for the Little Calumet and Thornton Creek flood control project, \$10 million in the VA-HUD appropriation to continue work on the tunnels involved, and this particular bill sets aside \$6.65 million in construction funding for the Corps of Engineers to complete and continue work on the Thornton Reservoir.

I urge an “aye” vote, Mr. Speaker. This is a good bill. This is an effort that I appreciate very much in behalf of my constituents to protect the homes in the south suburbs of Chicago from flooding. We do need flood control.

Mr. Speaker, I include the following extraneous material for the RECORD:

[From the Star, July 21, 1996]

THE FLOOD DISASTER

Weather disasters are so commonplace in the news that we tend to discount their importance—until we are confronted, firsthand, with the human realities of such events. Almost all of us were forced to do that through the night Wednesday and into the weekend as we tried to cope with the worst flood emergency in this region in recent history.

Depending on where you live in the South or Southwest Suburbs, you now are faced with anything from a time-consuming backyard and basement clean-up project to a complete disaster it will take you weeks or even months to recover from.

No local area was spared the torrential downpour of Wednesday night and Thursday morning. But people in some communities—notably villages in Paloa, Orland, Bremen and Thornton townships—watched in awe and fear as anywhere from seven to 15 inches of rain pelted down, totally inundating their communities with flood water.

That's the most rain ever recorded in 24 hours in the history of those communities.

The impact was immense. Whole neighborhoods were flooded, some so much so that families had to be evacuated. Most, if not all, major viaducts were under water, forcing the rerouting of traffic and in some cases the total shutdown of travel. Thousands of people could not get out of their garages, much less to their jobs. Thousands more basements and downstairs living quarters were filled with water, ruining furniture, carpets, drapes and furnishings and seriously damaging or destroying utilities.

Electrical and telephone service was disrupted or totally knocked out in all areas. Sewers backed up, causing a potential health crisis; in unincorporated areas septic fields were swamped causing sewage to float into backyards, basements, garages and homes themselves.

Thousands of vehicles were disabled by floods and their owners faced the prospect of paying hundreds in repairs to get ruined motors running again. Insurance agencies reported more claims calls on Thursday than on any single day in memory.

Fortunately, as of Saturday, no flood-related deaths to persons in the area had been reported. But there was the compelling story of a family in Homewood that lost three show dogs who drowned in the lower level of their home when it flooded.

The total cost of this disaster is far into the millions of dollars, probably beyond accurate calculation.

On the positive side, there were hundreds of tales of people helping people and of governmental agencies—local and state—coming to the rescue of flood victims. We were able to observe what we have heard about in other places when earthquakes, hurricanes, tornadoes or other natural disasters strike—that most people are at their human best when their neighbors need them most.

Last week will be one to remember. Hopefully, there will not be one like it again in many years to come.

FLOOD POTENTIAL SPREADS WITH GROWTH

(By Kevin Carmody)

People asking why their normally high and dry homes flooded last week might find some clues in last July's deadly heat wave.

Chicagoans learned the hard way that no two strings of hot weather are ever identical

in all the variables that can prove deadly. There are peak temperature, nighttime lows, humidity and wind speed, to name some of the factors. Last summer, slight variations in a few turned an early July hot spell into an unprecedented killer that claimed 733 lives.

Likewise, severe rainstorms vary as to whether the rain comes all at once, in several deluges or intermittently over several days. Then there's the matter of whether the ground is already saturated, or perhaps too dry to be absorbent. So total rainfall—like peak temperature—is only part of the puzzle of whether a storm will produce severe flooding.

But according to experts on flood prevention, man controls the rest of the puzzle—right down to the early settlers' decision to build a community called Chicago in what was a primordial swamp.

Because the soils of such swamps drain poorly, the area was destined to face severe flooding problems as communities spread outward from Lake Michigan.

"There have been floods here for thousands of years, but the area affected was probably smaller than it is today," said Dennis Dreher of the Northeastern Illinois Planning Commission. "More water used to soak into the ground, but then we drained wetlands and channelized streams," undermining the land's natural flood control mechanisms.

The construction of homes and streets and parking lots also exacerbate flooding by reducing the amount of soil surface available to absorb rainfall. One 400-foot stretch of street means nearly 20,000 gallons of water must find somewhere else to go.

And the rate at which people are paving over the area's remaining open land is unprecedented. From 1970 to 1990, the population of the six-county region grew by only 4 percent while the amount of developed land increased by nearly 50 percent.

In the never-ending search for pristine rural homesteads, urban refugees are fueling wasteful land-use patterns that may come back to haunt them. Eventually, dense subdivisions find their way into rural hideaways, whether the land is hydrologically suited to development or not, and that increases the flooding potential.

There is no end in sight for this outward expansion, given Americans' preference for open space and the open land outside Chicago, said Pierre DeVise, an urbanologist and professor emeritus at Roosevelt University.

"I would say there still is room to grow, unlike New York and Los Angeles," DeVise said. "But in areas such as DuPage, people now face considerable traffic congestion and some of the advantages of low density are already defeated. So people are going ever farther out."

Mention flooding in suburban and rural communities, and many people instinctively think of rivers or streams overrunning their banks. But an even more common occurrence is the subdivision that floods because it was built in a low-lying depression with inadequate stormwater drainage.

Even communities that effectively limit building in wetlands and floodplains can find themselves approving dubious development sites because of outdated or incomplete floodplain maps.

The maps typically would not show depressions unless they are periodically flooded by waterways. And many floodplain maps haven't been updated for 10 to 15 years.

"In that time the floodplains have gotten broader, so communities are allowing devel-

opment in areas that don't show on the map to be in a floodplain, but in reality are," said Dreher, who as NIPC's director of natural resources helps advise local governments on stormwater and floodplain management.

Although rainfall records were set at Midway Airport and several southern and western suburbs—where 6 to 16 inches fell Wednesday and Thursday—some areas that previously flooded during major storms were spared this time.

"There were areas hit hard in 1987 in DuPage County that were not affected badly this time," Dreher said. "There are different types of flood events."

"The 100-year flood seems to occur every other year, but each time they tend to occur in a different area."

In some cases, that's because hard-hit communities have learned their lesson about allowing development with little regard for stormwater management.

DuPage County approved one of the nation's most progressive stormwater control ordinances in 1990, protecting the integrity of floodplains and requiring new developments to have ponds for storing stormwater, Dreher said.

In the South Suburbs, Richton Park, Homewood, Flossmoor, Olympia Fields and Matteson are among the communities that have adopted model rules for new developments.

"Part of the reason these communities now have progressive rules is that they've had their problems and learned from their mistakes," Dreher said. "It takes self-control for local officials to stand up to developers who will have to spend more money to comply."

SUBURBS SLOWLY DRYING OUT—WEARY FLOOD VICTIMS WATCH WEATHER

(By Molly Sullivan and Gene O'Shea)

Residents across the south suburbs hard hit by last week's flash floods continued cleaning their homes Saturday under sunny skies but with wary eyes toward the future.

In Homewood, police were searching for a 79-year-old white man possibly suffering from Alzheimer's disease, who walked away from the Heartland Health Care Center, 940 Maple Ave., at approximately 8 p.m. on Friday.

Meanwhile trash bins lined Windsor Drive in Orland Park for residents to discard their soiled belongings destroyed when two nearby detention ponds overflowed, flooding usually dry streets.

The stress of Mother Nature's wrath was evident on the faces of weary Orland Park residents not accustomed to flooding.

"It's just very frustrating. One day we're enjoying our beautiful (basement) rec room, and the next we're throwing everything out," Orland resident Kathy Calandriello said. "I guess we should be grateful for the memories."

Several miles to the east some South Holland residents took the flooding in stride, especially those who have been flooded in the past.

Sitting on his front porch just yards from the Little Calumet River, South Holland resident Steve Lund thumbed through a thick photo album he keeps that depicts his battles with Mother Nature over the years.

"This was just a couple of years ago," Lund said, pointing to a photo of several ducks and golden retrievers paddling around in his flooded backyard. "We had some pet ducks, and they loved it. So did the dogs."

Lund knows all about flooding. In the last 19 years he's been flooded four times and

never once thought about moving. Dealing with Mother Nature he says, is a state of mind.

"Sure it's a pain to have to move everything in and out. If you're prepared for it, it's not so bad. If you're not ready—that's a different story," Lund said. "The way I look at it, I get to move everything around every 10 years and give it a good cleaning."

In most places, the streets were dry where, just the day before, water hit the doors of homes and covered cars.

Commonwealth Edison reported that only 20 customers remained without power throughout the south suburbs, down from 800 a day earlier and 18,000 at the height of the storm.

Ameritech, meanwhile, saw an increase in the number of lines out, from 7,400 on Friday to 8,200 on Saturday.

Spokesman Frank Mitchell said the company attributed the increase to customers' not being able to get to phones or not discovering they had lost service because they were busy bailing out flooded houses.

Crews continued to work around the clock, Mitchell said, but will have to wait in some areas where equipment remains submerged.

An emergency phone bank was set up Saturday in Plainfield at the intersection of River Court and River Road. Residents can make free local calls from Ameritech phones until service is restored to their area, Mitchell said.

Nursing home resident Charlie Pryzybyla was wearing a Heartland Health Care Center identification wrist band and an alarm wrist band with a device that alerts the center when a patient walks out the door, but he was able to get away anyway, according to the center's administrator, Janice Podwika.

"He's pretty fast at times, and was gone in an instant when the alarm went off," Podwika said. "But we realized he was gone, we proceeded with our standard policy in cases like this, and then notified police." Podwika said Pryzybyla, who used to live in Harvey, has tried to leave the facility before. She said the facility is now working with police who have taken charge of the matter.

Police said they conducted a 2½-hour helicopter infrared search around the area Friday night and dispatched dogs to the scene with negative results.

Pryzybyla is described as fair complexioned with green eyes. He wears glasses and has a scar on his nose and one of his eyes. He is balding and is 5 feet, 5 inches tall and weighs 147 pounds. He had on a brown dress shirt, dark brown pants, brown belt, and white gym shoes. Anyone with any information concerning the disappearance of Pryzybyla should contact the police at 798-2131.

Meanwhile, in virtually every town across the south suburbs, officials were out in the neighborhoods assessing damage and trying to help those who needed it.

In all, some 11 teams of state and federal disaster relief agents were going to every affected area trying to assess damage in anticipation of a federal disaster declaration.

Most roads were reopened by Saturday, and the major job facing most people was how to dispose of their water-soaked belongings and clean up their houses and property.

Generally, the news was positive from the southeast suburbs where the Little Calumet River and Lemont where the Illinois & Michigan Canal washed into the streets.

"I think we're pretty good," Lockport Fire Lt. Bruce Hopkins said. "I think even our hardest-hit areas drained off pretty good."

Lockport city officials held a town meeting Saturday to inform residents about the

latest on disaster relief and to give them an overview of the flooding problems.

Residents had a chance to air their concerns about the flooding and officials said they were working as quickly as possible to assess the damage and meet residents' needs.

The scene on the streets in Lockport was the same as the one in every other suburban and city neighborhood hit by floodwaters. "You drive anywhere, and there are (garbage) bags out in front and wet carpeting," Hopkins said.

As residents cleaned up, city officials were dealing with a lingering problem.

Hopkins said the police and fire emergency call dispatch system that serves the city was ruined when floodwaters damaged its equipment at the central dispatch center in Plainfield.

As of Saturday, the city and several other Will County communities were still without their main 911 systems. A backup system was in place and officials said they would have to rely on it for at least the next several days.

Elsewhere in Will County, Lynn Behringer of the Will County Office of Emergency Management said there were four teams of state and federal disaster relief officials touring the areas hit by flooding.

She said the tours would continue until every area was assessed, and it will probably run into the early part of this week. "It's going to go on for a while," she said of the Federal Emergency Management Agency and the Illinois Emergency Management Agency officials who are touring with local officials.

Behringer said most people are understanding about the flooding.

Tinley Park, the Palos area and Lemont all reported dry streets.

Palos Hills Chamber of Commerce board members unanimously approved Friday night a grant program to assist residents whose homes were damaged. Residents needing financial assistance to cover repair and replacement costs not covered by insurance can call the city's community resource department at (708) 598-3400 on Monday to apply for funds.

[From the Daily Southtown, July 20, 1996]

VICTIMS CLEAN UP—WATER RECEDES;
MEMORIES AWASH

The scene was the same Friday in many of the Southland's flood zones. Furniture was placed on lawns and clothes were hung from trees and swing sets as residents tried to take advantage of the sunshine that didn't come soon enough.

From Chicago's Southwest Side to Lockport, it was Day 2 of cleanup for residents of areas hardest hit by Wednesday's and Thursday's furious floods. And to many, it was clear that there would be many days to come.

The story was somewhat different in the southeast suburbs, where residents had spent a nervous Thursday night watching and sandbagging the banks of the flood-swollen Little Calumet River. To the relief of many, the river's water began to recede Friday morning, South Holland Mayor Donald DeGraff said.

But not before floodwaters washed out a park, a subdivision and the access road leading to another cluster of homes. And residents, like others in the region were left to the task of bailing and pumping.

In South Holland—the hardest hit of all southeast suburbs with 6.6 inches of rain recorded—residents used pumps and garden hoses to bail out flooded basements.

"We've had these two pumps going since 5 this morning," said Ann Kick, who along

with husband, Bill, gazed out at the ducks swimming in their yard. "We have a 4-foot fence out there and it is under about 3 additional feet of water."

Ann Kick said she and her husband learned an important lesson a decade ago when they first moved into the village.

"We just sat there in disbelief as the water from the Little Calumet River flooded our yard and home," she said. "We had just purchased new carpeting, and it was ruined. This time, we moved all the furniture upstairs so all that was damaged this time were the carpeting and the paneling."

Kick's house was the first stop on a tour led by DeGraff of three local areas devastated by the flooding. The tour was largely for the benefit of John Mitchell, director of the Illinois Emergency Management Agency, the agency that will decide whether to recommend a request for federal disaster relief.

Gouwens Park, located at 16000 Seton Road, was the second stop on the hour-long tour. Flooding from the banks of the Little Calumet River turned the property into what resembled more of a boat launch than a popular park and baseball facility.

Homes in the adjacent Pacesetter subdivision along Riverview Drive were inundated with floodwater, although 200 volunteers spent hours late Thursday night filling thousands of sandbags.

The third and final stop was 170th Street near the Calumet Expressway where public works crews spent Thursday and Friday constructing a temporary road that allowed local access to landlocked residents near Everett Avenue.

The small road was among scores throughout the region still impassable Friday, the most significant of which was a 12-mile stretch of southbound Interstate 55 between Illinois 30 and Arsenal Road.

Some of the early statistics of impact of Wednesday's and Thursday's record-breaking storms were staggering. Officials in Cook and Will counties were still working to compile the numbers of homes damaged and dollars lost. But early numbers in Joliet—Will County's hardest hit town—put the number of flooded homes at 8,000.

In all, Gov. Jim Edgar declared 15 counties, including Cook and Will, state disaster areas and called out three units of the Illinois National Guard to help local authorities cope with the high water.

National Guard troops were dispatched to Naperville to help officials there deal with the 300 flooded homes and 200 submerged vehicles.

Guard troops were preparing to help with traffic control, cleanup and security in evacuated areas, authorities said.

In the south suburbs, 18,000 Commonwealth Edison customers lost power for at least a brief period.

By Friday afternoon, crews had restored power to all but 800 of those customers, ComEd spokeswoman Lucille Younger said. But work crews still were working during the day to restore power by Friday night to 22,000 Bartlett-area residents, Younger said.

Phones also were affected. Ameritech on Friday reported 7,400 customers were without phone service in Chicago, the south suburbs, Will County and the Naperville and Aurora areas.

On Thursday, Ameritech received a record number of calls, 56,000, from customers concerned about phone service.

And as for the rainfall numbers—17½ inches were measured by the National Weather Service in the Aurora area.

One forecaster at the weather service calculated an astonishing 91 billion gallons

were dumped on the metropolitan area by the storm.

"I have no idea how they came up with that figure, but that's the number they're throwing around here," Scott Dickson said. "It sounds incredible, way too high. I'm not a mathematician."

In Lockport, another Will County community with severe damage, floodwaters on the city's west side had receded dramatically by Friday, but the cleanup had just begun for the more than 300 residents whose homes were damaged after the Illinois & Michigan Canal overflowed its banks on Thursday.

"We're draining the basement, but we still can't get in there yet," Gerry Rodeghero said of his 83-year-old mother's house on Ames Street.

Most residents in the low-lying neighborhood west of the I&M Canal and north of the Ninth Street bridge took the day off from work to clear out the flooded basements, garages and in some cases first floors of their homes.

Lockport city administrator Larry McCasland said nine city workers were helping residents move the debris out of their yards and into trash bins placed in several locations around the city.

The workers will be on hand all weekend to help with the cleanup and the bins will remain out in city neighborhoods for as long as they are needed, McCasland said.

The unincorporated streets of Worth Township between Illinois 83 and 127th Street were bustling with activity Friday as residents and emergency crews removed flood-damaged carpeting, paneling and furniture from homes.

Two trucks hauled out resident's cars caught in the flood. Gasoline-powered pumps continued to rid basements and crawlspaces of floodwater but were incapable of removing the lingering stench.

In Oak Forest it was the question of what to do about the former Fire Station No. 2. The building on Cicero Avenue just north of 167th Street was nearly submerged during the flooding. Late Friday, the water was still up to the windows about 2 feet deep.

The station, abandoned by the fire department in 1989 because of flooding problems, is at the center of a controversy with area residents and Mayor James Richmond over whether it should be torn down.

What will happen to it now remains to be seen and the matter could come up at Tuesday's city council meeting.

While South Holland took the brunt of the storm in the southeast suburban area, other communities received their share of damage.

In Burnham, residents in the 13900 block of Manistee Avenue were bailing out basements. One resident, who declined to be identified, said the storm was "the worst he's seen in the last 40 years."

In Dolton, village officials had to close 158th Street on Thursday but reopened it Friday when the Little Calumet River overflowed its banks. Edward Handzel, village administrator, said the river began to recede and added—he hoped the "worst was over."

The floods not only affected suburbia but also Chicago residents.

More than 5,000 homes, most of them in a belt from the Southeast Side to Midway Airport, suffered flooded basements after the heaviest one-day rainfall in Chicago history, Mayor Richard Daley said Friday.

City crews already had helped pump out basements at 4,600 homes, officials said, and fixed 414 downed light poles and malfunctioning traffic signals.

"This was the most severe rainfall to ever hit the region, 8.08 inches since Wednesday morning," Daley said.

Trucks were to make rare Sunday pickups in some areas, officials said, and special bulk runs would continue until Wednesday.

City forestry bureau crews answered 140 calls of downed trees or tree limbs, officials said.

The two hardest-hit areas were the 8th Ward, south of 79th Street from Cottage Grove to Yates avenues, which led the city with 469 flooded basements; and the 13th Ward, south and east of Midway Airport, where 463 homes were hit.

Also leading the city's flood call list were: The 6th Ward, from Lafayette to Cottage Grove avenues south of 67th Street, 368 calls; the 15th Ward, which includes Marquette Park, 325 calls; the 21st Ward, including the Washington Heights and Brainard areas, 300 calls; and the 18th Ward, including the Ashburn area, 232 calls.

Other ward totals included: 7th Ward 227 flooded basement calls; 10th Ward, 103 calls; 12th ward, 19 calls; 14th Ward, 193; 19th Ward, 224; and 23rd Ward, 85.

THE FIGHT TO HOLD THE RIVER BACK

(By Crystal Yednak)

The water on the Little Calumet River crested around 9 a.m. Friday, after residents and village workers spent the night trying to hold the flood back.

As the river rose in South Holland, residents banded together to sandbag along the river's edge and near homes.

The public works staff of 21 people had been filling and moving sandbags since early morning, so the village aired a request for volunteers on the local cable station.

South Holland Public Works Supt. Chris Niehof estimated that about 200 people responded to a request the village made for volunteers.

"I'm proud that we have the type of community where people still care," said Niehof.

Around 6 p.m. Thursday, village officials realized the river was not going down, he said.

"We couldn't keep up," Niehof said. "It was a losing battle."

Many people stayed until the early morning hours to fight the rising waters.

Some of the residents who came out to help didn't experience any flood damage to their homes, said Asst. Fire Chief Randy Stegenga. They came out to help other residents defend their homes from the flood, he said.

Stegenga had four typewritten pages listing the names of people who had helped out. The list also included names from other communities such as Crete, Lansing and Highland, Ind.

Together, the volunteers made about 5,000 sandbags, Stegenga said.

South Holland resident Virginia Knittle started filling sandbags at village hall around 5 p.m. At that time, the water was still a block away from her house.

"I figured I should go earn my sandbags in case the water comes over to my house," Knittle said.

By the time she returned at 9 p.m., the water had reached her house.

After a previous flood wreaked havoc on her home, Knittle and her husband raised the doorways and took other precautions against flooding.

Knittle did get to use some of the sandbags she had filled—she used them to protect her windows and doorways from the flooding.

On Friday morning, Knittle said she was trapped in her house by water that had crept up to her doorstep.

Throughout Friday, village officials monitored the level of the river, which was slowly declining.

To be safe, Niehof said the public works department would leave the sandbags in place in case more rain fell.

By Saturday, the river was on its way down toward more normal levels. And a community was breathing easier—but warily; weathermen were talking about a 50 percent chance of more rain on Sunday.

[From the Star, July 21, 1996]

DESPITE CRITICISM, IT APPEARS DEEP TUNNELS DID THEIR JOB

For the first time since 1990, storm water from a torrential rain overwhelmed the region's Deep Tunnel last week, forcing authorities to allow millions of gallons of untreated sewage to flow into Lake Michigan.

This release of sewage-tainted storm water may have helped avert additional flooding in the south and central parts of Chicago.

So some residents of inundated neighborhoods were phoning the Metropolitan Water Reclamation District—the agency that controls the system—to angrily ask why the floodgates weren't opened sooner.

In response, MWRD vice president Kathleen Therese Meany points out that the agency's goals in a situation such as Thursday's are different from those of residents with rising water in their basements.

"The agency's mission is to protect the waters of Lake Michigan," Meany said. "We don't like to do this because it dumps raw sewage into the lake."

"If we opened them (the floodgates) earlier, sewage may have gone way out to the intake cribs and could put the drinking supply in danger."

The sewage release forced closure of Chicago area beaches to swimmers until tests confirmed bacteria levels were in the safe zone.

But there are more fundamental reasons why water-soaked Cook County residents shouldn't be upset that the MWRD waited until Thursday morning to open the locks that control the flow of the Chicago and Calumet rivers. MWRD Supt. Hugh McMillan said.

First, tainted storm water must fill mainline sewers and the MWRD's Deep Tunnel system before it begins flowing into the rivers, McMillan said. Only after the river levels rise to a certain point, can the locks be opened to release the water into the lake.

"By that time, the event is ending and the damage has already been done," McMillan said.

Second, most neighborhood flooding is not caused by backups in the main sewer lines, but by the inability of the smaller lines to carry away water fast enough during a storm this severe, McMillan said.

At Midway Airport, a record 7.7 inches of rain fell between 7 a.m. Wednesday and 7 a.m. Thursday, officials said, with much of it coming Wednesday afternoon.

The heaviest downpours quickly exceeded sewer capacity, officials said.

"The sewer system is not designed to hold water: it's designed to transport water," Sagun said.

Chicago Mayor Richard Daley said city officials found the MWRD's response satisfactory.

"They handled it appropriately," Daley said. "You can't just open the locks any time."

Ald. John Buchanan [10th], who in the past has been critical of the MWRD for failing to extend its Deep Tunnel system into his Southeast Side ward, said he found no fault with the district's timing on opening the locks.

Built on a primordial swamp with soils that drain poorly, the Chicago area has had to rely on sewers and more elaborate projects, like the \$2.4 billion Deep Tunnel, for flood relief.

The Deep Tunnel system is a network of giant tunnels that captures the overflow from sewers during heavy rains so that the tainted water normally doesn't flow into area waterways.

It usually works, but every few years too much rain falls too swiftly and the tainted water flows into waterways like the Chicago and Calumet rivers.

Early this century, the flows of both rivers were reversed so that raw-sewage would not enter Lake Michigan, where it could contaminate the city's drinking water supply. Before then, thousands died here in cholera and typhoid fever epidemics.

The flow reversal was accomplished with the locks that, on Thursday morning, were opened to allow the rivers to flow swiftly the opposite direction—into Lake Michigan, where the water level is several feet lower.

The MWRD opened the O'Brien locks at 133rd Street about 7:14 a.m., allowing the Calumet River to flow north into the lake. The decision was made when the river level reached 3.8 feet, although the MWRD policy is normally to wait until it reaches about 4 feet.

On the Chicago River, the locks near Randolph Street were opened at 9:40 a.m. when the river reached 3.27 feet, just short of the 3.3- to 3.5-foot level normally prescribed.

The MRWD also discharged storm water into the Des Plaines River through locks at Lockport.

The most concentrated sewage and most contaminated runoff, from the initial rainfall, already had been captured in the Deep Tunnels. So the raw sewage contained in the 750 million gallons of storm water that flowed into the lake by 1:30 p.m. was well-diluted, McMillan said. "It should not have an impact on drinking water," he said.

By 5 p.m. the MWRD was slowly closing the locks.

Although the Deep Tunnels' current capacity is about 1.2 billion gallons of storm water, their purpose is pollution control, not flood control. It is the second stage of the Deep Tunnel project that promises significant flood relief in the form of three huge reservoirs.

The O'Hare Reservoir is scheduled for completion in fall 1997. Reservoirs in McCook and Thornton were authorized by Congress in 1986 and are in the planning stages, but continued federal funding is not guaranteed.

The McCook reservoir, as now proposed, would hold 10.5 billion gallons of water, while the Thornton facility would hold 8 billion gallons.

"It's impossible to completely eliminate flooding, and the federal government would never go along with such a project," Meany said. "Some areas will still have sewers that can't handle a storm like this one. But when we have the reservoirs on line, it will make a big difference."

RECENT FLOODS PUT TUNNEL IN FOREFRONT WELLER PROMISES FEDERAL FUNDS WILL FLOW TO QUARRY PROJECT

(By Laura Pavlenko)

SOUTH HOLLAND.—As elected officials toured flooded areas throughout the village late last week, they stressed the need for a permanent flooding solution. But even if federal funding continues to flow to the Thornton Quarry reservoir project, a solution still is years away.

For decades the Metropolitan Water Reclamation District has worked on a county-wide Tunnel and Reservoir Plan, better known as the Deep Tunnel project, to solve persistent flooding and subsequent pollution problems. A spokesman for the MWRD said Friday that during last week's rains, the tunnels in the south suburbs were completely filled, holding the maximum 1.2 billion gallons of water.

Still, local sewers backed up into residents' basements and waterways rose high enough to cause devastating flooding to hundreds of homes.

South Holland Mayor Don DeGraff said had the tunnels been connected to the west lobe of the Thornton Quarry—the final phase of the Deep Tunnel project—flooding problems would have been nonexistent.

"We wouldn't have any of this flooding," he said as he toured the flood damaged areas with U.S. Rep. Jerry Weller, R-Morris, and other state officials. "There's no place for this water to go but into property owners' homes."

South Holland and other local communities' cries for a permanent solution to the flooding problem have not fallen on deaf ears.

MWRD officials say they are close to reaching an agreement with Material Services Corp., the company that owns and operates the Thornton Quarry, so the area may be used as a flood basin for an additional 3 billion gallons of water when needed.

Meanwhile, Weller has convinced the Washington leadership to add requests for funds to three separate bills being considered by Congress. The House Appropriations' Energy and Water Committee recently passed a bill that slates \$6.7 million to be used to engineer the site. An additional \$10 million would be used to complete the Deep Tunnel project, and \$101 million for controlling the Little Calumet River and Thorn Creek flooding while the quarry reservoir project is under construction.

A spokeswoman for the MWRD said about 75 percent of the Deep Tunnel and Thornton Reservoir project's funding comes from federal sources.

The project, begun in the late 1970s, calls for 109 miles of tunnels, 12 feet or wider, carved out of limestone bedrock about 300 feet underground in three separate "systems." The O'Hare system is the smallest; all 6.6 miles of tunnels have been completed.

The mainstream system, the largest, stretches from Chicago's North Side to the South Branch of the Chicago River, and ends near the proposed McCook reservoir.

The Calumet system includes 36.3 miles of tunnels stretching along Torrence Avenue from the Southeast Side and branching into Dolton and South Holland and westward along the Cal-Sag Channel. Only about 21 miles of tunnels have been completed to date.

Weller said should Congress continue to approve funding for the project, area residents will begin to experience relief around the turn of the century. The entire project is scheduled to be completed in 14 to 15 years, provided federal funding is not interrupted.

On Friday, DeGraff said he's been pleased with the response from Weller and other officials.

"We're very appreciative of the attention from federal and state legislators," DeGraff said. "We haven't seen this kind of response from federal regulators in quite some time."

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

Mr. QUILLEN. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MYERS of Indiana. Mr. Speaker, I ask unanimous consent that all members may have 5 legislative days within which to revise and extend their remarks on the bill (H.R. 3816) making appropriations for energy and water development for the fiscal year ending September 30, 1997, and for other purposes and that I be permitted to include tabular and extraneous material.

The SPEAKER pro tempore (Mr. HUTCHINSON). Is there objection to the request of the gentleman from Indiana? There was no objection.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1997

The SPEAKER pro tempore. Pursuant to House Resolution 483 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. 3816.

□ 1605

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. 3816) making appropriations for energy and water development for the fiscal year ending September 30, 1997, and for other purposes, with Mr. OXLEY in the chair.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read for the first time.

Under the rule, the gentleman from Indiana [Mr. MYERS] and the gentleman from Alabama [Mr. BEVILL] each will control 30 minutes.

The Chair recognizes the gentleman from Indiana [Mr. MYERS].

Mr. MYERS of Indiana. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, your Subcommittee on Energy and Water Development for the Committee on Appropriations brings this bill to the floor as the 13th appropriations bill this year.

Back when the gentleman from Alabama [Mr. BEVILL] and I went on the committee many, many years ago, back in the dark ages, this was known as the Public Works Committee. The bill was also affectionately remembered as the all-American bill because it touches every congressional district, every area of the continental United

States and the territories. It was called the all-American bill for that reason back then, but it is even more encompassing today in the fact that now we have energy programs that certainly touch all of us, not only in this country but from all over the world.

Mr. Chairman, today we have a bill that is not the bill that many of us would like to see. We have had to work very hard this year on it as was mentioned previously by the Rules Committee. When we got to allocations this year, we were originally \$1.3 billion below last year's 602(b) allocation. Last year the House bill cut almost a half a billion dollars from our 602(b) allocation voluntarily and we cut 120 programs out last year and finally the House in agreement with the Senate cut out about 50 new programs and reduced many more.

This year we were expected to do even more with a \$1.3 billion cut below last year. All of us are interested in balancing the budget, in cutting spending, but because each of these that we appropriate in this bill touches so many areas of concern, whether it be in the Department of Energy, be it in national defense, be it in water resources and conservation, the proper use of our water resources, all of these touch every one of us every day. It was just something that we could not cut that much. We did not bring that bill to the floor. We are today, instead of being the first bill as we were a great many years under the able leadership of my predecessor and now ranking member TOM BEVILL, we were the first bill out and usually the first one signed by the President. I apologize to the House that we have taken so long, but there has been hard work and a great many people that we need to thank, including the members but particularly staff members who worked long hours here to bring this bill to the floor: Our chief of staff Jim Ogsbury who worked such very, very long hours and did a great job for us; Jeanne Wilson, Bob Schmidt, Don McKinnon, Roger Butler, Melanie Marshall, Don Medley, as well as Claudia Wear and Doug Wasitis of my personal staff. All of us put in a lot of long, hard hours of work to bring this bill to the floor.

Today we bring before the House a bill totaling \$19.4 billion. It is \$95 million more than the final bill last year. But that is misleading, because of where some of the dollars find themselves.

A lot of people do not realize and many Members do not realize that this bill contains a lot of money for national defense. We have \$10.9 billion in national defense items here. More than 56 percent of our bill is for national defense, having to do with nuclear weapons, with the naval reactors, just to name a few; the surveillance and the maintenance of our nuclear weapons, since we are not building any, we have

to maintain the inventory and make sure that they are properly cared for and properly monitored. This is a tremendous responsibility that the Defense Department has and the Department of Energy has to supervise the control and inventory of our national weapons.

Only \$8.5 billion goes into domestic discretionary where we have actually any choice, \$8.5 billion or slightly over 43 percent of our bill. So when we had the drastic cuts that were first imposed upon the committee, it just made it impossible for us to meet our responsibilities.

The bill consists of 5 titles. Title I is the civilian, Corps of Engineers, water projects. This year we have \$3,449,192,000, which is \$156 million more than was requested by the administration. It is \$83 million more than last year.

Title II is the Department of the Interior, Bureau of Reclamation, \$830 million, \$5.5 million less than last year.

Title III is Department of Energy. This is where the big bucks are because this is where most of the defense dollars are—\$15,279,926,000, which is \$902 million less than last year. The biggest cut of our bill is in the Department of Energy.

Independent agencies is \$281,531,000, which is \$48 million less than last year and title V is general provisions of the bill.

Getting into what is in each of these titles, in title I, again the Corps of Engineers, their major responsibility is the more than 25,000 miles of inland waterways, the major deep seaports of our United States that make our American industry competitive and able to do business in the rest of the world; flood control which has been mentioned here today already. Major floods hopefully can be avoided but flood control, municipal, and industrial water for many people in the country provided in the provisions of title I. We provide \$1.035 billion for construction. Construction is going on by the Corps of Engineers in 38 States and Puerto Rico.

For General Investigations, we have \$1.7 billion. This is to examine projects that are being considered for cost effectiveness and environmental issues. These general investigations are very necessary in the process before they ever go to construction. We have general investigations now in 41 States and again Puerto Rico.

Title II of the bill again is the Bureau of Reclamation where we have in central Utah \$43 million plus, Bureau of Reclamation General Investigation, we have \$14,518,000. We have 345 reservoirs operated by the Bureau of Reclamation in the Midwestern States. We have 54 hydrogenating stations generating 60 billion kilowatt hours per year, providing water for more than 28 million people in the West in the Bu-

reau of Reclamation, a very, very large responsibility that the Bureau of Reclamation has. We have some construction going on there amounting to \$398 million.

Operation and maintenance of all of the water, all of the reservoirs on all the locks and dams that are operating in the West, providing the hydropower. We have \$286 million for operation and maintenance.

The loan program has been reduced this year to \$13 million because we do provide loans for water conservation districts in the Western States to provide for these necessities. For irrigation the Bureau of Reclamation provides irrigation water for more than 10 million acres of agricultural land.

Title III again going to the Department of Energy, \$15.3 billion for the Department of Energy. Again \$10.9 billion is for defense. The energy and supply research and development is \$2.6 billion. This is \$372 million less than was requested, a very large cut.

We have solar energy, which has already been mentioned. From 1991 to 1995, this committee increased the solar research by almost 100 percent. Since last year, we reduced it by 26 percent because we reached the point where solar was no longer cost effective. We just did not feel it was necessary to continue putting more research into solar energy.

□ 1615

We have photovoltaics now produced, and almost 100 industries are presently producing photovoltaics. We have more than 300 companies providing support for the solar industry, so it is a big, growing industry in this country. So we have cut back on solar, and we are going to hear about it in the amendment process later on.

In the administrative account is where we made the significant cuts, and probably we are going to hear about this. Last year this committee did reduce the number of dollars for the administrative accounts, because today we are not producing nuclear weapons, we are not doing any testing of nuclear weapons.

There are a lot of things that 10 years ago the Department of Energy was doing when it was first created in 1977 that they are not doing today. So we attempted last year, by cutting the funds in the administrative accounts for the Department of Energy, to help downsize DOE.

Now DOE has been threatened to be eliminated. Most of us on this committee realize the necessity of energy for our children and grandchildren, the research we are doing today for the future of our energy, that we need a strong department. But we felt after last year, when we tried to downsize and, at the end of the year, realized that that had not been done, that we had to tighten the grip just a little bit.

So we made about a one-third reduction in the Washington headquarters personnel who are not needed any longer, had people holding each other's hands.

So we have cut and we have gone to micromanaging. We have told them specifically where they had to make the cuts, because after we made strong suggestions last year and cut the dollars, it was not accomplished by the Secretary or her staff, so this year we have gone much further and have directed where those cuts must be made.

We have in the environmental management and waste the largest item in our budget today, \$5,400,000,000 in the Department of Energy for management of the waste and growing each year. Last year we did reduce this account. We found after we reduced the account we got more bang for the buck.

Most of this work is done by contract, not by Department of Energy personnel, but it is done by contracts. We have kept that to almost exactly what the President requested, \$5,400,000,000.

We have also the civilian waste management where we take care of the civilian waste, the environmental management. Here, what we are talking about is defense waste. But in environmental waste for civilian, we did make some reduction.

In the 1982 Nuclear Waste Policy Act, we provided that the waste would be removed from the utilities around the country, the nuclear waste, and taken to a repository someplace. In 1987, we started the examination of the Yucca Mountain in Nevada, exploring the advisability, the suitability of Yucca Mountain.

That moved very slowly; in the last year, again they started moving more rapidly. But in the meantime the commitment in the 1982 act required that the U.S. Department of Energy would take the waste from the reactor sites, the nuclear reactors producing electricity, by 1998. That is fast coming upon us.

So last year we made a decision there had to be something done about interim storage. This year we provide for \$382 million for this waste problem, \$182 million of it coming from the waste fund, which is paid into by every utility consumer who uses nuclear energy. The other \$200 million is to come out of general appropriated funds.

The fusion program has been around here as long as the gentleman from Alabama [Mr. BEVILL] and I have been here. Back 26 years ago when he and I first went on this committee, we were promised that we would have a fusion prototype reactor by now. We are not too much closer now than we were then. But, we are still strong supporters of fusion.

We have fission now in many reactors, but we have not finally produced a fission reactor that is producing power but we are still supporting it.

Last year we had \$244 million for a fusion program; this year we have cut it back to \$225 million. We still support fusion, but the Fusion Energy Advisory Committee has suggested a reorganization, realignment for the fusion program in the Department of Energy. We are not going quite as fast as they would like to see it, but we do provide for \$225 million, including funds for the ITER Program, which is an international fusion program; \$55 million goes for the ITER Program.

General science and research activities, that is all-encompassing. That is the advanced science, nuclear science, what makes up the matter of our Earth and our universe. It is rather vague. It is something that is not going to put bread on our tables, it is not going to introduce us tomorrow to something that is going to make the country a better place to live in, but over the long pull, these are scientific programs that will help make American industry more competitive. So we have put \$996 million in this program because it is research and it is very vital.

It will help the general science, it will help us understand the nature of matter, what makes up these atomic nuclei that are around us. So we do support the general science, which is very expensive.

Title IV is independent agencies. We have reduced the Appalachian Regional Commission by \$15 million this year from last, down to \$155 million. Many of the Members live under the authority of the Tennessee Valley Authority which provides power, electric power, as well as some recreation and navigation on streams in Kentucky, Tennessee, and Alabama. For TVA, we provide \$97 million, which is \$12 million less than last year.

We are right at our 602(B) allocation right now. Anyone who offers an amendment for more dollars must have an offset. This committee feels, after months of hearings and examination, we have a bill that we hope every Member will support today, and hopefully Members will defeat any amendments that would weaken the bill.

We had, I believe, 394 Members request programs or some help in this bill, the most we have ever had in the 25 years, the 26 years I have been on the committee, the most requests from Members. A great many Governors testified. A great many Members sent letters to us requesting programs. We could not do all of them.

I realize there are going to be some people here today, some of our friends, who are going to ask for changes. I hope Members will understand it is just not possible. Using the best judgment we have been able to come up with, these are the highest priority items with the limited dollars that we had this year.

So we ask for your support and we ask that our colleagues reject any

amendments. We will have to summarily reject any amendments that raise dollar programs without any offset.

Mr. Chairman, H.R. 3816, the Energy and Water Development Appropriations Act, 1997, is a fiscally austere and socially responsible bill. It makes significant contributions to deficit reduction while maintaining sufficient funding for programs and activities critical to the well-being of the Nation. It represents the best efforts of the committee to balance the multiple demands on the energy and water bill against a notably constrained allocation of budgetary resources.

The energy and water development appropriations bill funds most programs of the Department of Energy—including atomic energy defense activities—and the water resources activities of the U.S. Army Corps of Engineers and the Bureau of Reclamation. The bill also funds several independent agencies, including the Nuclear Regulatory Commission, the Tennessee Valley Authority, and the Appalachian Regional Commission.

The bill appropriates a total of \$19.4 billion in new budget authority for fiscal year 1997. This amount, which is within the subcommittee's 602(b) allocation, is a modest increase of \$94.68 million over the fiscal year 1996 level. Nevertheless, the bill is \$800 million less than requested by the administration and \$887 million less than the energy and water development appropriations bill recently reported by the Senate Committee on Appropriations.

The grand total of the bill masks the measure's substantial reductions in funding for domestic discretionary programs. The bill's reduction of \$147.58 million below last year's level is more than offset by its increase of \$242.26 million for atomic energy defense activities. Discounting for the defense increases, the bill is largely a deficit reduction measure, having reduced new domestic outlays for programs within its jurisdiction by 16 percent over the last 2 years.

In targeting these reductions, the bill terminates a number of programs and activities, including: the TVA Environmental Research Center, in-house energy management, and a number of low-priority research and development programs of the Department of Energy and water resource agencies. It also discontinues Federal appropriations for regional river basin commissions and effects significant reductions in programs throughout the bill. The committee has been especially conscientious in reducing administrative accounts and downsizing the bureaucracies of agencies within the jurisdiction of the Subcommittee on Energy and Water Development.

The demands on the fiscal year 1997 energy and water development appropriations bill have been unprecedented. Hundreds of Members, associations, public interest groups, companies, agencies, and individuals have contacted the committee to communicate their priorities and concerns in connection with the energy and water bill. The committee has received over 2,500 discrete requests from Members alone. Unable to provide funding for all such requests, the committee has attempted to accommodate the interests of Members and the public to the extent possible within an extremely constrained budget allocation.

Title I of the bill funds programs and projects of the U.S. Army Corps of Engineers. Total spending for the corps is \$3.4 billion, \$83 million above last year and \$156 million above the budget request.

Last year, the administration proposed a new policy to severely limit the corps' role in local flood control, beach erosion, and small harbor maintenance. The committee and Congress soundly rejected that policy. This year, the administration has proposed a similar, albeit narrow, policy which would, among other things, essentially terminate corps assistance for beach erosion control activities. The committee has again rejected the administration's proposal and has funded a number of beach erosion control projects, notwithstanding the misguided policy.

Although appropriations for the corps have increased, the additional funds are intended to save money over time by accelerating corps construction works in progress and by committing adequate resources to the operation and maintenance of completed projects. Funding for corps construction is \$1.035 billion, \$121 million over the budget request. Operation and maintenance funding is \$1.7 billion, \$38 million over the budget request.

The administration's budget request demonstrably underfunds corps activities. Funding at the budget request would result in slipped construction schedules for works in progress and inadequate maintenance of completed projects.

Title II provides funding for programs under the jurisdiction of the Department of the Interior: the Bureau of Reclamation and the Central Utah Project Completion Account. Appropriations for title II total \$838 million, \$15 million less than fiscal year 1996 and \$5.5 million less than the budget request. Funding for the Bureau of Reclamation is \$794 million, \$14.5 million less than fiscal year 1996 and \$5.5 million less than the budget request. These reductions continue the downsizing of the Bureau in recognition that the agency's original mission has been largely accomplished and that the Bureau's role in Western life will be increasingly diminished as more communities take responsibility for the operation of water delivery systems.

Title III of the bill funds most programs and activities of the Department of Energy. Total funding for title III is \$15.3 billion, including \$10.9 billion for atomic energy defense activities.

It has been somewhat despairing to witness the continuing meltdown of managerial accountability and responsibility at the Department of Energy. Among other things, this managerial breakdown is manifested by: failures to follow explicit congressional direction; liberal execution of reprogrammings without notification; improper augmentations of appropriations; travel process irregularities; an apparent absence of any corporate view or vision; a failure to ameliorate impacts of inevitable budget reductions; irresponsible budgeting; wasteful expenditures of scarce resources; and undue investments in congressional lobbying efforts.

It is of especial concern that the Department's budget so closely conforms to the administration's model of unrealistic outyear projections. Pretending to support a balanced budget, the administration defers significant budget reductions to later years. If there were any intention whatsoever of actually effecting those reductions, then it would be unconscionable to request the substantial programmatic increases included in the fiscal year 1997 budget. Building programs up only to cut them down is shortsighted, unnecessarily disruptive, and fiscally irresponsible.

The committee has been compelled to improve efficiencies on the Department through significant budget reductions. The Department must reverse course and sharpen its focus on a limited number of core missions. The Department, seduced by new wave management theories and wholly lacking resistance to the kudzu-like nature of bureaucratic growth, seems to have lost its way in a murky morass of visionless activity.

It is in the domestic programs of the Department of Energy where the committee has made its most serious reductions. Energy supply, research and development, for example, is funded at \$2.6 billion. This represents a reduction of \$372 million below the budget request of \$3 billion. Included in this amount is a reduction of \$132 million, or 36 percent, from the request for solar and renewable energy programs. While this reduction may appear severe, it represents a correction of the dramatic, unjustified, and unsustainable increases that the programs have enjoyed in recent years. In fact, the recommendation of \$231 million represents an 18-percent increase over the amount appropriated for these programs just 6 years ago.

The energy supply, research and development account also includes: \$225 million for fusion energy sciences, \$379 million for biological and environmental research, \$643 million for basic energy sciences, and \$183 million for nuclear energy programs. The committee's decision to fully fund the budget requests for most basic research programs has required reductions to other programs throughout the account.

The committee has done its best to preserve maximum funding for basic research and pure science activities of the Department. Operating in an environment of severe funding

constraints, the committee has determined that these activities should receive higher priority than applied research and technology development, for which funding by private industry is more appropriate. The bill includes \$996 million for general science and research activities of the Department of Energy. This is an increase of \$15 million over the amount appropriated in fiscal year 1996.

Funding for activities of the Office of Civilian Radioactive Waste Management totals \$382 million. Of this amount, \$200 million is appropriated as the Federal share of repository development for the disposal of high level defense waste. The remaining \$182 million, appropriated from the nuclear waste fund, is available subject to authorization. The committee, which required the Department last year to focus its efforts on characterization activities, is pleased with recent progress in the analysis of Yucca Mountain. Nevertheless, there is great frustration that the Nation's nuclear waste policy remains unresolved. Consequently, the bill requires and anticipates the enactment of reforms to the Nuclear Waste Policy Act by making the appropriation of funds from the nuclear waste fund subject to authorization.

Atomic energy defense activities of the Department are, for the most part, funded at or near the requested levels. Defense Environmental Management, the program responsible for cleaning up the contaminated sites of the nuclear weapons production complex, is funded at the budget request level of \$5.4 billion. The bill also includes \$3.7 billion for weapons activities and \$1.4 billion for other defense activities. The bill fully funds the national ignition facility at \$191 million. The committee will continue to scrutinize the facility, a centerpiece of the Department's stockpile stewardship program, to assure its cost-effectiveness and continued relevance to national defense needs.

Administrative accounts throughout the Department are substantially reduced. Headquarters employees funded from the departmental administration account, for example, are reduced by one-third. Moreover, the bill prescribes FTE ceilings for certain headquarters offices. The Office of Congressional, Intergovernmental and Public Affairs, for instance, is reduced from 94 FTE to 35. The policy office is reduced from 172 FTE to 20.

Title IV of the bill funds various independent agencies with energy and water resource responsibilities. Total funding for title IV is \$281.5 million. This is a reduction of \$30 million below fiscal year 1996 and \$48 million below the budget request.

The Appalachian Regional Commission is funded at \$155 million, a reduction of \$15 million—or 8.6 percent—from the fiscal year 1996 and budget request level of \$170 million. Appropriated programs of the Tennessee Valley Authority are funded at \$97 million, a reduction of \$12 million—or 11 percent—from fiscal year 1996 and \$23 million—or 19 percent—from the budget request. The bill also includes: \$12 million for the Defense Nuclear Facilities Safety Board; \$472 million for the Nuclear Regulatory Commission; and \$2.5 million for the Nuclear Waste Technical Review Board.

Mr. Chairman, although the energy and water bill will not please everyone, I am certainly proud of the bipartisan spirit in which the committee has worked to produce this legislation. It has been necessary to effect painful reductions, but the committee has exercised its best collective judgment to target these reductions to less essential activities of the Federal Government.

Mr. Chairman, I would be remiss if I failed to pay special tribute to the ranking minority member of the Subcommittee on Energy and Water Development, the Honorable TOM BEVILL. I don't know of anyone who would disagree with the observation that he is one of the finest and most honorable gentlemen ever to have served in this distinguished body. In his years of service as a Member of Congress and as chairman of the Subcommittee on Energy and Water Development, he has always been fair and honest—a man of virtue and impeccable integrity. It has been an honor to follow in his footsteps. In my 2 years as chairman, I have attempted to continue Mr. BEVILL's tradition of bipartisanship and fair treatment of all Members. I must say, though, that to match Mr. BEVILL's record of dedicated service is a daunting task, to say the least. I wish my good friend the very best in his upcoming retirement and look forward to continuing our friendship for years to come.

Mr. Chairman, I urge all Members to support H.R. 3816, the Energy and Water Development Appropriations Act, 1997.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL, 1997 (H.R. 3816)

	FY 1996 Enacted	FY 1997 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
TITLE I - DEPARTMENT OF DEFENSE - CIVIL					
DEPARTMENT OF THE ARMY					
Corps of Engineers - Civil					
General Investigations	121,767,000	142,500,000	153,628,000	+31,861,000	+11,128,000
Construction, general	804,573,000	914,000,000	1,035,384,000	+230,821,000	+121,384,000
Flood control, Mississippi River and tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee	307,885,000	292,500,000	302,990,000	-4,895,000	+10,490,000
Operation and maintenance, general	1,703,697,000	1,663,000,000	1,701,180,000	-2,517,000	+38,180,000
Emergency appropriations (P.L. 104-134)	30,000,000	.....	.....	-30,000,000	.....
Regulatory program	101,000,000	112,000,000	101,000,000	.....	-11,000,000
Flood control and coastal emergencies	10,000,000	15,000,000	10,000,000	.....	-5,000,000
Emergency appropriations (P.L. 104-134)	135,000,000	.....	.....	-135,000,000	.....
General expenses	151,500,000	153,000,000	145,000,000	-8,500,000	-8,000,000
Oil spill research	850,000	850,000	.....	-850,000	-850,000
Total, title I, Department of Defense - Civil	3,366,272,000	3,292,850,000	3,449,192,000	+82,920,000	+156,342,000
TITLE II - DEPARTMENT OF THE INTERIOR					
Central Utah Project Completion Account					
Central Utah project construction	18,905,000	25,827,000	25,827,000	+6,922,000	.....
Fish, wildlife, and recreation mitigation and conservation	18,503,000	11,700,000	11,700,000	-6,803,000	.....
Utah reclamation mitigation and conservation account	5,485,000	5,000,000	5,000,000	-485,000	.....
Program oversight and administration	1,248,000	1,100,000	1,100,000	-148,000	.....
Total, Central Utah project completion account	44,139,000	43,627,000	43,627,000	-512,000	.....
Bureau of Reclamation					
General Investigations	12,684,000	15,095,000	14,548,000	+1,864,000	-547,000
Construction program	411,046,000	392,524,000	398,069,000	-12,977,000	+5,545,000
Emergency appropriations (P.L. 104-134)	9,000,000	.....	.....	-9,000,000	.....
Operation and maintenance	273,076,000	292,876,000	296,232,000	+13,156,000	-6,644,000
Loan program	11,668,000	12,715,000	12,715,000	+1,047,000	.....
(Limitation on direct loans)	(37,000,000)	(37,000,000)	(37,000,000)	.....	.....
General administrative expenses	48,150,000	48,971,000	45,150,000	-3,000,000	-3,821,000
Colorado River Dam fund (by transfer, permanent authority)	(4,556,000)	(-3,774,000)	(-3,774,000)	(+782,000)	.....
Central Valley project restoration fund	43,579,000	38,000,000	38,000,000	-5,579,000	.....
Total, Bureau of Reclamation	809,203,000	800,181,000	794,714,000	-14,489,000	-5,467,000
Total, title II, Department of the Interior	853,342,000	843,808,000	838,341,000	-15,001,000	-5,467,000
(By transfer)	(-4,556,000)	(-3,774,000)	(-3,774,000)	(+782,000)	.....
TITLE III - DEPARTMENT OF ENERGY					
Energy Supply, Research and Development Activities	2,727,407,000	3,020,497,000	2,648,000,000	-79,407,000	-372,497,000
Uranium Supply and Enrichment Activities	64,197,000	70,000,000	53,972,000	-10,225,000	-16,028,000
Gross revenues	-34,903,000	-42,200,000	-42,200,000	-7,297,000	.....
Net appropriation	29,294,000	27,800,000	11,772,000	-17,522,000	-18,028,000
Uranium enrichment decontamination and decommissioning fund	278,807,000	240,200,000	200,200,000	-78,607,000	-40,000,000
General Science and Research Activities	981,000,000	1,009,150,000	996,000,000	+15,000,000	-13,150,000
Nuclear Waste Disposal Fund	151,600,000	200,028,000	182,000,000	+30,400,000	-18,028,000
Departmental Administration	366,697,000	244,863,000	195,000,000	-171,897,000	-49,863,000
Miscellaneous revenues	-122,306,000	-125,388,000	-125,388,000	-3,082,000	.....
Net appropriation	244,391,000	119,475,000	69,612,000	-174,779,000	-48,863,000
Office of the Inspector General	25,000,000	29,605,000	24,000,000	-1,000,000	-5,605,000
Environmental Restoration and Waste Management:					
Defense function	(5,557,532,000)	(5,591,310,000)	(5,543,810,000)	(-13,722,000)	(-47,500,000)
Non-defense function	(900,348,000)	(891,614,000)	(822,346,000)	(-78,002,000)	(-69,268,000)
Total	(6,457,880,000)	(6,482,924,000)	(6,366,156,000)	(-91,724,000)	(-116,768,000)
Atomic Energy Defense Activities					
Weapons Activities	3,460,314,000	3,710,002,000	3,684,378,000	+224,064,000	-25,624,000
Defense Environmental Restoration and Waste Management	5,557,532,000	5,409,310,000	5,409,310,000	-148,222,000	.....
Fixed asset acquisitions (sec. 621) .....	.....	182,000,000	134,500,000	+134,500,000	-47,500,000
Other Defense Activities	1,388,212,000	1,547,700,000	1,459,533,000	+71,321,000	-88,167,000
Defense Nuclear Waste Disposal	248,400,000	200,000,000	200,000,000	-48,400,000	.....
Total, Atomic Energy Defense Activities	10,654,458,000	11,049,012,000	10,887,721,000	+233,263,000	-161,291,000
Power Marketing Administrations					
Operation and maintenance, Alaska Power Administration	4,260,000	4,000,000	4,000,000	-260,000	.....
(By transfer)	(5,500,000)	.....	.....	(-5,500,000)	.....
Operation and maintenance, Southeastern Power Administration	19,843,000	20,900,000	18,859,000	-984,000	-2,041,000
Operation and maintenance, Southwestern Power Administration	29,778,000	26,900,000	25,210,000	-4,568,000	-1,690,000

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL, 1997 (H.R. 3816)—Continued

	FY 1996 Enacted	FY 1997 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Construction, rehabilitation, operation and maintenance, Western Area Power Administration	257,652,000	217,891,000	211,582,000	-46,070,000	-8,309,000
(By transfer, permanent authority).....	(4,556,000)	(3,774,000)	(3,774,000)	(-782,000)	
Falcon and Amistad operating and maintenance fund	1,000,000	870,000	870,000	-30,000	
Total, Power Marketing Administrations	312,533,000	270,861,000	260,621,000	-51,912,000	-10,040,000
Federal Energy Regulatory Commission					
Salaries and expenses.....	131,290,000	159,397,000	141,290,000	+10,000,000	-18,107,000
Revenues applied.....	-131,290,000	-159,397,000	-141,290,000	-10,000,000	+18,107,000
Fixed asset acquisitions (sec. 621).....		218,066,000			-218,066,000
Total, title III, Department of Energy	15,404,490,000	16,182,494,000	15,279,926,000	-124,564,000	-902,568,000
(By transfer).....	(10,056,000)	(3,774,000)	(3,774,000)	(-6,282,000)	
TITLE IV - INDEPENDENT AGENCIES					
Appalachian Regional Commission.....	170,000,000	170,000,000	155,331,000	-14,669,000	-14,669,000
Defense Nuclear Facilities Safety Board	17,000,000	17,000,000	12,000,000	-5,000,000	-5,000,000
Delaware River Basin Commission:					
Salaries and expenses.....	343,000	342,000		-343,000	-342,000
Contribution to Delaware River Basin Commission	428,000	534,000		-428,000	-534,000
Total	771,000	876,000		-771,000	-876,000
Interstate Commission on the Potomac River Basin:					
Contribution to Interstate Commission on the Potomac River Basin.....	511,000	508,000		-511,000	-508,000
Nuclear Regulatory Commission:					
Salaries and expenses.....	468,300,000	475,300,000	471,800,000	+3,500,000	-3,500,000
Revenues	-457,300,000	-457,800,000	-457,300,000		+500,000
Subtotal	11,000,000	17,500,000	14,500,000	+3,500,000	-3,000,000
Office of Inspector General.....	5,000,000	5,000,000	5,000,000		
Revenues	-5,000,000	-5,000,000	-5,000,000		
Subtotal					
Total	11,000,000	17,500,000	14,500,000	+3,500,000	-3,000,000
Nuclear Waste Technical Review Board.....	2,531,000	3,214,000	2,531,000		-683,000
Susquehanna River Basin Commission:					
Salaries and expenses.....	318,000	322,000		-318,000	-322,000
Contribution to Susquehanna River Basin Commission	250,000	380,000		-250,000	-380,000
Total	568,000	702,000		-568,000	-702,000
Tennessee Valley Authority: Tennessee Valley Authority Fund.....	109,169,000	120,000,000	97,169,000	-12,000,000	-22,831,000
Total, title IV, independent agencies	311,550,000	329,800,000	281,531,000	-30,019,000	-48,269,000
Scorekeeping adjustments.....	-609,343,000	-428,000,000	-428,000,000	+181,343,000	
Grand total:					
New budget (obligational) authority	19,326,311,000	20,220,952,000	19,420,990,000	+94,679,000	-799,962,000
(By transfer).....	(5,500,000)			(-5,500,000)	

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

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

Mr. Chairman, I want to congratulate the gentleman from Indiana, Chairman MYERS, for the tremendous job that he has done. Without any question, in my 30 years here, this has been the most difficult bill we have ever produced, of course, the reason being the shortage of funds. We were given a very low allocation, and this has caused many headaches and made it very difficult.

As a matter of fact, we have many good projects that we know should be funded that are not funded. Many of the Members are very unhappy about the lack of funding for their projects, very good, approved and authorized programs that have not been funded; and so we have just had to do the best we could under the circumstances.

But I do want to commend the gentleman from Indiana, Chairman MYERS, for his outstanding leadership in making this bill possible, as well as the subcommittee members. We have all worked together on both sides of the aisle; and certainly our fine staffs on both sides of the aisle, the committee staffs, have done their usual great job.

So we do have some good news, for example, in the operation and maintenance of the navigable waterways. As you know, we have the finest inland waterway system in the world, 25,000 miles of navigable waterways, and we are actually slipping on the operation and maintenance. This is, of course, false economics; it is like not putting oil in your automobile when it is needed. We know that that is not saving money.

So we have a good bit of that, and this concerns me a great deal, because as you know, these 25,000 miles of inland waterways that we have transport 80 percent of all of our exports to foreign countries, transferring them to the harbors so they can be exported; and that is where our jobs are created. That is very important to the Nation's economy. Our waterways play a very important role, and we cannot afford to continue neglecting our infrastructure, which is so important to the economy of this country.

In the Energy Department, of course, there is a lot of important research that this bill has protected. We have actually addressed the current needs fully, and our nuclear weapons program has been fully funded.

We have come to grips with the Department of Energy's headquarters staffing problems. There are some inefficiencies there that the committee is not happy about. Getting back to the specific cuts, we hope to be helpful, and in the appropriation process before this bill actually goes to the White House. The Nuclear Regulatory Commission was adequately funded.

On a more personal note, I just want to thank each of my colleagues on the occasion of this, my last Energy and Water Development Appropriations bill. I would like to thank each of the Members for your support and friendship through the years. I admire your dedication to our country and to our constituents, and I wish for Members individually and as a Congress much success. The Members of this great institution have enriched my life and made it better.

Mr. Chairman, once again, I would like to commend the fine job the gentleman from Indiana [Mr. MYERS] has done, and it has been my pleasure to work with him, side by side, to turn out a bill that is nonpartisan and worthy of support from each side of the aisle.

In closing, I simply ask that Members consider that this bill was not an easy bill put together, just a delicate balance. As the chairman has pointed out, we have reached the limit of the funding, and so any amendments that may be offered would have to have an offset.

All the compromises have been made, and we feel that we could not have a better bill under the circumstances.

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

Mr. MYERS of Indiana. Mr. Chairman, I yield such time as he may consume to the gentleman from Louisiana [Mr. LIVINGSTON], chairman of the Committee on Appropriations, whom we thank for helping us get the increase in the 602(b). I know we caused him some heartache because we just could not go with a lesser figure.

Mr. LIVINGSTON. Mr. Chairman, I thank my friend from Indiana for yielding me the time. I want to take this opportunity to express my deep appreciation to the gentleman from Indiana [Mr. MYERS] and to the gentleman from Alabama [Mr. BEVILL] who just preceded me. They have done extraordinary work on behalf of the American taxpayers, on behalf of the American people, not only in this, the 13th bill of the fiscal year 1997 appropriations cycle, the last bill in the appropriations cycle for the 104th Congress, but also the last bill that both of them will be handling on behalf of the Committee on Appropriations and the American people throughout both their very significant and distinguished careers as Members of this great body.

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We appreciate their service and wish them both long and happy retirements in the years that follow their departure from this institution. I thank the gentlemen very much for their service.

Mr. Chairman, this is the last regular bill that the Committee on Appropriations will present from full committee in the 104th Congress. It is a pretty significant one.

This Congress has chosen to cut back on the role of Government and fulfill the pledge of the President of the United States when he stood before this body several months ago and said to the American people that the era of big Government is now over.

I have still not figured out whether he meant e-r-a or e-r-r-o-r, but the fact is he is right, and this Congress has borne his comments out.

We have scaled back, and only with the help, in bipartisan fashion, frankly, of the Republicans and Democrats on the committee and the Republican and Democrat Members on both sides of the aisle in this body and the other body.

I thank all of the Members for their forbearance, their corporation, their hard work and their performance to enable us to make what I believe to have been significant and historic changes. Government is being downsized significantly.

Through the Committee on Appropriations' efforts beginning in fiscal year 1995, we have cut non-defense spending roughly \$53 billion. In that process we have terminated some 330 programs, give or take a program or two, but I think that is significant, and it is progress again towards taking the President at his word.

The era of big Government is now over. It is important, if we are to ever balance the budget and get the heavy of debt and escalating interest rates off the shoulders of our children and our grandchildren, that we take this first step, as we have in this Congress, to make sure that Government no longer runs us into the red and burdens the ability of our people to pay for mortgages, to educate its children, to buy cars and be productive in this country.

I am excited about the progress that we have made in this Congress, and I congratulate both the current chairman and the former chairman, who is now the ranking minority member, for their ability to work together in bipartisan fashion and hammer out what admittedly is a very, very difficult bill, but one which recognized the realities of the problems that face this country and has, in fact, helped us deescalate the cost of Government. I congratulate all Members.

Mr. BEVILL. Mr. Chairman, I yield 3 minutes to the gentleman from Tennessee [Mr. TANNER].

Mr. TANNER. Mr. Chairman, I want to engage the gentleman from Indiana [Mr. MYERS] in a colloquy at this time, if I might.

First, I would like to commend the chairman and the ranking member, the gentleman from Alabama [Mr. BEVILL], for their hard work in this matter. I know their job has not been easy; however, I am concerned about a recent GAO report that identifies more than \$180 million in unused construction funds from prior year appropriations at the Department of Energy. Among the

GAO lists are 45 completed or terminated construction projects with carry-over funds totaling around \$46 million. It is my understanding that these funds can remain on the books for years and that DOE can reprogram those leftover funds as the need arises, sometimes on projects completely unrelated to the original intent of Congress.

In the current budget climate at present, it seems to me this accounting procedure may be flawed, and as we work toward balancing our books and exercise congressional prerogatives in terms of directing how these leftover funds are used, these unneeded carry-over funds should be used for deficit reduction or at least to ease shortfalls that can occur in the otherwise austere budget climate.

I would ask the chairman if we could work together to resolve this matter. As a member of both the Committee on National Security and the Committee on Science, I would welcome the opportunity to work with my colleagues on the Committee on Appropriation on this issue.

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. TANNER. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Mr. Chairman, I thank the gentleman for bringing this to our attention. The committee is quite concerned about this problem. We have been concerned for quite some time, have tried to identify just how much there are in some of these unobligated funds. Most appropriations are good for just 1 year. Sometimes in defense they go a little longer, but we are deeply concerned about the same problems and share your concern. We get a different figure from DOE when we ask for it, but we share your concern and would be pleased to work with you and the other authorizing committee members in making certain we try to tie up this loose end.

Mr. TANNER. Mr. Chairman, reclaiming my time, I appreciate that because I am concerned about the funding levels in the decontamination and decommissioning account, which funds environmental cleanup and decontamination and decommissioning activities at the Portsmouth, OH, Paducah, KY, and Oak Ridge, TN gaseous diffusion plants, plants, and the non-defense environmental restoration and waste management account.

GAO, I would note, identifies more than \$40 million in leftover unneeded funds to cancel construction projects funded in the environmental and waste management account.

May I ask if the chairman believes that at least a portion of these carry-over funds could be used to fund needed projects in the decontamination and decommissioning account and the non-defense energy restoration and waste management account?

Mr. MYERS of Indiana. Mr. Chairman, if the gentleman would continue

to yield, again we share his concern about this and we are trying to monitor this as closely as we can because this is one of the most rapidly growing accounts that we have and it will continue to be a problem for us. So we have to make sure every dollar is used effectively. We share the gentleman's concern and will be glad to work with him.

Mr. TANNER. Mr. Chairman, I appreciate the service that both the gentlemen have rendered, and I thank the chairman.

The CHAIRMAN. The Committee will rise informally.

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3734. An act to provide for reconciliation pursuant to section 201(a)(1) of the concurrent resolution on the budget for fiscal year 1997.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 3734) "An Act to provide for reconciliation pursuant to section 201(a)(1) of the concurrent resolution on the budget for fiscal year 1997," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints from the Committee on the Budget: Mr. DOMENICI, Mr. NICKLES, Mr. GRAMM, Mr. EXON, and Mr. HOLLINGS; from the Committee on Agriculture, Nutrition, and Forestry: Mr. LUGAR, Mr. HELMS, Mr. COCHRAN, Mr. SANTORUM, Mr. LEAHY, Mr. HEFLIN, and Mr. HARKIN; from the Committee on Finance: Mr. ROTH, Mr. CHAFEE, Mr. GRASSLEY, Mr. HATCH, Mr. SIMPSON, Mr. MOYNIHAN, Mr. BRADLEY, Mr. PRYOR, and Mr. ROCKEFELLER; and from the Committee on Labor and Human Resources: Mrs. KASSEBAUM and Mr. DODD, to be the conferees on the part of the Senate.

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

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1997

The Committee resumed its sitting.

Mr. MYERS of Indiana. Mr. Chairman, I yield 4 minutes to the gentleman from Michigan [Mr. KNOLLENBERG].

Mr. KNOLLENBERG. Mr. Chairman, I thank the gentleman from Indiana for yielding me this time, and I appreciate all the work he has done, particularly on this bill, but also the staff, my staff and the committee's staff. They worked hard and have done an outstanding job.

There are several things I want to talk about, but to be very brief about this, I want to focus on the fact that in this appropriations bill, like any other appropriations bill, we did not simply spread the pain evenly among the programs in our jurisdiction. Instead, we prioritized spending program by program based on their efficiency and national importance.

I would just tell my colleagues that I am encouraged by the committee's foresight to fund the basic research and development programs at the budget request level. Furthermore, the committee has reduced funding for those programs that simply give subsidies to corporations for product development. We have all heard of corporate welfare, and it seems to be in defiance of a free and open market. The market is the best indicator, of course, of the value of a product.

Programs such as the international solar energy program and the renewable energy production incentive program are an example, I believe, of the Federal Government defying the market by holding otherwise noncompetitive corporations afloat with Federal subsidies.

I want to talk about important item which, frankly, is a concern I think of everybody. It is the environmental waste end of things where we spend something over \$6 billion. If we look at the BEMR report, which was produced to give us an example of when this would come to an end, they are talking about the end of the next century. That is simply not acceptable.

I am glad to see we have report language now that will give us a program to get on track and it expresses the committee's strong views, and also, I believe, DOE's, in terms of bringing to closure these sites around the country.

In the report language for fiscal year 1998, the bill, and I certainly want to thank the gentleman from Indiana, Chairman MYERS, and the ranking member, the gentleman from Alabama, Mr. BEVILL, and all the committee for their work on this, we have in place a project closure fund.

It means simply this. The committee then directs the Department of Energy to include in its budget request to Congress an account designated as the project closure fund. As the report indicates, the purpose of a closure project is within a fixed period of time to clean up and decommission a former defense nuclear facility, or portion thereof, and to make the facility safe by stabilizing, consolidating, and removing special nuclear materials from the facility.

The site contractor must demonstrate and validate several criteria, including a project completion date, within 10 years of application. That is a lot shorter than the end of the next century. The amount of funding to be set aside for the project closure fund is

10 percent of the total defense EM Program. This funding would be available to site contractors who meet the criteria on a competitive basis.

The project closure fund is the type of program that can save the EM from becoming a century long spending fiasco. What we need and what the project closure fund provides is a responsible, manageable cleanup program to bring closure to the EM Program and free up the Department of Energy's largest fiscal expenditure for budget deficit reduction.

Closure of these former defense nuclear cleanup sites is mandatory if we are to achieve our highest goal, which is ensuring safety for the communities and the workers in close proximity to the sites.

It also sends a message, I believe, to the Department of Energy and the site contractors that the time is now to close down the EM Program. We owe it to our Nation to come up with a better plan.

Again, I sincerely want to thank Chairman MYERS, Ranking Member BEVILL, and all the crew, all the gang here that worked so hard to include the project closure fund in the report language. I am encouraged by this language, and I am glad to see we are turning the corner.

Mr. BEVILL. Mr. Chairman, I yield 3½ minutes to the gentleman from California [Mr. BROWN].

Mr. BROWN of California. Mr. Chairman, I thank the distinguished ranking member for yielding me this time, and I will make a rather short statement with regard to the bill.

Mr. Chairman, it should not take a hike in the price of gasoline, such as we have experienced over the last year, for the Congress to remember its responsibilities to the energy supply and security of this Nation. However, because the last few years of relative calm in the energy markets have lulled us into complacency, perhaps this sharp jab resulting from these gasoline price increases may have been just what we needed.

It is a fact that our only insurance policy against future energy security problems, against further pollution and degradation of the environment and jolts to the economy from gasoline price hikes is energy research and development, and yet the bill before us today cuts energy research and development rather drastically.

I think that there may be some in this body who believe that the American public somehow will not notice that the Congress is cutting energy and renewables R&D even at this time of increased gasoline prices. Perhaps they think it is just too technical for the American public to grasp. However, poll after poll shows that the American public not only knows about these energy R&D programs but overwhelmingly supports them.

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The American public expects the Federal Government to promote solar and renewable energy technologies and energy R&D, so that advances occur in the energy market sooner rather than later and so that current energy sources supply as much useful energy as they can. I am referring here, of course, to fossil.

The public understands that we have too much at stake in energy security, in curbing pollution, and in creating and capturing high technology markets for us to curtail Federal efforts in energy R&D now.

The bill before us risks just such a lack of attention to solar and renewables research, to nuclear energy strategy, to biological and environmental research and to fusion energy R&D.

I understand very clearly that this is because of the current budgetary crisis that faces us, but it is time for us to look to the long-term future of our country, and I think that we should begin with the kind of bills that we have before us. For a country as dependent on energy as the United States, investment in R&D is the only prudent course of action. A strong energy R&D program allows us and our children to develop cheap and pollution-free energy sources. More importantly, if we do not make this investment, our children will continue to be plagued by the geopolitical and economic problems that concern us today.

Mr. Chairman, I want to recognize the important contribution to the House and to this bill of the gentleman from Indiana, JOHN MYERS, and the gentleman from Alabama, TOM BEVILL, who will soon retire. They have been leaders. They have been gentlemen. They have treated me with courtesy even though I was a pain in the neck most of the time, and I am very grateful to them for this. I want to wish them the very best in terms of a happy, well-earned retirement. I hope that I will not see the last of them after they retire, and I look forward to continuing our good relationship.

Mr. MYERS of Indiana. Mr. Chairman, I thank the gentleman from California for his very kind and generous remarks.

Mr. Chairman, I yield 2½ minutes to the gentleman from New Jersey [Mr. FRELINGHUYSEN], a very hard working new member of this committee. He has made a great contribution in helping us ease the fusion problem.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise today in support of H.R. 3816 making appropriations for energy and water development for fiscal year 1997. I would first like to thank Chairman JOHN MYERS and Ranking Member TOM BEVILL for their leadership and direction. Although I have not had the pleasure of working with them as long as some of my colleagues, I am grateful that I have had 2 years to learn from

them. I will miss both of them in the next Congress as they are retiring.

I would also like to thank the dedicated staff of the subcommittee, without them our jobs would be tremendously more difficult. Their knowledge and professionalism is to be commended.

The bill before the House today stresses national priorities while keeping our commitment to downsize the Federal Government, maintain funding for critical flood safety projects, coastal protection, and dredging harbors and waterways throughout our Nation. We have made some tough choices about where to reduce spending but I believe the \$19.8 billion that we have provided is targeted toward the areas that are the most important.

I am particularly pleased with the subcommittee decision to flatly reject the President's proposal to end coastal protection and smaller navigation projects. These projects are very important to local economies all over the United States and especially New Jersey. The President's policy was shortsighted and would have resulted in hurting many communities that rely on promises the Federal Government has made to provide flood protection. And more often than not, they are projects that have been undertaken in partnerships with local and State governments. I am hopeful that the administration will abandon future efforts such as these and concentrate on providing the protection that our citizens deserve.

In addition, this bill provides \$225 million for magnetic fusion energy research. While this number is reduced from last year level, I am hopeful that as the bill moves through the legislative process the committee will be able to increase the number. I am also optimistic that the committee will be able to reach a compromise on language giving the Department the greatest flexibility in meeting the FEAC recommendations contained in this year's report. Scientists who work in this special area of fusion research tell me that the prospects for achieving practical fusion energy have never been greater. The progress over the past several years has been truly impressive. Fusion energy research needs to be continued if we have any hopes of finding future energy sources that do not harm our environment.

Mr. Chairman, this bill represents real progress toward setting national priorities. I urge my colleagues to support this bill.

Mr. BEVILL. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin [Mr. OBEY], our ranking Democrat on the House Committee on Appropriations.

Mr. OBEY. Mr. Chairman, let me simply make a few brief observations. I have some concerns about a number of items in this bill, including the international nuclear issues, the squeeze

which is created on fusion research by earmarking, which means that you have left only \$16 million to fund \$51 million worth of demand from research universities around the country. I am concerned about the reduction in solar and renewable energy and about a number of other items, one of which I will be dealing with in an amendment which I will be offering later in the game on the advanced light water reactor.

My purpose in rising at this point, however, is to simply note with considerable regret the decision to retire that has been reached by the gentleman from Indiana [Mr. MYERS] and the gentleman from Alabama [Mr. BEVILL]. We have seen a number of stories written lately about why this institution seems to be so much more partisan and why it has become a much less pleasant place to work. It certainly has.

I think if you want to know why that is happening, I think two reasons are simply that Members like Mr. MYERS and Mr. BEVILL are retiring. I think that will be a great loss to this institution because they both bring to this institution not only their considerable expertise in the programs with which they deal, but they also bring considerable grace to the way in which they perform their jobs.

I have admired JOHN MYERS' ability to get along with everybody for as long as I have known him in this body. I do not think there is a mean bone in his body and I do not think there is a partisan bone in his body. He has, I think, genuinely shown that good guys can finish first, despite the admonition to the contrary by Leo Durocher a good many years ago.

I think the same is true for TOM BEVILL. Every one who knows TOM BEVILL understands that he is a consummate gentleman. They understand that he is first and foremost interested in getting the job done and does not much cotton to partisan arguments one way or another. He has helped many a Member and many a community in this country to deal with problems that otherwise would have been beyond their reach.

I will very much regret next year seeing that neither of them will be here, but they have done honor to this House. They have done honor to this country and they have done honor to their respective parties by the manner in which they have served their constituents in this body. I think we all owe them a standing round of applause.

Mr. MYERS of Indiana. Mr. Chairman, I thank the gentleman from Wisconsin [Mr. OBEY] for those very kind remarks. I hope we deserve them.

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

Mr. BEVILL. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. BENTSEN].

(Mr. BENTSEN asked and was given permission to revise and extend his remarks.)

Mr. BENTSEN. Mr. Chairman, I rise today in support of H.R. 3816, the fiscal year 1997 energy and water appropriations bill.

First, I would like to thank Chairman MYERS and Ranking Member BEVILL for their hard work on this important legislation and the consideration that they have given to my region of the country. As a former staff member of this body, it is an honor to have had the opportunity to work with them for just the short time that I have been here. But I do appreciate it and we will miss their leadership.

Devastating damage from floods is a clear reminder that our lives and our infrastructure and our economy depend on proper watershed management. I am pleased that H.R. 3816 includes vital funding for several flood control and navigational projects in the Houston area. These projects include Brays, Sims, and Breens Bayous and will provide much-needed protection for communities that have been plagued by severe flooding for decades.

Funding is also included for the Port of Houston and Houston ship channel which are of great economic importance to our region and to the Nation.

I would remind my colleagues that in 1994, the Clinton administration proposed a phaseout of Federal funding for local flood control projects. I and other Members of the Texas delegation worked with the chairman and ranking member and members of the subcommittee to reject this proposal, and I am pleased that once again they have chosen to do so. However, as Congress seeks to balance the budget, the scarcity of Federal dollars for flood control could threaten hundreds of projects in southeast Texas and the entire country.

Although this committee has achieved what some would consider impossible in funding these projects, it is clear that Federal flood control policy must adapt to meet budgetary constraints without sacrificing public safety and environmental protection. That is why I have been working with the House Committee on Transportation and Infrastructure which oversees the authorization of water projects to restructure Federal watershed management and flood control policy and allow local entities to have more planning and construction involvement.

I believe local agencies, such as the Harris County Flood Control District in my district can construct these projects more quickly and more cost-effectively if they are free from Federal regulation and given more responsibility in return for less Federal dollars. This should benefit both the families who live in the flood-prone areas as well as taxpayers.

The Committee on Transportation and Infrastructure recently authorized the Water Resources Development Act reauthorization which includes lan-

guage designating Harris County as a national test site for allowing local control over flood control. Under this plan, the Federal Government remains as partner in flood control but local governments will gain authority to respond more quickly and positively.

It is my hope that the Committee on Appropriations will look favorably on these flood control reforms. The time has come for Congress to give local governments more opportunity to plan and construct Federal flood control projects and to make safer communities and good for the American taxpayers.

I appreciate the work that the committee has done for the southeast Texas region. I ask my colleagues to support the bill.

Mr. BEVILL. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. HINCHEY].

Mr. HINCHEY. Mr. Chairman, I want to take this opportunity to raise a very serious consideration about one aspect of this particular bill; that is, the fact that this bill cuts 36 percent from fiscal year 1995 appropriations, the amount that it will spend in the next fiscal year on renewable energy research and development. This is a critical failure of the legislation. Keep in mind, a few years ago, we fought a war in the gulf. We fought that war for one purpose, because the gulf provides the world with the oil that it needs to run.

Just a few weeks ago, we lost 19 American servicemen in Saudi Arabia. The reason those servicemen were stationed in Saudi Arabia is only one, and that is because so much of our energy in this country is imported. We are now importing more than 50 percent of our annual energy needs, the annual oil needs, from outside of the country. We are becoming critically dependent upon foreign oil once again.

This is a very serious matter indeed. There is only one way for us to unhook ourselves from our dependence on gulf oil, one way to ensure that we do not fight more wars and lose more lives in Saudi Arabia and elsewhere in the gulf region. That is to remove ourselves from this dependence on gulf oil, Saudi Arabian oil particularly. We need to do that through research and development.

The research and development industry, the industry for research and development in solar is about to explode. It is expected that this industry will grow by 70 percent over the next 5 years. Let us look at where we stand with regard to other countries in this area of research and development.

Denmark spends more for wind research and development than does the United States. Japan spends twice as much on photovoltaic research and development than the United States, and Japan spends \$150 million more on photovoltaic procurement.

We need to reinvest in alternative energy. If we fail to do that, we are going

to lose more American lives in the future.

Mr. BEVILL. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland [Mrs. MORELLA].

□ 1700

Mrs. MORELLA. Mr. Chairman, my congratulations to us and to the American people for having had the professional service of these two gentlemen who are leading this bill, the gentleman from Indiana [Mr. MYERS] and the gentleman from Alabama [Mr. BEVILL], who both have served 30 years each. Three decades they have given to our country in a very professional committed manner, demonstrating that civility is here and does have a place in the legislative process.

Now commenting on the bill, Mr. Chairman: Within the energy and water development appropriations bill, the Congress must ensure that we equip the Department of Energy to effectively meet our present and future energy needs. While the bill before us funds many critical programs, it would restrict the Department of Energy's ability to perform its mission by including a 30 percent reduction in the Department of Energy's departmental administration overall funding.

DOE's departmental administration salary and expenses budget is reduced by more than 20 percent, a reduction of over \$50 million in fiscal year 1997, and instead of allowing DOE to reallocate their reduced resources as they deem appropriate, it reduces DOE's departmental administration staff of 1,500 FTE's as full-time equivalents by another 500 FTE's, a cut of over one-third of their staff, and sets specific FTE targets for each office. So there is no flexibility for the right decision-making.

Last year in the fiscal year 1996 appropriations bill, Congress asked DOE headquarters personnel in certain programs to make significant cuts and changes. The departmental administration budget was cut by 15 percent, which translates into a reduction of approximately 400 FTE's. Managers worked hard to administer this staff reduction without resorting to reductions in force. To save jobs, performance awards were eliminated, overtime was reduced by a half, furloughs were used to address further funding shortfalls. And despite substantial reductions in operating cost at headquarters, a two-thirds reduction since 1993, this legislation sets a general management and program support function at DOE at 47 percent less than last year and 20 percent less than the administration's request.

Mr. Chairman, it has been a difficult year for Federal employees. They have endured shutdowns, downsizing, RIF's, uncertainty and reduced benefits. They are among the most resilient people that we know. We really should not hit them any harder.

The negative ramifications of this unprecedented and punitive cut will affect the many important projects funded by this year's Energy and Water Development Appropriations bill. The bill targets cuts in the Environmental Management Program, Nonproliferation, and Energy Efficiency and Renewable Energy. In addition, the 90-percent cut imposed on DOE's Policy Office will leave only 20 employees to perform critical technical and economic analysis. This cut will jeopardize strategic planning and implementation of management reforms, economic policy development, gasoline market impact analyses.

Mr. Chairman, what I want to say is that I think we can ill-afford to have these cuts of the Federal employees, and I think it affects adversely the mission of the Department of Energy. I hope the conference committee will do something to ameliorate it. I feel that this important piece of legislation does have that damaging aspect of it.

Mr. BEVILL. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. VISCLOSKY].

Mr. VISCLOSKY. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I regret that I was not present 19 years ago when the Tom Bevell-John Myers story began; the gentleman from Alabama [Mr. BEVILL] at that time being chairman of the subcommittee, the gentleman from Indiana [Mr. MYERS] being the ranking minority member. I am very pleased that I was present, however, as a member of the subcommittee on the very last markup held by the gentleman from Indiana [Mr. MYERS], and the ranking minority member, the gentleman from Alabama [Mr. BEVILL]. These two gentleman are gentleman in the truest sense of the word, and with the national public debate that has been overtaken by cynicism, they are the two who we can point to in the House of Representatives and hold out as examples of people who can hold strongly held views and yet work 24 hours a day to find that responsible bipartisan middle ground.

I say to the gentleman from Indiana and the gentleman from Alabama, I respect you, I have a deep affection for you. You have been friends of mine. You have been more than generous, much more generous than I deserved, with me, and you will be sorely missed. You have my every best wish for good health, joy, and happiness for every day of your life, and it was a tremendous privilege to be able to serve, however shortly, on the subcommittee with both of you in leadership positions.

Mr. BEVILL. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Chairman, I would like to begin my remarks where my distinguished friend from Indiana left

off. That is, attempting to recognize and thank the gentleman from the great State of Indiana, a fellow Hoosier, and the gentleman from Alabama [Mr. BEVILL], a friend on the Democratic side, for all they have contributed to this institution over their long years and their valuable years of service.

Certainly we have many, many debates in this Chamber where oftentimes it is overtaken and overwhelmed by partisanship and by cynicism and by lack of respect for one another. These two gentlemen always would bring bills to this House floor where there was a comity, a respect and an institutional knowledge that lent credibility to this institution, and I thank them for that contribution in making this a better place to serve.

Along those lines, Mr. Chairman, I would like to encourage my colleagues to vote for an amendment that I will be offering later on in this debate on the energy and water bill where I will cut about \$9.6 million from the field laboratories. Now, certainly the Senate has done this already. They have said, we do not just cut things from Washington, DC, and the bureaucracy here, we have to cut from our own backyards as well too, and that means going out into the field where we have some of the money going for congressional pork. Let us make sure that as we cut and balance the budget in outyears, that we cut not just Washington, DC, bureaucracy but we cut some of the field offices, and I will be offering a bipartisan amendment to cut to where the Senate has cut.

I would also encourage my colleagues to not overly micromanage in the area of fusion R&D, and there is report language in this bill that I think can be as harmful as some of the cuts that have taken place over the years in fusion. I would say let us not micromanage to our universities, big or small, exactly where each and every one of these dollars should go in fusion research.

Finally, Mr. Chairman, I would say let us continue to put many of our resources in solar and renewable research. I am somewhat concerned with some of the cuts in this bill on solar and renewable. I know an amendment is going to be offered, a bipartisan amendment that I will strongly support, that will include restoring some moneys back into that very, very valuable account.

With that, Mr. Chairman, I conclude my remarks, thank the gentleman from Indiana [Mr. MYERS] for his service to the great State of Indiana once again, and thank the gentleman from Alabama [Mr. BEVILL] for his bipartisanship.

Mr. Chairman, I rise today to comment on several provisions in the House version of the energy and water appropriations bill for fiscal year 1997 that I hope will be fixed by House floor action or in conference.

First, the energy and water bill continues the assault on civilian applied energy R&D initiated last year. From fiscal year 1995 levels, without factoring inflation, this bill cuts solar and renewables research by 44 percent, nuclear energy R&D by almost 60 percent, biological and environmental research by 6 percent, and fusion R&D by 37 percent. This is unacceptable.

These cuts devastate activities such as those that created solar cell modules that allow the United States to lead the world in sales of this technology with over one-third of the \$300 million per year photovoltaics market; developed wind turbines that save the energy equivalent of 4.4 million barrels of oil each year in California alone; achieved a 50-percent increase in efficiency at nuclear powerplants, saving several million dollars per year per reactor; and made significant progress toward developing a fusion reactor that could help to create a worldwide supply of cheap energy for the 21st century.

In addition to reducing energy costs, these same technologies also reduce pollution and help to preserve the environment. If technology development can invent a way out of our pollution problems, it is surely a better approach than imposing Federal mandates and regulations.

Another bonus of such technology development may be that the United States can become more self-sufficient and cease to depend on foreign energy sources. I, for one, don't want to fight another Persian Gulf war if we can avoid it. And I think that spending a little on energy R&D to avoid such a war in the future—even in the distant future—is well worth the price.

Amendments will be offered later to add funds to the solar and renewables research efforts of the Department—I strongly support such amendments. In addition, I will be offering (an) amendment(s) to recoup savings from streamlining in the Department and its laboratories—and I strongly urge Members to listen closely to that debate and support returning those savings, not those from cuts to R&D, to the taxpayer.

At the same time, some Members will offer amendments to eliminate further research and development of Advanced Light Water Reactors. I strongly oppose such a move. We need to complete the final year of the ongoing innovative public-private partnership to develop the next-generation nuclear powerplants of the future. Otherwise we will concede the market to other countries with less stringent safeguards for environmental and health protection.

Each of these issues will be the subject of further floor action. However, there are two issues that I'd also like to discuss now that I respectfully ask the eventual conferees to this bill to consider in conference.

First, the report accompanying the Energy and Water appropriations bill details specific funding allocations within the fusion R&D account. These earmarks severely disadvantage the universities and small laboratories that participate in the program and threaten the balance between small and large experiments so important to its advancement. I appeal to the eventual conferees on this bill to negate this report language in conference. Such earmarking does not reflect well on the Congress

and may do more harm to the Fusion R&D program than even the 40-percent cut it has received these past 2 years.

Also within the bill's report language are detailed FTE allocations for the Department's headquarters staff. Not only do these levels severely hamper the ability of the Department to carry out its mission, but such directive language intrudes on the prerogative of the executive branch to organize and staff its offices as circumstances require. This language also does not reflect well on the Congress and I encourage the conferees for this bill to strike it in its entirety.

Before I close, I would like to recognize the excellent work of Chairman MYERS and Ranking Member BEVILL. While there are several aspects of the bill with which I do not agree, I thank them heartily for their fine effort in the face of such a daunting task. Both JOHN MYERS and TOM BEVILL will be sorely missed in this Congress after they retire and their institutional knowledge will be impossible to recover. While this is not yet the time for good-byes, I want to express my heartfelt appreciation for their important contributions to the Congress and to this bill, and not let my disagreement with certain actions taken in the bill reflect on the tremendous contribution that both Members bring to this House.

Finally, I would like to close with an appeal to Members of the House to consider the long-term implications of reductions to applied R&D contained in this bill. Such R&D has proven time and again its worth to American society through environmental protection and economic gains. Furthermore, energy and environmental technologies will only grow to a greater economic engine in the global economy, as environmental problems and oil import concerns increase. We must not hamper the ability of the United States to compete and benefit from these developments. Otherwise, when we have balanced the budget, we will find that we are left with a knowledge deficit that places the American economy behind its competitors.

I urge Members to vote on upcoming amendments to restore U.S. energy and environment R&D capabilities, while supporting bipartisan efforts to cut in the appropriate places—namely, administrative overhead at the Department and its laboratories.

Mr. MYERS of Indiana. Mr. Chairman, we thank everyone who said nice words about the gentleman from Alabama [Mr. BEVILL] and me, but this is about to conclude here.

So at this time I yield the remaining time that we have on our side to the very distinguished gentleman from California [Mr. RIGGS]. He is a very hard-working, valuable member of the subcommittee.

Mr. RIGGS. Mr. Chairman, I just want to join with all of our colleagues in the accolades that have preceded me in thanking the gentleman from Indiana [Mr. MYERS] and the distinguished former chairman and now ranking member, the gentleman from Alabama [Mr. BEVILL], not just for their tremendous work on this bill, but for their many years of extraordinary service to the House and to our country. I think

I speak for all our colleagues in saying that their collective wisdom and experience will be sorely missed in this House and am wishing them well in all their future endeavors.

Later tonight during the appropriate titles of the bill, I want to talk on a couple of other subjects: Small harbor safety and fusion energy. But right now I want to focus on one action that I wish we had taken in committee but did not, and that is dealing with the growing problem of radioactive waste disposal. It is a problem that is not going to go away in this country. It is sort of like a ticking time bomb that gets more serious with every passing day. One in three diagnostic medical tests today uses radioactive materials. Eighty percent of all drugs are developed using some radioactive materials. Critical research on AIDS, cancer and multiple sclerosis could not take place without radioactive materials. These benefits to society, though, come at a cost. We need responsible disposal sites for the waste that is generated by these activities.

That is why I considered offering in committee, but was dissuaded by my good friend and distinguished chairman, considered offering the Ward Valley Land Transfer Act as an amendment to our bill. This would have affected the long-awaited transfer of land from the Department of Interior to the State of California to serve as a site for the storage of low-level radioactive waste.

I regret that the transfer has become embroiled in election year politics. The Interior Department is reluctant to allow our State of California to manage its own waste disposal.

Now, colleagues, we know the history of this particular issue. In 1993, after years of environmental study, California licensed Ward Valley in the remote Mohave Desert as a disposal site for low-level waste. Since that time the State's actions have successfully passed the review of the National Academy of Sciences and the California Supreme Court. All that remains is the actual transfer of the land from the Department of Interior to the State of California. State officials led by our Governor, Pete Wilson, have acted in good faith and they have taken many difficult steps to carry out their duty to provide for the disposal of low-level waste. However, after originally supporting the Ward Valley land transfer, the administration has now taken the position that more study is necessary.

Well, this is the good old bureaucratic paralysis by analysis, and it is blocking our enactment of a nuclear waste policy act, a policy in this country.

We also have the same problem with respect to storing spent nuclear fuel, another problem that is not going away. Since 1983 the Federal Government has collected \$11 billion from

electric ratepayers throughout the country. Now the Federal Government is seriously behind schedule in meeting its obligation to begin accepting spent nuclear fuel. If we do not enact legislation, legislation such as Yucca Mountain, 27 reactors will exhaust spent fuels storage capacity by 1998, just 2 years away. This will subject ratepayers to billions of dollars more in unnecessary costs for onsite storage of spent fuel.

So let me just tell my colleagues again that we need to be responsive in this body to the concerns of our fellow citizens. The Federal Government lacks a long-term policy for the disposal of nuclear waste. This is holding the benefits of nuclear medicine and nuclear energy hostage to politics.

So I urge my colleagues to rise above election year expediency and help to properly manage its radioactive nuclear materials.

Mr. BEVILL. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Chairman, I also want to say that I regret the retirement of both the chairman and the ranking member of the subcommittee. The two of them always worked in a bipartisan manner. They are examples in this House of Representatives of what Members and chairman and ranking members truly should be, and I want to commend them for all their efforts.

Particularly this year once again, just as an example of their forward thinking in my opinion, is the report language in this bill that once again rejects the policy that was suggested by the administration that we not, that the Federal Government cut back or eliminate its role in shore protection, beach replenishment and small navigation projects. I looked at the report language today, and I am very pleased to see that it does commend the administration for dropping its opposition to support Federal support of flood control projects; but as we know, we continue to see this distinction in the administration's eyes between flood control and beach erosion protection, and the administration even goes further and suggests that they would fund structural improvements along the coastal areas, but not sand replenishment projects.

I just give you an example in my own district where the committee has once again funded a beach replenishment project that involves both a structural sea wall as well as sand replenishment. We cannot have one without the other. It makes no sense.

□ 1715

It makes no sense for the Federal Government to say they will pay for a seawall but not pay for the protective sand that is placed in front of the seawall. Once again, the subcommittee has rightly pointed out that it is essen-

tially discriminatory to say that coastal areas cannot have that form of flood protection, whereas inland areas would, if the administration policy was to be continued and to be enacted.

I also wanted to say the same thing is true for small navigation projects. There is really no distinction from an economic point of view for a State or locality with a small navigation project, which tends to be recreational, versus a large commercial project.

In New Jersey, tourism is actually our No. 1 industry. More money is engendered in New Jersey through tourism than any other industry. To suggest that somehow small navigational programs are not important is not accurate.

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

Mr. MYERS of Indiana. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am about to make a motion which I will explain. The Committee will rise at this time. The House will go back to a conference report on the welfare bill with instructions that will take a little over an hour, probably. So that the Members understand, we will come back about 6:30 or quarter to 7, and we will take this bill up again for amendments.

Mr. PORTER. Mr. Chairman, as we discuss the efficacy and safety of pyroprocessing, also known as electrometallurgical treatment, it is extremely important to remember that this technology is still in its development phase. I find many of the arguments against pyroprocessing premature because we do not yet know how this technology may assist in reducing our country's nuclear waste. However, since 35 States currently host nuclear waste, and 22 percent of our Nation's electricity is generated by nuclear power, I think that it is imperative that we research new ways to dispose of our spent nuclear fuel. As we consider funding for further research into this technology and examine our options for safe disposal of nuclear waste, keep in mind that the National Academy of Sciences, which has been monitoring the progress of the pyroprocessing facility, recently gave a strong endorsement for further research into this technology and stressed that DOE should keep this program as a high priority.

Before addressing the anticipated benefits of pyroprocessing, it is necessary to detail its origins. As many are aware, in 1994, the Appropriations Committee terminated the advanced liquid metal reactor or ALMR. This reactor would have manufactured, used, and recycled spent nuclear fuel. The concept of pyroprocessing was born out of the recycling phase of this project. It was almost discovered by accident. When the ALMR was shut down, pyroprocessing was used to safely prepare the spent fuel from the ALMR reactor. This process was then recognized as a potential technology that could be applied to safely dispose of all spent nuclear fuel. In addition, the budget numbers also show that pyroprocessing is not a reincarnation of the ALMR.

Proposed funding for the ALMR for fiscal year 1995 was \$70.5 million. Total proposed funding for further pyroprocessing research is \$20 million for fiscal year 1997—\$15 million in defense funding for disposal of DOE spent fuel and \$5 million in civilian funding for further research in this field. The additional \$25 million that completes the \$45 million mentioned in this amendment is to complete the termination of the EBR-II reactor that was part of the ALMR—it is not part of the funding for pyroprocessing research.

Pyroprocessing technology prepares spent fuel by the degrading uranium and harnessing plutonium with transuranic and other fissionable products to render it inaccessible for proliferation purposes. Pyroprocessing has often been confused with enrichment. However, to relate these two technologies is like comparing a water wheel to a house plant—both need water to function but are very different.

Enrichment and pyroprocessing both work with uranium. However, enrichment increases the radioactivity of the uranium while pyroprocessing decreases the radioactivity level. Pyroprocessing takes high-level uranium and converts it to low level, which makes it much easier and safer to dispose of. In addition, unlike enrichment, pyroprocessing produces minimal radioactive waste, so the whole process is relatively clean with results that are significantly safer and better for the environment than any other technology we have researched up to this point.

As we know from other discussions in both the House and Senate, the safe disposal of nuclear waste is of urgent concern to our Nation. We keep producing more waste and yet we still do not have a permanent disposal facility. While we continue to develop the technology for such a facility, we need to contain our existing waste. Pyroprocessing may offer the answer to this critical problem. It reduces the inventory of highly enriched uranium, stores plutonium in a way that is not a proliferation risk, and does not create any new waste streams. Considering our waste disposal needs at this time, it would be premature to stop research of pyroprocessing technology.

I encourage my colleagues to examine the true benefits of this technology as a solution to our nuclear waste disposal needs and vote against this amendment.

Mr. POMEROY. Mr. Chairman, I rise today to oppose the amendment offered by my friend Mr. BEREUTER of Nebraska. We share many similar concerns about the management of the Missouri River and the revision of the Army Corps Master Manual currently underway. While I do not have any specific objection to his intent to prevent the corps from instituting a "spring rise" a part of the management of the river, I do object to legislating changes in the Master Manual through an appropriations bill.

The Army Corps of Engineers currently is undertaking an exhaustive 6 year \$23 million study to revise the Missouri River Master Manual. This tremendous undertaking seeks to resolve contentious issues between all interests on the river, those upstream, in North Dakota and likewise those downstream in Missouri. This is no small endeavor. The corps has received exhaustive testimony and input on this

revision and although the recently announced delay in the release of the revisions was disappointing, I am confident the process is steadily moving forward.

This amendment is especially troubling given another attempt to circumvent the Master Manual process that will soon be before this body. The Water Resources Development Act of 1996 contains language, inserted in the full committee, without hearing or input, that will have a devastating impact throughout the Missouri River basin. This language proposes to extend the navigation season on the river by 1 month. While seemingly straightforward, the effect of this provision would be to lower upper basin water storage levels, threaten water supply and quality throughout the basin, increase flood risks from ice jams along the entire river, and wreak havoc with fisheries and endangered species populations.

As my colleagues can see, this type of amendment sets a dangerous precedent. Instead of leaving water management up to the professional engineers at the Army Corps, amendments of this type transfer control of water management to the whims of Congress, regardless of impact. For that reason, I urge my colleagues to oppose this amendment.

Mr. RIGGS. Mr. Chairman, I would like to thank Chairman JOHN MYERS and ranking minority member TOM BEVILL, not just for their work on this bill, but for their many years of service to the House and the country. I wish them well in their future endeavors.

The energy and water development bill provides funds for programs that are critically important to preserving the environment and maintaining our national security. California is particularly affected by the programs in this measure. I am pleased that we were able to maintain the balance that most Californians want between environmental protection and continued economic growth. In my remarks today, I wish to focus on a few issues of concern to me and my constituents.

SMALL HARBOR SAFETY

One of the highlights of our consideration of this bill was the total rejection of Clinton administration recommendations to terminate the Army Corps of Engineers' role in shore protection and small navigation projects. This would have hurt coastal States like California. Instead, we will continue studies and construction projects that save lives and property.

FUSION ENERGY

Within the Department of Energy, I do have some concerns about the Fusion Energy Sciences Program. Fusion is important to the Nation because it is one of our most promising future energy sources. I am pleased that there is a strong fusion presence in California, resulting in high technology jobs and spin-offs at universities, national laboratories, and industrial facilities.

Funding for the fusion program has decreased significantly over the past 2 years. Last year, in connection with a \$130 million cut, conferees asked the Department of Energy and its Fusion Energy Advisory Committee to restructure the program.

This year, we adopted an amendment in subcommittee which gives guidance to the DOE on allocation of even more limited funds. While I supported the amendment, I am concerned that, in prescribing how 90 percent of

the fusion funds are to be spent, we may be contradicting some of our prior direction to the Department.

It is entirely appropriate that the committee suggest to DOE how its fusion funds should be used. However, the restructuring that was put into place as a result of last year's budget, and the accompanying peer review process, have been widely praised.

As we proceed to conference with the Senate, we need to evaluate how we can achieve the appropriate balance between identifying funding priorities and giving program managers necessary flexibility.

RADIOACTIVE WASTE

I finally want to focus on action I wish we had taken in committee, but did not—that is, dealing with our radioactive waste disposal problem.

One in three diagnostic medical tests today uses radioactive materials. Eighty percent of all drugs are developed using some radioactive materials. Critical research on AIDS, cancer, and multiple sclerosis could not take place without radioactive materials.

These benefits to society come at a cost. We need responsible disposal sites for the waste that is generated by these activities. That is why I considered offering the Ward Valley Land Transfer Act as an amendment to the pending bill. This would have effected the transfer of land from the Department of the Interior to the State of California to serve as a site for storage of low-level radioactive waste.

I regret that the Ward Valley Transfer has become embroiled in election-year politics. The Interior Department is reluctant to allow the State to manage its own waste disposal.

We have given the States responsibilities under the Low-Level Radioactive Waste Policy Act, just as we have under the Nuclear Waste Policy Act. The State of California has acted responsibly to fulfill its obligations, but the Federal Government's reply has been irresponsible.

In 1993, after years of environmental study, California licensed Ward Valley in the remote Mojave Desert as a disposal site for low-level waste. Since that time, the State's actions have successfully passed the reviews of the National Academy of Sciences and the California Supreme Court. All that remains is the transfer of the land from the Department of the Interior.

State officials have acted in good faith and taken many difficult steps to carry out their duty to provide for disposal of low-level waste. However, after originally supporting the Ward Valley Transfer, the administration now has taken the bureaucratic low road, opting for "more study."

This failure of Federal leadership means that Californians—just as the citizens of other States—are faced with a growing accumulation of low-level waste at neighborhood hospitals, businesses and research facilities. Unless we respond, benefits from the use of radioactive materials will disappear.

Paralysis by analysis is the same problem we are facing as we seek to enact a Nuclear Waste Policy Act. We must end costly delays in achieving a national policy for safely storing spent nuclear fuel.

Since 1983, the Federal Government has collected \$11 billion from electric ratepayers

throughout the country. Now, the Government is seriously behind schedule in meeting its obligation to begin accepting spent nuclear fuel. If we do not enact legislation, 27 reactors will exhaust spent fuel storage capacity by 1998. This will subject ratepayers to billions of dollars more in unnecessary costs for on-site storage of spent fuel.

We must assure that the Federal bureaucracy responds to the needs of our citizens. The benefits of nuclear medicine and nuclear energy should not be held hostage to politics. I urge my colleagues to rise above election year expediency and help the country properly manage its radioactive materials.

Mr. HAYWORTH. Mr. Chairman, I rise in strong support of the fiscal year 1997 Energy and Water Appropriations Act. I know that Chairman MYERS and Representative BEVILL, the ranking minority member on the subcommittee, have had to work especially hard this year to report this legislation in light of their original allocation. Once again, they have done an incredible job of balancing the many requests they received with the available funding. As I noted earlier this year in hearings, I appreciate the outstanding leadership Chairman MYERS and Representative BEVILL have provided. They will be sorely missed.

Mr. Chairman, this legislation includes \$500,000 to complete a reconnaissance study for the Rio de Flag floodplain in Flagstaff, AZ. The residents of Flagstaff, AZ are grateful for the \$200,000 provided by the committee last year to initiate this study. The Corps of Engineers anticipates beginning this study this spring. As a result of the Federal Emergency Management Agency designating much of Flagstaff's downtown and southside areas as a special flood hazard area, Flagstaff is prevented from moving forward with new development or important redevelopment projects. The city of Flagstaff is aware of the cost-sharing requirements associated with planning and constructing this project and is a willing partner.

Finally, I want to note my strong support for an amendment offered by one of my colleagues from Arizona, JIM KOLBE. Representative KOLBE intends to offer an amendment which I believe is unprecedented. Instead of looking for ways to score easy political points by attempting to find spending cuts in someone else's backyard, he has looked to Arizona for ways to save money. Specifically, the amendment will cut over \$20 million from water projects in Arizona. I am proud of my colleague's courage and vision to offer this amendment and happy that I can stand with a unified delegation from Arizona in supporting it. I hope that as the House continues its efforts to balance the budget, other State delegations in Congress will follow our example.

I urge a "yes" vote for the Kolbe amendment and for final passage of this important legislation.

Mr. BARTLETT. Mr. Chairman, I rise today to express my concern for the future of our Nation's fusion program. First of all, I am disappointed with the funding level for fusion research in H.R. 3816. This cut from last year's funding level is significantly below the recommendation of the Fusion Energy Advisory Committee's for a strong U.S. fusion program. The FEAC report warned that any sustained

funding level below \$250 million would adversely impact the productivity of the U.S. fusion facilities and severely strain our relationship with our international partners.

What concerns me most about the fusion funding level is the language in the committee's report to H.R. 3816. On pages 82 and 83 of the report, the committee recommends that 90 percent of the \$225 million for fusion research be allocated for specific programs of the fusion research program. While each of these specific projects are important aspects to a comprehensive U.S. fusion program, this language does not include key elements of the program plan outlined by the FEAC report and is inconsistent with the guidelines Congress provided the fusion community when ordering a restructuring of the program.

The FEAC report's key component for the new domestic fusion program plan is the pursuit of new innovative approaches to fusion through small scale experiments at universities and laboratories throughout the country. This program element was explicitly mandated by Congress and was given top priority by FEAC even at budget levels below \$250 million. The committee report cannot support this priority area because there is simply not enough unspecified funding remaining in the fusion budget. The unfortunate consequence is that university experimental fusion research would be virtually eliminated from the fusion program.

Mr. Chairman, it is my hope and expectation that members of the House-Senate conference for this appropriation bill will take another look at the congressional guidelines to the fusion community as well as the FEAC report. This earmarking language must be reconsidered to ensure that the fusion community continues its peer review process and that vital small-scale university programs are maintained.

Mr. JOHNSON of South Dakota. Mr. Chairman, I rise today to take this opportunity to thank Chairman MYERS of the Appropriations Subcommittee on Energy and Water Development, and Ranking Member BEVILL, for their long standing support of water development in South Dakota.

Mr. MYERS and Mr. BEVILL, the announcement of your retirements will be a great loss to water development efforts in South Dakota and across the Nation. The two of you have demonstrated leadership, bipartisanship and statesmanship as you have helped America develop critically important infrastructure. I am proud to have served with each of you. I look forward to having one more opportunity to work with both of you to move forward on important water development efforts in South Dakota.

Sound water development is crucial to our State, whether it is rural water delivery, wetland and wildlife enhancement, irrigation or flood control. These projects stabilize the rural economy and greatly contribute to rural economic development since water is a vital component to ensure future growth.

I appreciate the time and hard work the members of the subcommittee and subcommittee staff have devoted to developing water infrastructure, especially the efforts in meeting the needs of South Dakota and rural America. I look forward to continued close cooperation with the committee to meet the needs of our Nation.

Again, my heartfelt thanks to Chairman MYERS and Ranking member BEVILL for their distinguished service in the House of Representatives.

Mr. BEREUTER. Mr. Chairman, this Member would like to commend the distinguished gentleman from Indiana [Mr. MYERS], the Chairman of the Energy and Water Development Appropriations Subcommittee, and the distinguished gentleman from Alabama [Mr. BEVILL], the Ranking Member of the subcommittee for their exceptional work in bringing this bill to the floor.

Also, in light of the impending retirements of the distinguished Chairman and the distinguished Ranking Member, this Member would like to take this opportunity to express his sincere gratitude for the dedication, good judgment and wisdom they have consistently demonstrated. The entire country has benefited from their hard work and outstanding leadership on the Energy and Water Development Appropriations Subcommittee. This Member certainly appreciates the distinguished Chairman's and the distinguished Ranking Member's far-sighted actions and equitable treatment which will continue to have a positive impact on America for many years to come. They have left a very impressive legacy.

This Member recognizes that extremely tight budgetary constraints made the job of the subcommittee much more difficult this year. Therefore, the subcommittee is to be commended for its diligence in creating such a fiscally responsible bill. In light of these budgetary pressures, this Member would like to express his appreciation to the subcommittee and formally recognize that the Energy and Water Development Appropriations Bill for fiscal year 1997 includes funding for several water projects that are of great importance to Nebraska.

First, this Member is very pleased that the bill includes \$400,000 to complete plans and specifications and initiate construction of the Pender, Nebraska Section 205 Logan Creek Project. There is an urgent need for this funding and this Member is particularly grateful to the Subcommittee for agreeing to this appropriations item during a time when the restrictions on available funding are exceedingly tight.

The amount of money presently spent on the planning process to date is in excess of \$350,000. The Village of Pender, a small municipality, and the Lower Elkhorn Natural Resources District have expended approximately \$160,000 of their own funds to date. The Village has expended an additional approximate amount of \$25,000 on the costs of engineering, project coordination, and other related costs. Without the flood control project the community will remain at risk and will be stymied from undertaking future developments in their community due to FEMA flood plain development restrictions (60 percent of Pender is in the floodplain and 40 percent is in the floodway).

The plan calls for right bank levees and flood walls with a retention pond for internal storm water during flood periods. The project will remove the entire community from the FEMA 100-year flood plain. This project is needed to protect life and property, eliminate or greatly reduce flood insurance costs, and allow community and housing development.

Mr. Chairman, quite simply, at great expense the State and local entities involved in the project have held up their end of the agreement. If federal-local partnerships are to work, Federal commitments need to be met; therefore, this Member is pleased that this legislation will greatly facilitate the completion of this project.

In addition, this bill provides additional funding for other flood-related projects of tremendous importance to residents of Nebraska's 1st Congressional District. Mr. Chairman, flooding in 1993 temporarily closed Interstate 80 and seriously threatened the Lincoln municipal water system which is located along the Platte River near Ashland, Nebraska. Therefore, this Member is extremely pleased the Committee agreed to continue funding for the Lower Platte River and Tributaries Flood Control Study. This study should help to formulate and develop feasible solutions which will alleviate future flood problems along the Lower Platte River and tributaries.

Additionally, the bill provides \$175,000 in continued funding for an ongoing floodplain study of the Antelope Creek which runs through the heart of Nebraska's capital city, Lincoln. The purpose of the study is to find a solution to multi-faceted problems involving the flood control and drainage problems in Antelope Creek as well as existing transportation and safety problems all within the context of broad land use issues. This Member continues to have a strong interest in this project since this Member was responsible for stimulating the City of Lincoln, the Lower Platte South Natural Resources District, and the University of Nebraska-Lincoln to work jointly and cooperatively with the Army Corps of Engineers to identify and effective flood control system for downtown Lincoln.

Antelope Creek, which was originally a small meandering stream, became a straightened urban drainage channel as Lincoln grew and urbanized. Resulting erosion has deepened and widened the channel and created an unstable situation. A ten-foot by twenty-foot (height and width) closed underground conduit that was constructed between 1911 and 1916 now requires significant maintenance and major rehabilitation. A dangerous flood threat to adjacent public and private facilities exists.

The goals of the study are to anticipate and provide for the control of flooding of Antelope Creek, map the floodway, evaluate the condition of the underground conduit, make recommendations for any necessary repair, suggest the appropriate limitations of neighborhood and UNL city campus development within current defined boundaries, eliminate fragmentation of the city campus, minimize vehicle/pedestrian/bicycle conflicts while providing adequate capacity, and improve bikeway and pedestrian systems.

Unfortunately, this legislation includes a significant reduction in funding for the Missouri River Mitigation Project. Despite the importance and effectiveness of this project, the Administration's FY97 budget called for drastic reductions in its funding. The FY96 appropriations measure provided \$5.7 million for this project, but the Administration's budget slashed funding in FY97 to \$1.6 million with the Omaha Corps District receiving only \$100,000. Last year the Omaha District received \$3.7 million for mitigation activities.

This Member believes that funding at last year's level is fully justified.

This funding is needed to restore fish and wildlife habitat lost due to the federally sponsored channelization and stabilization projects of the Pick-Sloan era. The islands, wetlands, and flat floodplains needed to support the wildlife and waterfowl that once lived along the river are gone. An estimated 475,000 acres of habitat in Iowa, Nebraska, Missouri, and Kansas have been lost. Today's fishery resources are estimated to be only one-fifth of those which existed in pre-development days.

The Missouri River Mitigation Project addresses fish and wildlife habitat concerns much more effectively than the Corps' overwhelmingly unpopular and ill-conceived proposed changes to the Missouri River Master Manual. Although the Corps' proposed plan was designed to improve fish and wildlife habitat, these environmental issues are already being addressed by the Missouri River Mitigation Project. In 1986 the Congress authorized over \$50 million to fund the Missouri River Mitigation Project to restore fish and wildlife habitat lost due to the construction of structures to implement the Pick-Sloan plan.

This Member is pleased, however, that the bill provides \$200,000 for operation and maintenance and \$100,000 for construction of the Missouri National Recreational River Project. This project addresses a serious problem in protecting the river banks from the extraordinary and excessive erosion rates caused by the sporadic and varying releases from the Gavins Point Dam. These erosion rates are a result of previous work on the river by the Federal Government.

Finally, Mr. Speaker, this Member recognizes that H.R. 3816 also provides funding for a Bureau of Reclamation assessment of Nebraska's water supply (\$100,000) as well as funding for Army Corps projects in Nebraska at the following sites: Harlan County Lake; Pappillion Creek and Tributaries; Gavins Point Dam, Lewis and Clark Lake; and Salt Creek and Tributaries.

Again, Mr. Chairman, this Member commends the distinguished gentleman from Indiana [Mr. MYERS], the chairman of the Energy and Water Development Appropriations Subcommittee, and the distinguished gentleman from Alabama [Mr. BEVILL], the ranking member of the subcommittee for their long-standing support of projects which are important to Nebraska and the 1st Congressional District, as well as to the people living in the Missouri River Basin.

Mr. PACKARD. Mr. Chairman, I want to commend Chairman MYERS for his hard work in crafting the Energy and Water Appropriations bill in light of our budget constraints. I also appreciate his support of fusion energy by providing \$225 million for these programs.

Fusion research takes place at a number of universities and institutions around the country. San Diego is particularly blessed: we host major programs at the University of California at San Diego and at General Atomics. In addition, we serve as the host to the U.S. team for the International Thermonuclear Experimental Reactor—a major international science and engineering project.

Last year's Energy and Water conference report called for a restructuring of the fusion

program and set into motion an extensive and effective peer review process carried out through the Fusion Energy Advisory Committee. The restructured program and this ongoing peer review process has been widely praised and I believe the fusion community should be congratulated for a job well done.

Because of the budget difficulties in achieving a higher level for fusion energy, the committee included prescriptive report language concerning fusion programs. This language is not consistent with the recommendations of the Fusion Energy Advisory Committee and the ongoing peer review process. I am also concerned about its impact on university and other aspects of the fusion programs. For these reasons, I urge my colleagues to support a higher funding level for fusion energy in conference. A higher level could enable the current fusion programs to continue their important work, thus making report language unnecessary to keep these programs intact.

I appreciate the opportunity to bring these important issues to the attention of my good friend from Indiana, the distinguished chairman of the Energy and Water Development Subcommittee, and to my other colleagues concerned about fusion programs. I hope my concerns will be kept in mind as the House works with the Senate in conference.

Mr. JOHNSON of South Dakota. Mr. Chairman, the management of the Missouri River has been an ongoing source of conflict between interest groups of States both upstream and downstream for many years. The current Master Manual for the Missouri River was written in 1970 with only minor revisions taking place in 1975 and 1979. While almost everyone agrees that the revision of the outdated Master Manual is long overdue, differences of opinion continue to exist about what changes to the operating plan should be included in the revised Master Manual. Downstream States contend that more water needs to be released from upstream reservoirs to ensure that navigation interests are served on a regular basis, while South Dakota and other upstream States press for dependable water levels to support fish and wildlife management and the recreation/tourism industry.

I rise today in opposition to Representative BERUTER's amendment. The amendment essentially ensures that the so-called "spring rise" proposed by the Corps in the first revision of the Master Manual is never implemented. While I do not necessarily oppose the intent of the amendment because I am not a strong advocate of a so-called "spring rise," I strongly object to the amendment because it circumvents the Master Manual revision process that all interested parties have been actively engaged in for several years. Further, I do not believe it is appropriate nor good policy for the Congress to establish water management policy with little or no debate during consideration of an appropriations bill—especially when the Corps of Engineers is currently completing a 6-year, \$23 million study to update the Manual. I have offered to work with Mr. BERUTER to address his concerns regarding the spring rise by working with the Corps on this issue. Unfortunately, he prefers to offer this amendment and so I must oppose it and I urge my colleagues to do the same.

Mr. ACKERMAN. Mr. Chairman, I rise in support of the fiscal year 1997 energy and

water appropriations bill and in particular the provision of \$250,000 to begin the feasibility portion of the coastal erosion study on the North Shore of Long Island. I want to thank the distinguished chairman, the gentleman from Indiana [Mr. MYERS], as well as the distinguished gentleman from Alabama [Mr. BEVILL], for their assistance in providing this funding for the North Shore.

Mr. Chairman, the North Shore has a considerable history of tidal flooding, shore erosion, and damage to shorefront development. Hurricanes affecting the area occurred in 1938, 1944, 1954, and 1960. In addition, tropical storms occurred in the area in 1950, 1953, 1955, 1962, and in 1992. Recent coastal storms have caused shoreline erosion resulting in storm damage to several communities, including Bayville in Nassau County and the Village of Asharoken in Suffolk County. The December 1992 Nor'easter inundated hundreds of residential and business properties with damages estimated at \$12 million. In addition, approximately 300 people were evacuated, and sections of Bayville, the village of Asharoken and Eatons Neck were impassable for days.

So far this year we have been lucky. There have been several severe storms in the northeast with some flooding but none has resulted in the extensive damage caused by the '92 Nor'easter. It is probably only a matter of time.

In September last year, the Army Corps of Engineers completed the reconnaissance study of the North Shore which found that, based on a general assessment of coastal flooding and beach erosion, the area is particularly susceptible to storm damage and that the villages of Bayville and Asharoken typify the flooding and erosion problems in the study area.

Finally, the study recommended that further feasibility studies for beach erosion control and storm damage reduction be conducted in order to formulate the most appropriate plan for any proposed storm damage protection project.

The Federal interest in the North Shore is well documented. The Army conducted a study of hurricane damage to coastal and tidal areas in response to series of hurricanes in 1954.

In 1963, the Army began a study of beach erosion and hurricane protection which was completed in 1969. Clearly the area has been much studied. It is time to move beyond identifying the problem to designing the solution.

Last year's report identified two plans for Bayville and two for Asharoken both of which have positive benefit to cost ratios. The plans for Bayville use a combination of features including a buried seawall, a composite bulkhead/revetment and floodwalls. The plans for Asharoken use a combination of buried seawall and beach nourishment to provide erosion control and flood protection. The report went on to note that "a feasibility study having a greater level of detail is required to formulate the most appropriate plan for any proposed storm damage protection project."

Mr. Chairman, I am pleased that the Subcommittee saw fit to include funding for the next phase of the North Shore feasibility study. Now we can identify the solution to the North Shore's longstanding erosion problem.

Mr. DICKS. Mr. Chairman, I rise to bring to my colleagues' attention an issue that is of great interest to the citizens of the State of Washington, that of the Hanford Thyroid Morbidity Study. The Hanford Thyroid Study is the first study of its kind and will determine the long-term thyroid disease effects, if any, of the releases of radioactivity from the Hanford nuclear site from 1949 to 1957.

Over the course of the past 7 years, this study has been jointly funded by the Center for Disease Control and the Department of Energy. Due to be completed in 1998, this study is an excellent example of two Federal agencies—the Department of Health and Human Services and the Department of Energy—working together in the interest of the American people.

By the end of fiscal year 1996, the Department of Health and Human Services will have spent a total of approximately \$12 million and the Department of Energy will have spent \$3.4 million since 1989. A combined \$4,600,000 is necessary in fiscal year 1997 from HHS and DOE and a total of \$2,700,000 would be necessary from these departments in 1998 to complete the project. I am sure that my colleagues will agree that completion of this project is of paramount importance and necessary to bring 7 years of research data already collected to its natural conclusion.

I was pleased to assist the Fred Hutchinson Cancer Research Center, the contractor on the study, in 1995 when administrative delays threatened the release of funds under the DOE-HHS Memorandum of Understanding. We were successful in obtaining the release of the funds from the DOE. I am confident that we can keep this project on track in 1997.

Mr. SKAGGS. Mr. Chairman, nobody can doubt that this is a major bill, one that includes many items of national importance and also a number of things of particular interest to specific States and cities.

I want to briefly discuss one part of the bill that's of great national significance, but that's also particularly important to Colorado—funding for the Energy Department's environmental restoration and waste management programs.

These are the programs that pay for cleaning up the sites where America developed, produced, and tested the atomic and nuclear weapons that brought us first national security, and then victory, in the cold war. That mission was accomplished—but the job isn't finished. We still have to clean up these sites. That is very much a part of the job, and paying for it is very much a part of the price, of our victory in the cold war.

One of these sites is in Colorado, at Rocky Flats. In fact, Rocky Flats, which houses tons of plutonium and other dangerous materials, sits only 15 miles from the center of the Denver metropolitan area, with a population of 2.3 million people. Obviously, it's of utmost importance to all Coloradans that the Congress give high priority to making sure Rocky Flats is safe and cleaned up.

This was made clear by the Colorado Senate, which has formally urged that the Federal Government "make a sustained commitment to completing environmental cleanup at Rocky Flats" and has asked for "full funding of all necessary cleanup activities at Rocky Flats." For the RECORD, I am including a copy of this

document from our State's Senate at the end of my remarks.

That's why I'm glad this bill provides the full amount of cleanup funds requested by the administration—something that makes it much better than last year's bill, which provided far too little for these crucial tasks. I want the gentleman from Indiana [Mr. MEYERS] and the gentleman from Alabama [Mr. BEVILL] to know that all of us in the Colorado delegation very much appreciate the fact that this part of the bill fully reflects our joint request.

Chairman MEYERS, I know, well remembers that I was very unhappy about the cleanup funding in last year's bill. I was then prepared to offer an amendment to increase those funds. Rather than put the Chairman to making a point of order on the amendment, I withdrew it after a colloquy with the chairman made it clear that the cuts made last year were done without prejudice for future years, that he agreed with me about the necessity for providing the resources to meet our national responsibilities in this area, and that he would work with me on it in connection with the bill for this year, 1997. The Chairman has kept his commitment in that regard, as I knew he would, and I want him to know that I greatly appreciate his cooperation and assistance. He will not be returning to the House next year—and he will be missed very much.

Mr. Chairman, I'm also grateful that the Committee report appropriately points out that real progress is being made at Rocky Flats. Last week, for example, Federal and State officials came together in Colorado to sign a new cleanup agreement and a set of "vision" documents for Rocky Flats—documents that lay the foundation for cleaning up the site in ten years, so that it can be converted to other appropriate uses. Establishment of a "project closure fund", as called for by the Committee, holds real promise for further expediting completion of the job at Rocky Flats, because I believe that Rocky Flats can and will meet the criteria to qualify for receiving the benefits of this important initiative. In short, this part of the bill is an improvement over last year not only in terms of funding, but also because it includes important initiatives that should help speed up the vital job of cleaning up Rocky Flats and other such sites around the country.

Having said that, I have to say that I find other parts of the bill less satisfactory. In particular, I am concerned about the bill's failure to fund adequately very important solar and renewable energy programs. It's true that in Committee we restored some funds for wind energy and some other renewable-energy programs that would have been zeroed-out. But even so, the bill still calls for deep cuts in these programs—something that's very short-sighted. Investing in these programs pays big dividends, by reducing our dependence on imported fossil fuels, reducing federal spending on energy, and increasing opportunities for American business in the markets of the world.

We can and should do better than this, and I hope that this part of the bill will be improved through the process of amendment and in conference. If that is done, and some other improvements are made, this bill will be one that deserves broad support in the House.

SENATE MEMORIAL 96-1

By Senators Feeley, Norton, Hernandez, Linkhart, Matsunaka, Pascoe, Thiebaut, Casey, Perlmutter, Rupert, and Weissmann.

MEMORIALIZING CONGRESS REGARDING THE CLEANUP OF ROCKY FLATS AND OTHER NUCLEAR WEAPONS FACILITIES IN THE UNITED STATES

Whereas, for more than 40 years, the federal government developed, produced, and tested nuclear weapons in a number of government-owned facilities throughout the country, including Rocky Flats in Colorado; and

Whereas, contamination from these facilities has contributed to environmental damage at the sites, including radiological and hazardous surface and subsurface soil and groundwater contamination at Rocky Flats; and

Whereas, as a result of the end of the Cold War, the federal government has shifted its focus to environmental restoration and waste cleanup at the facilities; and

Whereas, the Department of Energy has committed to clean up the nuclear weapons complex; and

Whereas, if the nuclear weapons complex is not cleaned up in accordance with known health standards, citizens in Colorado and across America will be affected directly or indirectly by the dangers that will continue to exist; and

Whereas, the cost of cleaning up the Rocky Flats site is estimated to be \$9 billion or more; and

Whereas, to reach total cleanup, an increase in funding over the next five years is needed but no commitment to this funding has yet been made by the federal government; and

Whereas, commitment by the federal government to the full funding of the necessary costs associated with these cleanup activities may be sacrificed as a result of current budget discussions by Congress; now, therefore,

Be It Resolved by the Senate of the Sixtieth General Assembly of the State of Colorado, the House of Representatives concurring herein:

That we, the members of the Colorado General Assembly, urge the federal government to recognize that cleanup of Rocky Flats and other weapons facilities is a related expenditure to the \$4 trillion spent for the Cold war.

Be It Further Resolved, That we urge the federal government to:

(1) Make a sustained commitment to completing environmental cleanup at Rocky Flats and its other facilities at a reasonable and justifiable pace that protects human health and the environment;

(2) Strive not only to comply with environmental laws, but also to be a leader in the field of environmental cleanup, including addressing public health concerns, ecological restoration, and waste management; and

(3) Consult with officials in Jefferson county, Colorado, and other affected county governments regarding transportation of clean-up materials.

Be It Further Resolved, That we urge Congress and the President of the United States to approve full funding of all necessary cleanup activities at Rocky Flats and other nuclear weapons facilities.

TOM NORTON,

President of the Senate.

JOAN M. ALBI,

Secretary of the Senate.

Mr. FRANKS of New Jersey. Mr. Chairman, today I rise in strong support of H.R. 3816, the fiscal year 1997 Energy and Water Development Appropriations Act. The House Energy

and Water Development Appropriations Subcommittee have drafted an excellent bill that meets our Nation's water resources and energy needs, and I urge its adoption by the House.

Although H.R. 3816 contains many worthy provisions, I would like to bring to my colleagues' attention a project contained in the bill of particular importance to the people of central New Jersey. The project to which I refer is the Green Brook Flood Control project.

As my colleagues may recall, this project was authorized by Congress under the Water Resources Development Act of 1986 (P.L. 99-662, Sec. 401). During the past 10 fiscal years, Congress has appropriated over \$23 million for this project. In fiscal year 1986, Congress appropriated \$484,000; in fiscal year 1987, \$1.37 million; fiscal year 1988, \$1.4 million; fiscal year 1989, \$1.5 million; fiscal year 1990, \$1.2 million; fiscal year 1991, \$2 million; fiscal year 1992, \$3.169 million; fiscal year 1993, \$3.5 million; fiscal year 1994, \$2.8 million; fiscal year 1995, \$2 million; and fiscal year 1996, \$3.6 million. This bill appropriates \$2.781 million for this project.

Mr. Chairman, as the preliminary work for this project draws to a close, I requested that the Green Brook Flood Control Commission obtain resolutions of support from the communities this project impacts within New Jersey's Seventh Congressional District. Considering a decade has elapsed since Federal funds were first appropriated for this project, I wanted to make sure this project still enjoyed local support before it entered the more expensive construction phase. Moreover, these resolutions service the dual purpose of reminding local officials of the fiscal and physical impact this project will have on their community.

To date, I have received resolutions of support from Bound Brook, Bridgewater, Warren, Watchung, Green Brook, North Plainfield, Plainfield, Scotch Plains, Middlesex, Union County, Middlesex County, and Somerset County. The only resolution I received in opposition to the project was from Berkeley Heights. I have asked the Commission and the Corps to work closely with the Berkeley Heights Township Committee to address and resolve, to the greatest extent possible, the concerns of the township.

Mr. Chairman, while the need for flood control in the Green Brook Drainage Sub-basin still exists, this project should only proceed in the most environmentally sensitive manner possible. I grew up along the "Ridge," which is the term used to describe the communities along the Watchung Mountains, and I am acutely aware of the innate value of the Watchung Reservation. As the reservation is one of the largest green spaces left in my congressional district, I intend to zealously protect it from any unnecessary environmental degradation.

Mr. Chairman, I commend Chairman MYERS and ranking minority member, Mr. BEVILL, for again producing an excellent bill. Although their roles have been reversed since the last Congress, the subcommittee's work product remains undiminished. I wish these two distinguished Members, both of whom are leaving Congress this year, the best of luck in their retirement.

I also commend my good friend and fellow New Jersey colleague, RODNEY FRELING-

HUYSEN, with the able assistance of his legislative director, Ed Krenik, for the outstanding work on this bill. Representative FRELING-HUYSEN has done an excellent job in ensuring our State's needs were addressed in this bill, and I look forward to working with him on these issues in the years to come.

Mr. Chairman, I urge all of my colleagues to vote "aye" on H.R. 3861.

Mr. KLECZKA. Mr. Chairman, I rise today in support of H.R. 3814, the Commerce, Justice, State Appropriations for the upcoming year. This bill is particularly important among the measures we consider each year, because it funds what more and more Americans identify as their top priority: fighting time.

This bill increases funding for the Justice Department at a time when hard choices have been made across the board. Nevertheless, we've committed to funding Law Enforcement Block Grants, which will help local public safety officials develop the kinds of programs they most need to prevent crimes and to solve them when they do happen.

We've also fully funded the popular Community Oriented Policing Service [COPS] program. In my own community of Milwaukee and its metropolitan region, this program has had a significant impact, enabling us to hire 30 new police officers this year, and 500 statewide since the program began in 1994. This is something tangible that has a real impact on the cities and towns that we represent, and I am happy that the COPS program continues to receive congressional support.

I think the American people will also be happy that we've funded the Violent Crime Reduction Trust Fund that was included in last year's anti-crime bill. In addition, the Violence Against Women grants will receive a boost—helping stem domestic violence and strengthening police effectiveness in dealing with this national scourge.

I'm pleased that the Congress was able to restore some of the funding for the Legal Services Corporation, which provides our Nation's poor and badly needed legal service. While the funding level is lower than last year, it will allow the Legal Services Corporation to fulfill its important mission.

There is, however, much to support in this bill. I commend the committee for reporting strong legislation.

Mr. LAZIO of New York. Mr. Chairman, I rise today to support H.R. 3816, the fiscal year 1997 Energy and Water Appropriations bill.

As you may know, part of my district lies along New York's Atlantic Coast. Like coastal areas in many parts of the country, the barrier islands along the coast in my district have been hit extremely hard by the storms of the past few winters and remain in a delicate state, vulnerable to breaches and overwashes from future storms which could be devastating to the mainland of Long Island.

The barrier islands protect Long Island in the same manner that the levees on the Mississippi River protect the river towns. A vulnerable barrier island system cannot protect Long Island's south shore, which has a multibillion dollar economy and significant public infrastructure. The barriers afford protection to the freshwater wetlands and waters of the back bays, thus nurturing the clamming and fishing industries. Furthermore, Fire Island, Jones Is-

land, Long Beach Island and the rest of Long Island's barrier system provide recreation for the citizens of Long Island and tourists from all over the world. As the tourism industry is the largest employer on Long Island, loss of this vital resource will mean loss of jobs. Long Island's rich commercial and recreational fishing heritage would also be affected if these barrier islands are threatened.

While the President's budget recommends that the Army Corps of Engineers get out of the business of local flood and shore protection, I believe the Army Corps has a cost-effective and justifiable role in these projects. Savings can surely be made in the way the Corps carries out its mission. But the mission itself is vital to the Nation's coastal communities, and it is not one that can be transferred to State or local governments. From the commercial fishermen to the seaside merchants, the engine that drives our economy, small business, relies on the protection afforded by these Army Corps projects. The shoreline protection projects in which the Corps are involved are vitally important to the livelihood of the communities they protect and will save taxpayers money in the long run.

The first project funded by this bill would provide New York with accurate, real-time information on its coastal processes. Many coastal States already have monitoring systems in place, and such a system is essential for New York. A federally funded monitoring system was authorized for New York in the 1992 Water Resources Development Act, and appropriations have been made over the past 2 years to initiate its implementation.

As the authorization states, successful implementation will take \$1.4 million for up to 5 years, at which time the State of New York will take over funding and program implementation. The fiscal year 1997 Energy and Water Development Appropriations Bill also allocates this amount.

The second project in the bill, the reformulation study of the area from Montauk Point to the Fire Island Inlet, will provide valuable long-term information on the coastal processes of Long Island's south shore. It is expected to take approximately 10 years and \$14 million to complete. Over the past 3 fiscal years, over \$7 million has been appropriated by this committee for the reformulation study. This has provided important information and will lay the groundwork for possible interim projects needed to shore up Long Island's coastline. The fiscal year 1997 segment of the study will cost \$2.5 million, and this amount was included in H.R. 3816.

The third project in the bill will assist with navigation as well as coastal protection. The area involved, Fire Island Inlet, is the channel between Robert Moses and Jones Beach State Parks. This biannual dredging project, last completed in 1995, is essential to not only allowing marine traffic to flow smoothly between these barrier islands, but will also help nourish Gilgo Beach by depositing the dredged sand on this beach which will help prevent further erosion to this area. These two beaches provide the only line of protection for the State's Ocean Parkway, which runs along the south shore of Long Island and is an alternative route to the heavily traveled roads of the mainland. The fiscal year 1997 Energy

and Water Development Appropriations bill allocates \$5.3 million for this project.

As a member of the Budget Committee, I understand the fiscal constraints we face. I agree that every expenditure must pass stringent economic tests, and I am confident that, upon examination, expenditures for these projects will pass such tests. The importance of the waterways and the barrier islands to homes and businesses on Long Island and New York cannot be overstated. As history has shown us, the establishment of protective measures now will save the Federal, State, and local government millions of dollars in the long term. I urge my colleagues to support this bill.

Mr. MARTINI. Mr. Chairman, I wish to thank all of the committee members who worked tirelessly to put together a fair and economically responsible energy and water development appropriations bill.

This bill has carefully balanced the interests of environmentalists with those in the business community. It provides the language that will enable our ports to once again flourish, our citizens to be protected from flooding, our environment to be preserved, and our taxpayers' dollars to be wisely and not frivolously spent.

I would like to specifically mention three provisions in the bill that are of great importance to the citizens in my district.

First, this bill includes funding for the cleanup of the thorium site in Wayne, NJ, which has been a concern to that community. The removal of the thorium-contaminated soil from the Wayne interim site is an issue of great concern to me. After the election in 1994, I traveled to Wayne to discuss the removal of the tainted soil with Mayor David Waks.

On July 20, 1995, the U.S. Department of Energy announced that Envirocare would be awarded a \$16 million contract to remove, transport, and store the soil in their Utah facility. In October, Envirocare began the removal process of the contaminated soil. This process can continue thanks to the increased funding in today's measure.

Second, this bill provides funding for a buyout alternative to the Passaic River flood tunnel, which protects wetlands while providing critical flood protection to my constituents. Back in 1994 when I was first running for Congress, I recognized the importance of flood protection to the citizens of the Eighth Congressional District in New Jersey. In addition, I recognized that there must be a more economically and environmentally sound flood control alternative to the proposed flood tunnel. That project had a price tag of \$1.9 billion and would have had extensive negative effects on area wetlands and the existing ecosystems.

By providing for a buyout of certain wetlands, we are taking great strides toward both flood protection for our citizens and environmental protection for the Passaic River, while saving the taxpayer money.

Lastly, the bill provides funding for the continued construction of the Molly Ann's Brook flood control project, which affects residents from Paterson, Haledon, and North Haledon, NJ. I am pleased that the committee continued to treat this project with the urgency and priority that it deserves.

Once again, I extend my thanks to the committee. This bill is clear example of the 104th

Congress making things happen and protecting the interests of not only the citizens of New Jersey, but the interests of all Americans.

Mr. PORTMAN. Mr. Chairman, I rise today in support of the Energy and Water appropriations bill. I applaud the Appropriations Committee for their thoughtful approach to the difficult task of balancing our Nation's energy and water priorities during this era of fiscal restraint. I commend Chairman MYERS and the other members of the committee for their efforts.

I am particularly interested in the provisions of this bill relating to the Department of Energy's Environmental Restoration and Waste Management budget. There are many contaminated sites around the country left over from nuclear energy and nuclear weapons research and production. Those of us who represent the areas affected by these sites know that people are concerned about the health effects of these sites to themselves and their children—and concerned that no one will fix the problem. I believe this bill sends a strong message that the Federal Government will continue to meet its cleanup obligations.

Within the context of our increasingly tight budget constraints, the Environmental Restoration and Waste Management Budget appropriation is a reasonable investment of public money. Administrative and support costs have been streamlined, while funding for cleanup activities—the true heart of this budget—has been protected.

In my district, the Fernald site—a former uranium processing center—has potentially caused thousands of people, through no fault of their own, to be exposed to hazardous contaminants in the air, in the soil, and in the water. Although problems at the site still persist, and I have requested a GAO investigation into certain serious allegations relating to the management of the site, considerable progress has been made in cleaning up Fernald.

The Fernald site is operating under an accelerated remediation schedule, so that the site will be clean in 9 years, and not the 25 years originally planned—creating a savings to the taxpayer of approximately \$2 billion. This accelerated remediation program, if successful could serve as a model for other clean-up efforts around the country. In fact, the Appropriations Committee's report specifically commends the efforts underway at Fernald.

I urge my colleagues to support this legislation. It continues to provide reasonable funding to protect our natural resources. It still helps us to achieve our goal of balancing the budget by 2002—and it will help us to fix an environmental hazard that has placed thousands of people at risk.

Mr. RICHARDSON. Mr. Chairman, I rise in opposition to the DeFazio-Petri amendment.

Their amendment would seek to strike funds from the Animas-La Plata project. This project is especially important for New Mexico and Colorado.

As you know, water in my State and throughout the arid West, is like gold. Consequently, water needs to be conserved. Conservation includes storage for the inevitable dry years. This year has seen a major drought in the region.

Had construction of the Animas-La Plata project begun in 1990, as was originally

scheduled, there would have been enough water stored for the citizens in northwestern New Mexico. Over the years, delay in the construction of this project have put over 100,000 people at risk.

Furthermore, in a land where Indians and non-Indians live together, it is important to share water. In 1985, the Colorado Ute tribes began to negotiate a sharing of their senior water rights on tributaries to the San Juan River—water which many of my constituents in northwestern New Mexico need to sustain their quality of life and secure their future. The Ute tribes should be complemented for these negotiations.

This amendment would render that agreement void. Let's not tell the Ute tribes and the people of New Mexico and Colorado, who strive to share a valuable resource, that their efforts have meant nothing.

I encourage a "no" vote on the DeFazio-Petri amendment.

Mr. LEVIN. Mr. Chairman, I rise in strong support of the Schaefer amendment.

Pulling the plug on our Nation's investment in solar and renewable technology is shortsighted. The funding reductions contained in the bill threaten to undermine any hope the United States has for energy security. Renewable energy programs offer enormous benefits for a very small investment.

I know something about this issue as a company in my district—United Solar Systems Corp. of Troy, MI—developed a solar cell that recently set a new world record for converting the Sun's energy into electricity. This efficiency record would not have been achieved without the assistance of the Federal Government.

Most of us are familiar with the solar cells that power calculators and other consumer products. The new solar products developed by United Solar are a full four to five times more efficient.

Not only are the new solar cells better at converting sunlight into usable electricity, they are also cheaper to make. Again, this is an example of progress that would not have been made without a public-private partnership.

The progress we've made is proof that private industry and government can work together to develop technology that creates new jobs in the United States, increases our Nation's energy security, and protects the environment.

At the same time, there is a large and growing world market for renewable energy and efficiency technologies. This market is worth hundreds of billions of dollars over the next decade.

If our Nation does not help American companies to develop the technologies to capture this market, we will abandon the field to our international competitors. Japan and Germany invest far more in their nation's photovoltaic programs than we do.

The bottom line is that new industries, jobs and wealth will go to the nations who succeed in developing and applying new technologies. If you want to let other countries win the technology race, then vote against the Schaefer amendment.

Once again, I urge support for solar and renewable energy. Vote for the amendment.

Mr. DAVIS. Mr. Chairman, I rise today to indicate my strong opposition to the severe cuts

this legislation imposes on the Department of Energy and its employees. Congress must continue to ensure, within the Department of Energy appropriations bill for fiscal year 1997, that DOE has the ability to perform its important mission of meeting our present and future energy needs. The bill under consideration by the House today funds many critical programs, yet, I believe it greatly restricts the Department of Energy's ability to perform its mission by reducing departmental administration by approximately 30 percent.

DOE's departmental administration salary and expense budget is reduced under this bill by 20 percent—a reduction of more than \$50 million in fiscal year 1997. Instead of allowing DOE to reallocate their reduced resources as they deem appropriate, it forces DOE to reduce positions by capping FTE totals at 1,029—a reduction of nearly 500 FTE's, or one-third of the departmental administration staff. Further the bill sets specific FTE targets for individual offices with this account.

Last Year, in the fiscal year 1996 appropriations bill, Congress asked DOE headquarters personnel and certain programs to make significant cuts. The departmental administration account was reduced by 15 percent, which translates to a reduction of nearly 400 FTE's. DOE managers worked hard to administer this staff reduction without resorting to a reduction-in-force. In order to save jobs, performance awards were eliminated, overtime was reduced by over half, and furloughs were used to address funding shortfalls. Despite these substantial reductions in operating costs at DOE headquarters, a 2/3 reduction since 1993, this bill sets the general management and program support function of DOE at 47 percent less than last year and 20 percent less than the administration's request. I believe these reductions are too severe and will not allow DOE to continue to perform its mission.

Mr. Speaker, as you are aware this has been a difficult year for Federal employees. They have endured downsizing, RIFs, shut-downs, general uncertainty, and reduced benefits. Federal employees are among the most resilient people I know, but if we as a Government hope to continue to attract the best and the brightest into Government service, we cannot continue the type of policy set by this legislation. This bill goes too far. I do not disagree that we all need to cutback as we work to balance the Federal budget. However, I am strongly opposed to imposing such severe cuts and limiting DOE's ability to manage these cuts by mandating FTE ceilings.

The negative ramifications of this unprecedented cut will severely affect the many important projects funded in this year's energy and water appropriations bill. The bill targets cuts to the environmental management program, nonproliferation and energy efficiency and renewable energy. In addition, the 90 percent cut in DOE's office of policy will leave only 20 employees to perform critical technical and economic analysis and hamper their ability to efficiently respond to Congress, State and local governments, and private citizens.

Mr. Speaker, I regret the inclusion of these deep and draconian cuts to the DOE budget, and the specific FTE targets mandated on the departmental headquarters. It has damaged this important legislation, and I cannot support its passage.

Ms. JACKSON-LEE of Texas. Mr. Chairman, the Energy and Water appropriations bill we are voting on today is a mixed bag of good and bad; where a good Peter is robbed to pay a worthy Paul.

On the good side, a reasonable amount has been appropriated for environmental restoration and waste management as well much needed water projects. In addition, a sufficient amount of money has been made available for stewardship and management activities of our nuclear stockpile. Finally, the National Ignition Facility [NIF], which will provide invaluable research in the areas of nuclear weapons testing and fusion research. I am glad that the committee saw the need to fund these activities at levels close to their requested amounts.

In fact, some of these dollars will be going to a flood control project in my district; Harris County is working with the Army Corps of Engineers to deepen a channel in the city of Houston called Sims Bayou. This long-term project will renovate the bayou and help alleviate some of the flooding which occurs during heavy rains. This is an important project for the people in my district and they appreciate the Federal help they are receiving to correct this problem.

I have always been a supporter of science research and have stated often that it is the economic engine of the 21st century. And it is because of this belief that I am especially gratified to find that the Energy Department's general science and research programs have been spared the budget ax that some other deserving programs suffered.

However, beneath this good news lurks some very negative decisions made by Republicans. Let's start with the nearly 50 percent cut from last year to the Energy Department's administrative expenses. Now, I know the Department is in the process of restructuring itself and trying to become more efficient, however, I believe this to be a continuation of the Republican attack on Secretary Hazel O'Leary. Regardless of who you are, you cannot convince me that an immediate 50 percent reduction in an organization's administrative budget is not drastic and unreasonable. This is all the more obscene when you realize that because of the time it takes to RIF Government employees and the costs involved, no savings from such actions will be realized until fiscal year 1998—a year away. So, I ask the Republican appropriators—"what is the Department to do until then?"

In addition to this ill-conceived provision, this appropriations bill also decimates much of the funding for solar and renewable energy, fusion, nuclear energy, biological, environmental, safety, and health and basic energy sciences. In fact, the only activities that are adequately funded are those of the Defense Nuclear programs.

While I may indeed vote in favor of this bill, I strongly urge my House and Senate colleagues to restore funding to the activities and programs that have been funded well below the President's request. I believe that they are worthwhile, valuable and important to our Nation's future.

Mr. WAMP. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Wisconsin to eliminate funding for the Department of Energy's [DOE] Advanced

Light Water Reactor [ALWR] program. The fiscal year 1997 House energy and water development appropriations bill provides \$17 million for this program, which will conclude the Federal Government's participation in the development of the ALWR.

This program is a joint DOE-nuclear industry program with the industry contributing more than 50 percent in matching funds. Although I opposed funding for the ALWR last year, it has become apparent to me that this program represents our Nation's last hope of building the most technologically advanced nuclear reactors. More importantly, I have learned that termination costs built into the contract create a potential liability far exceeding the \$17 million provided for in this appropriations bill. Therefore, it will be more expensive to terminate this project under the Obey amendment than to let the authorization expire. It should also be noted that the Federal Government will receive royalties from the sale of these newly designed reactors.

It is well known that our Nation's growing dependence on imported oil—particularly from the Middle East—poses a serious threat to our national security. I firmly believe we must maintain a strong Federal commitment to researching alternative fuel sources. As the world becomes more dangerous and less stable, it is all the more important that we reduce our dependence on foreign sources of fuel to meet our energy needs.

Mr. Chairman, for these reasons and others I have decided to cast my vote against the amendment offered by the gentleman from Wisconsin, and I urge my colleagues to defeat the Obey amendment.

Mr. MYERS of Indiana. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. KNOLLENBERG) having assumed the chair, Mr. OXLEY, 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. 38916) making appropriations for energy and water development for the fiscal year ending September 30, 1997, and for other purposes, had come to no resolution thereon.

APPOINTMENT OF CONFEREES ON H.R. 3734, WELFARE AND MEDICAID REFORM ACT OF 1996

Mr. KASICH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table 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 a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. SABO

Mr. SABO. Mr. Speaker, I offer a motion to instruct.

The CHAIRMAN. The Clerk will report the motion.

The Clerk read as follows:

Mr. SABO moves that the managers on the part of the House at the conference on the disagreeing votes of the House of Representatives and the Senate on H.R. 3734 be instructed to do everything possible within the scope of the conference to—

(1) eliminate any provisions in the House and Senate bills which shift costs to states and local governments and result in an increase in the number of children in poverty;

(2) maximize the availability of Food Stamps and vouchers for goods and services for children to prevent any increase in the number of children thrown into poverty while their parents make the transition from welfare to work;

(3) ensure that the bill preserves Medicaid coverage so that the number of people without access to health care does not increase and more children and old people are not driven into poverty; and

(4) provide that any savings that redound to the Federal Government as a result of this legislation be used for deficit reduction.

The SPEAKER pro tempore. Under rule XXVIII, the gentleman from Minnesota [Mr. SABO] will control 30 minutes, and the gentleman from Ohio [Mr. KASICH] will control 30 minutes.

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

Mr. SABO. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, there is no denying that we must make needed changes to our welfare system to make it more efficient and fair for the American people. In doing so, we should emphasize personal responsibility, and we should honor work. But we should not shred the entire safety net in the process.

It would be unconscionable of this Congress to, in the name of reform, pass a welfare bill that drives millions of children into poverty. It would be equally irresponsible to simply push Federal welfare responsibilities off on State and local governments which may or may not have the resources to care for those truly in need. That is why I am offering this motion to instruct conferees today.

House conferees should use this opportunity to negotiate with the Senate and with the President to ensure that millions of children are not pushed into poverty because of the welfare changes enacted by this Congress. We should also ensure that we do not overwhelm the ability of States and localities to deliver needed welfare services. We must reform our welfare system, but we must not do it in a fashion that increases child poverty or increases the burden on State and local government.

Also, Mr. Speaker, it should be clear that any savings that result from this legislation should go for deficit reduction, not for other purposes.

Mr. KASICH. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. SHAW].

Mr. SHAW. Mr. Speaker, I have read with great interest the motions to instruct. I might say, as to each one of these items, in crafting the welfare bill, we had these objectives in mind. Therefore, I find it would be most difficult to oppose the motions to instruct because I think that is exactly what we intend to keep uppermost in our minds.

I think it is necessary to see this as to how we view welfare reform. We view this as giving a path and a way for people to get out of poverty. We know that the present system does not work. We know that people have been paid to stay in a way of life which is self-destructive and which has totally done away with a future for these people.

Unfortunately, the poor victims of this current system, which has been held in place for so many years, are the children. We know that the children of welfare parents are going to, in all probability, and statistics prove these to be correct, are more likely to be poor themselves. They are more likely to fail in school or drop out of school. They are more likely to have trouble and get in trouble with the law. It is a self-destructive behavior.

Mr. Speaker, I think the difference in defending the existing system, to defend the existing system is simply to make somebody comfortable while they are living in poverty. That is not the way. That is destructive of the human spirit. The new way, the way of welfare reform is going to go to the root of poverty. The root of poverty is joblessness.

We have now found that in the inner cities of this country we have piled generation upon generation of people who otherwise would, as their ancestors were, be productive. It is important to remember that these people who are the descendants, who are on welfare, many of them are descendants of people who struggled their whole lives, who went to the cities for a better way of life, and now find that when the jobs went away, they were paid to stay there and do absolutely nothing.

The answer to welfare reform very clearly is to get people out of poverty, to get them jobs, to give them incentives, to give them child care, which we do, to give the States greater flexibility in order to craft these programs, the welfare programs, in order to help the people. We are at last going to be measured by the number of people we get out of poverty, not the number of people that we pay while they are in poverty. We are going to give the bureaucrats a vested interest in the solution to poverty, not the question of just how many people they keep in welfare.

This is a new day. I think yesterday we saw the action that was taken by the other body as a quantum leap forward in bipartisan cooperation. I can say that I am looking forward to a bipartisan solution in this body also.

We had 30 Democrat Members who crossed over and voted with the Republicans just last week on welfare reform. I am looking forward to increasing that number, and I would like to almost rival the Senate in getting as many of the minority party as I possibly can to vote with us on the final passage of this bill.

Mr. Speaker, there is not one Member of this Congress that is willing to get up and defend the status quo. Why? Because we all want a better life for the people of this country. I can say, again, that the four objectives that are set forth in the motion to instruct, unless somebody jumps up and says that there is something in here that I do not see, that there are some fishhooks that I do not anticipate, I would suggest that perhaps the Members vote yes on the motion to instruct that sets forth a general path toward getting people out of poverty. I believe it is a constructive motion to the conferees at this point.

Mr. Speaker, I thank the gentleman from Ohio for yielding me the time.

Mr. SABO. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Speaker, I rise in support of motion to instruct the conferees in exactly the same spirit the gentleman from Florida has just spoken with. I believe when we carefully analyze this amendment, in the spirit in which was indicated support for, we will find that this motion ensures that welfare reform will not shift costs to State and local governments, which I know the gentleman from Florida agrees to.

The National Governors Association, the National Council of State Legislatures, the National Association of Counties, the U.S. Conference of Mayors, and the National League of Cities all have said the bill passed by the House places unfunded mandates on State and local governments and restricts the flexibility to administer welfare programs in their communities.

I am submitting for the RECORD a letter from each of the latter three organizations. Members will find that the Senate has made marginal improvements. The conferees can, if allowed to do our work, make it much better in the spirit of this motion to instruct.

I was particularly concerned to learn that the bills passed by the House and Senate would conflict with the reform initiatives being implemented by Texas, my State, and others States across the country. State legislators and Governors developed proposals after consulting with welfare field offices studying local job markets, evaluating the cost of implementing reforms, and deciding how best to protect children and other vulnerable populations.

The bill as passed by the House does exactly what the majority party generally rails against: That is, having

Washington dictate to the States a one-size-fits-all solution. In the spirit of this instruction, we can work that out in conference and have a much better bill.

The bill would force many States either to apply for waivers from the mandates, make significant changes in the plans currently being implemented, or face penalties from the Federal Government.

The second key principle in this motion is protecting children. Again, I would encourage my colleagues to listen to what the States decided must be done to protect children. For example, the welfare reform proposal now being implemented in Texas continues benefits for children after their parents reach a time limit.

Several other States have followed Texas' lead in protecting children from the impact of time limits. Unfortunately, the bill passed by the House substitutes the views of Members of Congress in Washington for the judgments of State officials on how best to provide for children in their States by explicitly prohibiting States from using block grant funds to protect innocent children from being harmed because of the mistakes of their parents. If these provisions in the bill passed by the House become law, Texas and other States will be required to change their plan to apply time limits to children. If you believe that State and local officials know better than Washington how to provide for the needs of low-income children in their communities, you should support the motion to recommit.

Third, the motion to instruct provides that no one should lose health coverage as a result of welfare reform. I was pleased that both the House and Senate adopted amendments preserving current eligibility rules for Medicaid coverage. However, I am concerned about reports that this provision may be dropped in conference. I hope that Chairman SHAW can assure me and other members concerned about this issue that current Medicaid eligibility rules will be preserved by the conference committee.

I am also concerned about the impact that denying Medicaid to noncitizens will have on the health care system. The bill passed by the House will effectively deny Medicaid to thousands of individuals, removing \$7 billion of Medicaid assistance from the health care system. However, health care providers will continue to be morally and legally obligated to provide care to these individuals, resulting in a cost shift to health care providers that will affect the cost, availability, and quality of care to everyone in Texas and other States with large immigrant populations.

In closing, I would say to my colleagues on both sides of the aisle that this motion reflects a continuation of the spirit of trying to break through partisanship to find a commonsense middle ground position on welfare reform. All members who voted for the Castle-Tanner substitute—and all Members who agreed with the principles of the Castle-Tanner substitute but who voted against it for whatever reason—should vote for the motion to instruct. I urge a "yea" vote on the motion to instruct conferees.

Mr. Speaker, I include for the RECORD the following letters:

NATIONAL ASSOCIATION OF COUNTIES,
Washington, DC, July 12, 1996.

DEAR MEMBER OF CONGRESS: You may be voting soon on the Welfare and Medicaid reform bill (H.R. 3507/S. 1795). The National Association of Counties (NACo) is encouraged that there were improvements to the welfare section of the bill, including: increased funds for child care; maintaining current law for foster care adoption assistance maintenance and administration payments; and no funding cap for food stamps nor a block grant for child nutrition. However, there are not enough improvements to warrant our support. In some respect, particularly the work requirements, the bill has become even more burdensome. NACo particularly opposes the following welfare provisions:

1. The bill ends the entitlement of Aid to Families with Dependent Children, thereby dismantling the safety net for children and their families.

2. The eligibility restriction for legal immigrants goes too far. The most objectionable provisions include denying Supplemental Security Income and Food Stamps, particularly to older immigrants. In fact, by changing the implementation date for these provisions, the bill has become more onerous. NACo is also very concerned about the effect of the deeming requirements particularly with regard to Medicaid and children in need of protective services.

3. The participation requirements have become even more unrealistic. NACo particularly opposes the increased work participation rates and increased penalties, the changes in the hours of work required, and the new restrictions on the activities that may count toward the participation rates.

As the level of government closest to the people, local elected officials understand the importance of reforming the welfare system. While NACo is glad that the bill does contain language that requires some consultation with local officials we prefer the stronger language that is contained in the bipartisan welfare reform bill (H.R. 3266).

NACo also continues to oppose the Medicaid provisions. By capping the fiscal responsibility of the federal government and reducing the state match for the majority of the states, the bill could potentially shift billions of dollars to counties with responsibility for the uninsured. Allowing the states to determine the amount, duration and scope of services even for the remaining populations which would still be guaranteed coverage, will mean that counties will be ultimately responsible for services not covered adequately by the states. While we support the increased use of managed care and additional state and local flexibility in operating the Medicaid program, we do not support the repeal of Medicaid as envisioned in the current legislation.

As it is currently written, the Medicaid and Welfare Reform bill could potentially shift costs and liabilities, create new unfunded mandates upon local governments, and penalize low income families. Such a bill, in combination with federal cuts and increased demands for services, will leave local governments with two options: cut other essential services, such as law enforcement, or raise revenues. NACo therefore urges you to vote against H.R. 3507/S. 1795.

Sincerely,

DOUGLAS R. BOVIN, *President*.

NATIONAL LEAGUE OF CITIES,
Washington, DC, July 18, 1996.

DEAR REPRESENTATIVE: On behalf of the over 135,000 local elected officials the Na-

tional League of Cities represents, we are writing to urge you to oppose the Welfare and Budget Reconciliation legislation (H.R. 3734) being considered on the floor this week. As it is currently written, the Welfare and Budget Reconciliation bill would cut federal investments in families and children, shift costs and liabilities, create new unfunded mandates upon local governments, and penalize low-income families.

While we find it encouraging that this welfare bill has some improvements such as increased funds for child care, a larger contingency fund and smaller reductions in SSI benefits for low-income disabled children, it still does not merit our support. In some instances, particularly the stringent work requirements, the bill has become even more harsh. NLC is especially opposed to the following provisions:

1. The bill ends the entitlement of Aid to Families with Dependent Children, thereby dismantling the safety net for children and their families.

2. The eligibility restrictions for legal immigrants goes too far. The most objectionable provisions include denying SSI benefits and food stamps to immigrants, especially older immigrants. These provisions will shift substantial costs onto local governments. Local governments cannot and should not be the safety net for federal policy decisions regarding immigration.

3. The participation requirements have become even more unrealistic. NLC is particularly opposed to the increased work participation rates, the increased penalties, the changes in hours of work required, and the new restrictions on the activities that may count toward the participation rates. Instead of providing more local flexibility, the bill moves in the direction of ever greater unfunded federal mandates.

As the level of government closest to the people, local elected officials understand the importance of reforming the welfare system. While NLC is happy to see that the bill does contain language that requires some consultation with local officials, we prefer the stronger language that is contained in the bipartisan welfare reform bill (H.R. 3266).

We believe that this budget legislation will sharply reduce resources in cities for families and children. It proposes a whole new chapter of unfunded federal mandates. Finally, the shift of liabilities to local governments will leave local governments with two options: cut other essential services, such as law enforcement, or raise revenues. NLC, therefore, urges you to vote against this bill.

Sincerely,

GREGORY S. LASHUTKA,
President.

THE UNITED STATES
CONFERENCE OF MAYORS,
Washington, DC, July 17, 1996.

DEAR REPRESENTATIVE: The U.S. Conference of Mayors has long advocated reform of the current welfare system which would change it from a system of dependency to one of work and self-sufficiency. We would like to see welfare reform enacted this year—reform that would be good for our nation, good for our cities and, most important, good for recipients.

We have, however, serious concerns with the welfare reform legislation now moving through Congress. Our primary concern is that the legislation will harm children, increasing the poverty rate among children and making many children who are currently poor even poorer.

The Conference of Mayors has a substantial body of adopted policy on welfare reform. Our basic principles for welfare reform

are: the availability of jobs which pay an adequate wage, health care coverage and child care; provisions which encourage fathers to assume responsibility for providing both financial and emotional support to their children; welfare benefits sufficient to maintain a standard of living compatible with health and well-being, and which remain available for a period of time determined by the client's need rather than an arbitrary time limit; a system based on incentives rather than punitive measures.

While HR 3507 represents an improvement over HR 4, with increased funding for child care, maintenance of the entitlement nature of foster care and adoption assistance, and maintenance of the current mix of child nutrition programs, the bill does not meet the principles for welfare reform which we have set. Unless these concerns are addressed, The U.S. Conference of Mayors must urge you to vote against HR 3507.

Sincerely,

CARDELL COOPER,
Chair, Health and Human Services Committee.
RICHARD M. DALEY,
President.

H.R. 3734 RESTRICTS STATE FLEXIBILITY TO IMPLEMENT WELFARE REFORM INITIATIVES

While Congress has been debating welfare reform, states have begun to implement aggressive welfare reform initiatives through the waiver process. These innovative state plans requires greater personal responsibility, place work requirements on welfare recipients and set time limits on benefits. State legislatures and governors developed proposals after consulting with welfare field offices, studying local job markets, evaluating the costs of implementing reforms and deciding how to best protect children and other vulnerable populations. State officials were able to develop welfare reform initiatives that were tailored to the conditions in their states so that the programs would be practical and successful in moving welfare recipients in the state into work. These state plans reflected the views of citizens of their states.

The welfare reform bill passed by the House and Senate would conflict with many of the reform initiatives being implemented by states across the country. The bill overrules the judgement of state officials about what is practical and realistic in work programs by mandating work rules which are much more severe than most states have established. The work requirements mandated by the bill are more severe than most states believed they could afford or successfully implement. In addition, the bill would prohibit several states from continuing provisions protecting children from the impact of time limits on benefits. Although the bill is intended to give states flexibility to implement welfare reform plans without the need for federal waivers, the bill would force many states to either apply for waivers from the mandates in the bill, make significant changes in the plans currently being implemented (absorbing additional costs to meet federal mandates while federal funding is being frozen), or face penalties from the federal government.

Among the states that are implementing welfare reform initiatives that would not comply with the mandates in H.R. 3734 as passed by the House:

Connecticut: Welfare recipients would be required to work a minimum of 15 hours a week after two years of assistance, 25 hours after three years and 35 hours after four years. The Connecticut program would fail

to meet the work requirements mandated in H.R. 3734 because most individuals working under the state plan would not be counted under the rules established in H.R. 3734. Connecticut imposes a time limit for a portion of the caseload that applies only to employable adults. Under H.R. 3734, Connecticut would be required to apply the time limit to children as well.

Delaware: Private contractors are paid for placing welfare recipients in private sector jobs of at least 20 hours a week, recognizing the nature of opportunities in the labor market for unskilled applicants. H.R. 3734 would not count individuals placed in private sector jobs of 20 hours a week as meeting work requirements.

Georgia: Georgia applies a work requirement in ten counties that require recipients to work up to 20 hours per month at an assigned in local, state or Federal government or at a non-profit agency. The Georgia plan does not meet the mandates regarding either the hours of work required or the percentage of the caseload that must be working. The Georgia plan provides that benefits to children are not affected by the plan. H.R. 3734 would require Georgia to amend its plan to eliminated benefits for children after the five year time limit.

Hawaii: The state plan places job-ready recipients in part-time private sector jobs of up to 18 hours a week. These jobs would not comply with the mandates in H.R. 3734.

Indiana: The Indiana plan applies the time limit on benefits to adult benefits only. H.R. 3734 would require Indiana to amend its plan to apply the time limit to children as well as adults.

Iowa: Under the state plan, caseworkers are given latitude to set forth a work plan for recipients based on individual circumstances, including the individual's work history, education level, etc. and environmental barriers such as transportation, child care and the local job market. The work requirements in the individual agreements range from 20 to 45 hours a week. The work requirements mandated in H.R. 3734 would severely restrict the ability of caseworkers in Iowa to set work requirements based on individual circumstances.

Missouri: The Missouri plan applies the time limit on benefits to adults only. H.R. 3734 would require Missouri to amend its plan to apply the time limit to children as well as adults.

Montana: The Montana plan requires recipients to perform 20 hours of community service per week after receiving two years of benefits. This work requirement would not meet the mandate in H.R. 3734. The Montana plan does not apply the time limit to children's benefits, as H.R. 3734 would require.

Oklahoma: Recipients in six counties who are not able to find a job after receiving benefits for three years are required to work at least 24 hours a week in a subsidized job. The Oklahoma plan does not meet the mandates regarding either the hours of work required or the percentage of the caseload that must be working.

Rhode Island: The bipartisan welfare reform proposal being considered in the Rhode Island General Assembly with the support of the Governor would exempt children's benefits from the time limit. H.R. 3734 would require Rhode Island to change its plan before it could be implemented.

Tennessee: The Tennessee welfare waiver request would require welfare recipients to work 25 hours a week, which would not meet the mandates in H.R. 3734.

Texas: The Texas plan requires individuals who are unable to obtain private sector em-

ployment of 30 hours week to participate in work activities under the JOBS program of 20 hours a week. The Texas plan is extremely unlikely to meet the mandates in H.R. 3734. The Texas plan continues benefits for children after the time limit, which H.R. 3734 would prohibit.

The list above is only a partial list of states that do not meet the mandates in H.R. 3734. Several states not listed above are in the process of developing programs that would not meet the mandates in the bill. Many other states have welfare reform initiatives that do not address the issues of work requirements and time limits mandated in the bill. Finally, virtually all states that are implementing work requirements have limited the work requirements to targeted segments of the caseload which fall far short of the participation rates mandated by the bill.

Mr. KASICH. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Michigan [Mr. CAMP].

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

I also have looked at the motion to instruct and do not find anything too objectionable in it, as well. When we look at the costs, I know it mentions the costs that have been put on State and local governments, that they are concerned that costs will be shifted there. What our bill tries to do is give States more flexibility to design and implement a welfare program that will free up resources because, clearly, the kind of welfare system we have had for the last 30 years has been overly restrictive. Just look at the number of waivers States have applied for, which has been a long, difficult, bureaucratic process. Some I think have recently been granted for Tennessee, or that announcement will be made very soon.

Even the Federal Government recognizes, the administration recognizes that the current system has not done the job. The whole purpose of our bill is to try to ease that. The purpose of doing that, of course, is to help lift children from poverty. I think if we look at the last 30 years, the war on poverty has not been won, and it is very, very important that we do better at that.

I think the bipartisan nature of this bill that came out of the Senate, half the Democrat Senators supported the welfare bill. I think it is a very good, strong signal that the kind of bill we are going to design will be a very positive change, one that has been needed for a very, very long time.

□ 1730

Mr. SABO. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Florida [Mrs. THURMAN].

Mrs. THURMAN. Mr. Speaker, I thank the gentleman from Minnesota for yielding me this time.

Mr. Speaker, as we head toward the third conference on welfare reform, I hope that this time everybody gets it right and focuses on the children who need to be protected, rather than the

political gains to be made. We have actually come very far over the past year, and the bill making its way to the conference is a little bit fairer and more reasonable than the first one.

But there are still loopholes. In other bills, loopholes mean a loss of revenue or a tax shelter. In this bill, a loophole means thousands of starving children.

Here are the holes in the conference that must close. First, in the House bill, children are penalized for their parents' mistakes. If a parent is irresponsible and does not get a job within the time limit, kids get cut off, too. Nobody wants starving children in dirty diapers. That is not welfare reform, but it is what will happen unless the loopholes are closed, with vouchers for kids.

Second, the House bill contained underfunded optional block grants for food stamps. The Senate was wise to recognize that these block grants will be attractive to States, but dangerous for children. When the money runs out, and it will for many States, there will be no money for hungry families. For example, what happens when companies downsize or a recession hits? Families that worked hard, but struggled from paycheck to paycheck, will look to us to help feed their children, and we will have to turn them away. The Senate recognized this problem and we should support their amendment to eliminate the optional block grants.

Like everyone else in this body, I want to see welfare reform, not status quo, signed into law this year. But in doing so, let us be guided by the words of Hubert Humphrey, who considered the moral test of government to be how that government treats those who are in the dawn of life, the children. If we, the most plentiful Nation on Earth, bring harm to our children by passing the wrong welfare reform, we will have failed this test.

Mr. KASICH. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from the State of Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Speaker, I welcome the Sabo amendment, because it does clarify a number of issues that are important for the conference to focus on. I personally worked very hard on the Medicaid provisions, and we need to assure that they are strong and will provide the kind of health care that children need.

I personally feel that one of the important things for the conference, though, is not to be bound by the old thinking. When I hear the preceding speaker talk about children after the 5 years, I do not feel that she really sees what the impact of this plan is going to be. There are just so many opportunities from day 1 to provide day care, to get into job training, to use those day care dollars so effectively that women work in day care centers half the day

and then they are in job training half the day, and from the very beginning, day 1, the whole family comes together to the family center and everybody begins growing, changing their future. So, I think there is enormous opportunity here.

Michigan has done a great job with kinship groups. If you see you are going to have trouble, you can bring kinship groups into it, and the whole family, the larger family, needs to have the role here, have a role in planning the solution for this family. So, we need to be sure to be creative and not to cut off the kinds of initiatives that are going to develop.

We do have that 20 percent protection. I agree, we do not want any children disadvantaged by this reform. This should offer opportunity and hope to both women and children. But we do not want our thinking about the welfare of the next 20 years to be too narrowly fenced in by the experience of the last 10 years and 20 years when the States were very limited in what they could do.

In Connecticut, we have a 21-month limit, and one of the biggest newspaper critics of it wrote a column just the other day saying, you have to own up when you are wrong, and he was wrong. It is working great.

Mr. SABO. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Tennessee [Mr. TANNER].

Mr. TANNER. Mr. Speaker, I want to compliment the gentleman from Florida [Mr. SHAW] and the others who worked with us. I certainly want to thank the gentleman from Delaware [Mr. CASTLE] and the gentleman from Texas [Mr. STENHOLM] and the gentleman from Minnesota [Mr. SABO] and others who have worked on our side. I think we are very close.

This motion to instruct has really four general, but necessary, principles I think we all share in this body, Democrat or Republican, to make sure, as one of the previous speakers said, we get it right. It talks about the cost shifting to local governments, and we need to really take a look at that. As the gentleman from Texas [Mr. STENHOLM] said, there is no reason to again demand that States do it our way or face penalties, and then we all know what happens there.

There is still a part of the House bill that treats a 4-year-old child like a 34-year-old irresponsible adult. We really can fix that, and we need to.

We talk also about Medicaid coverage. The Senate took a great step yesterday in a vote of, I think it was, 95 to 2 to fix that portion of it, and surely the conference committee can take a look at that. Finally, we talk about the savings that are achieved here going to deficit reduction, which directly will affect these children that we are talking about in the previous parts of the bill.

So we are close. The Senate did some good work yesterday. If we can just in the conference utilize our imagination, as one of the previous speakers over there said, to try to get to some closure on these principles, not harming children, actually making sure that the funding is there to make the system work. I think we are very close to a breakthrough and a conference committee report that we can all support and the President can sign.

Mr. KASICH. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from the State of Washington [Ms. DUNN], a member of the Committee on Ways and Means.

Ms. DUNN of Washington. Mr. Speaker, I thank the gentleman for yielding me this time.

I am very pleased today to see us moving toward bipartisanship on welfare. We are all very concerned about solving this major problem. Many of us here on the House floor who have worked on this issue month after month, and some people year after year, are worried about what the current system of welfare has done to children.

I do want to reassure the gentleman from Florida that we have indeed built flexibility into this system, this new bipartisan proposal that will take care of children, that they will not suffer at the end of 5 years, that there is a 25-percent exemption number there, that money can be shifted from child care from title XX to take care of those children, and they can be transferred within the block grants, and that there are other State sources that may be used to support the children after 5 years as well.

But I continue to be very pleased to see how much emphasis both sides of the aisle are putting on the issues that are most important to me in this bill, the issues of child care and child support. In the original welfare bill, we were very thoughtful in how we addressed child care. We took a great deal of time to work with the governors of the States, the Members on both sides of the aisle, the administration, to develop a plan that would fund child care at a level that would be far better than what exists in the current system today.

So at this point we are something around \$4.5 billion more than the current welfare program provides to the States for child care, including their funding, and \$2 billion more than the President originally asked for, and I think this is an appropriate level and shows the concern that we have for those mothers on AFDC who are wishing to get off welfare and into the work force. We have talked to these women and we have figured out that this is the most important piece of this whole legislation that allows them the peace of mind they need to make this transfer.

Child support is critically important. We spent a lot of time, there has been

a lot of work that has gone into the child support issue, the issue of deadbeat parents, 30 percent of whom leave the States, Mr. Speaker, to avoid paying child support. We have provided a nationwide information service here that will allow States to find those deadbeat parents, and I must say that today in our Nation, \$34 billion is owed in court-ordered child support to custodial parents. When it is not paid, those kids go on welfare and the taxpayers become the parent.

So I am here today to commend both sides of the aisle to support the Sabo motion to instruct and to urge my colleagues to continue the bipartisan approach to welfare that I hope will continue right through to the signing by the President in the White House.

Mr. SABO. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Speaker, I rise in support of this motion to instruct the conferees. First, let me make one attempt, one final attempt, to interject some sanity into this debate about the future of mothers and their children. We can accomplish welfare reform without abandoning poor children. If this government cannot agree to that, it will agree to nothing.

Both the House and Senate versions of this bill would decimate the food stamps program; both would unduly restrict benefits for legal immigrants. The proponents of this legislation are clearly driven by two impulses, neither of which is reforming welfare. First, they are eager to balance the budget on the backs of poor children rather than tackle corporate welfare. And second, they are attempting to create a wage issue, which they know divides Americans, and inject their divisive spirit into this political season.

This is not how we make sound public policy, Mr. Speaker. The last bill that was sent to the President's desk would have thrown at least 1.2 million children into poverty. While we do not have a comparable study on the impact of this bill, I would ask my colleagues, how many children will this Congress feel comfortable making poor? One million, 2 million, a half million? Where is the job creation? Where are the incentives to business to stop exporting our jobs to Third World countries for cheap labor so that we can provide jobs for jobless Americans here at home?

Mr. Speaker, many welfare recipients want desperately to change their lives. They want to correct the mistakes in their lives. They want help, not more pain. They want jobs. Let us train them, not starve them.

Mr. Speaker, we should support this motion to instruct the conferees to keep children out of poverty, preserve Medicaid, maximize food stamps, provide job training and work opportunities. This is not fun and games. This issue is about human lives.

Mr. KASICH. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I think it is pretty amazing for the American people to make note of the fact that in the other body, 74 Members of the other body voted for a significant, the most significant change in welfare that we have seen in this country since welfare was created, and that of course enjoins the action of this body to do a number of things.

First, to say that we will take care of people who cannot, simply cannot take care of themselves. But at the same time, it says for those people who are able-bodied and find themselves on this welfare system, that we will provide adequate day care so that the children of people on welfare will be protected.

Second, that the people who are on welfare are going to be asked to get trained. We are going to give them a skill. We are going to educate them. We are going to help them. And at the end of the day, it is also expected that those folks will be able to leave welfare and find employment to work.

I think that is what Americans have been calling for in this country my entire political career, and frankly all of my lifetime. Because in a Judeo-Christian society, it is wrong not to help people who need help; but in a Judeo-Christian society, it is also wrong to help people who need to learn how to help themselves. I do not think there is much disagreement with this.

Now, there are some starts and some stops in any legislation. There is always concerns about what happens. But it has been those concerns that have blocked this Congress, not this Congress, but previous Congresses from being able to deliver the kind of welfare reform that taxpayers want, and the kind of welfare reform that taxpayers will support.

□ 1745

I would say to the Members of the House today that the gentleman from Minnesota makes an amendment that I think has a lot of merit. It speaks to the fact that we do not want unfunded mandates. That is why, in fact, Governors sit in our deliberations and give us their opinions in terms of the impact of this legislation on their States. They basically have one plea, however: "Trust us, we can do the job. After all, it is our citizens' money, and we think we can design a program that fits local solutions to local problems at less cost and will be more productive and rescue people from poverty."

At the same time I think it is very important to realize that as we go through this, we are going to be in a position where taxpayers finally are going to be able to say, "I can support this program. It is fair to those who cannot help themselves, it is fair to those because we provide the adequate programs to protect their children as

they get skills and get work, and it is fair to me as a taxpayer."

I am always proud of saying that I think the real American heroes in this country are not the Shaquille O'Neals who make \$125 million or the Juwan Howards who make \$100 million. God bless them for having the skills to drive the market to make that kind of money but they are not my heroes.

My hero is that lady who goes to the airport to pour the coffee, puts her children in day care, and works like the dickens with her husband to make ends meet, and they do not get anything from the government. They are not unwilling to help those that cannot help themselves, but at the end of the day they want to believe it is a system that encourages people to leave.

We cannot let the concerns that we have had over the years deny the kind of welfare reform we ought to have. I think the gentleman from Minnesota [Mr. SABO] speaks to the issue of the local mandates, the need to be concerned about children, which all of us are. We believe at the end of the day this is a compassionate bill that will help the folks that need the help and help the taxpayers who want to have a legitimate welfare system.

So we can support the Sabo amendment, move to conference, and, ladies and gentlemen, I think we are on the verge of truly historic reform of the system that has needed reform all of my lifetime and I think it is a day for us to be excited.

Mr. SABO. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Speaker, we will agree that the welfare system does not work for taxpayers and it certainly does not work for families on welfare. That is the easy part.

The challenge and responsibility we face as legislators, however, is to fix the system so that it helps parents move from welfare to work while at the same time ensuring that children are safe, healthy and protected. We have to do that because parents cannot succeed in school, training or work if their children are not taken care of. They cannot do their best when their children are home alone or in a car or if they are sick or hungry.

Take it from me. I was on welfare. Even though I was working, I needed Aid For Dependent Children for one reason and one reason only, to give my children the food, the medical care, and the child care they needed. Without those crucial support services, Mr. Speaker, without that safety net, I do not know what would have happened to my family.

So, conferees, Members of this body, remember, the lives of millions of children are in your hands. Take this responsibility very seriously. If you err, err on the side of our children. Make sure that no child is left without proper health care, nutrition, or child care.

Make sure that no child is left behind. Remember how the safety net saved my family. Remember the children. I urge my colleagues, protect our children.

Mr. KASICH. Mr. Speaker, I yield 2 minutes to the very distinguished gentleman from Delaware [Mr. CASTLE], the former Governor.

Mr. CASTLE. I thank the gentleman for yielding me this time.

Mr. Speaker, I would just like to share some thoughts I have on welfare reform. I support all the concepts of the motion to instruct conferees. I think the gentleman from Minnesota [Mr. SABO] has done a good job here, but I would just like to point out where we have gone in the welfare reform package.

We had it coming out of committee, we took it to the floor of the House, we made some amendments to it which I think made it a better bill. It went over to the Senate, they acted on it. I think they have added some aspects to it or reaffirmed what we have done in the House, which makes it a better bill. Hopefully the conferees can sit down and meet and also make some of the improvements along some of the lines that have been discussed here to make it an even better bill.

I think we are going to have welfare reform in the United States. I think we need to be very serious about what is going to be in it. Quite frankly, I think we have worked hard to actually make this a very good piece of legislation.

I could not agree more, we should not have unfunded mandates. We have now preserved Medicaid coverage almost completely in this bill. We need to protect that. That is a very important point which is made here. I also believe we need to deal with the vouchers for goods and services, and I think maybe we are a little further long that line than even I thought after some further research. Hopefully we can develop that a little bit more too, as well, as we look at this.

Obviously I believe we should have whatever savings we can possibly have, but the bottom line is right. So many people have spoken here today and before on welfare reform. We need to put into place a system which will change it. There are job opportunities being created in America. The President of the United States says that constantly. Our economy shows that. We think these individuals ought to have the opportunity to go out and work where they can. We believe some should be protected, the 20 percent who cannot work.

I think this is all coming together. I congratulate all the Members of the House. Sometimes we do not listen to one another. I think in this instance we have been listening to one another. Hopefully we will listen to this motion to instruct conferees, go to conference and have a good welfare reform package.

Mr. SABO. Mr. Speaker, I yield 1 minute to the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. I thank the gentleman for yielding me this time.

Mr. Speaker, I am pleased to follow the preceding speaker who has worked so hard to make certain that a bipartisan welfare reform package is possible. The issue before us is not whether we should reform welfare. It is how we reform welfare in the correct way. I think the Senate took a major step forward in showing that true bipartisan reform is possible. Substantial changes were made in the Medicaid and in the food stamp areas, resulting in a much more bipartisan vote than was achieved in the House.

What other changes can be made in conference to get a stronger bipartisan House vote? The motion before us lays them out. Do not shift costs to localities, do not harm children, particularly as parents make that critical transition into the work force, preserve Medicaid coverage so that people without health care access does not increase, and, finally, if there are savings, let us apply them on the deficit.

We can do better than the bill that came out of the House in reaching bipartisan agreement. If the conferees adhere to these points, we will have a bipartisan welfare reform proposal.

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

Mr. SABO. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. BECERRA], and I ask unanimous consent to yield the balance of my time to the distinguished gentleman from New York [Mr. RANGEL] and that he have authority to yield to others.

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

There was no objection.

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, if there is one clarion call that we should hear in this Congress when it comes to reforming welfare, it should be: Hold our children harmless. We can disagree on a lot of things, but I think one thing is clear: None of us intends to put children in worse condition by reforming welfare. Yet we still have an issue. The Republican welfare bill that passed in this House would send 1.5 million children into poverty. It would increase the level of poverty for those children already existing without enough. Why would we want, as this bill does, to deny a child who lives in a home where there is domestic violence the opportunity to escape that home? Why would we want to deny more than 300,000 children who exist with a disability the opportunity to try to have the same opportunity as any other

child? Why would we want to deny a child who is hungry the opportunity through food stamps to be nourished? I do not think we want to do that, and I believe on a bipartisan basis we can get there. We are getting closer. There are still some disagreements. But certainly we can get there. Let us not fool ourselves. If we do not give through the Federal Government some assistance through food stamps or other services to that child, no one in the community in Los Angeles where I live or any community where you live will say, "We're going to leave that child on the street." We are going to care for that child one way or the other because we are very humane in this country. But let us not shift costs to the local governments and claim that we have saved welfare. Let us do it the right way and let us remember, in the end, the clarion call should be: We will hold our children harmless.

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

Mr. Speaker, my dear friend CLAY SHAW who has worked so hard to protect the children of our great Republic and who made so many attempts to make this a bipartisan effort closed his remarks by saying, "And who would want to be in a position of defending the status quo?"

Mr. Speaker, the gentleman has no idea what a powerful political statement he made. Because the answer should be, "Nobody."

There is widespread feeling in this Congress and in the United States that anybody that can work should be working, and anybody who freeloads is inconsistent with the ideas and the ideals that made our country the great country it is. Nothing gets to a taxpayer more than seeing a freeloader living at their expense and not making any attempt to pay their own way with the dignity that a job brings to them.

Having said that, if I understand this bill, this is not just reform because you call it reform. President Clinton said you can put wings on a pig but it does not make it an eagle. Why should I accept the fact that just because it is different, it is reform?

"Trust the States." I trust the States. Give them the Federal money, they are closer to the problem. Put in a safety net. Make certain the children are protected. We are not talking about aid to dependent mothers. We are talking about children. Whether you are Democrat, conservative, liberal, or Republican, OMB says 1 million kids are going to be pushed into poverty. Why? Because people have arbitrarily said, "Trust the Governors." After 2 years they decide if the mother is not working, kick the kid off.

Well, I do not know what would have happened in the manger at Christmas-time if that attitude had prevailed, but I think that Mary and Joseph would have had a harder time under today's bill than they had 2,000 years ago.

The fact remains is, if you say go to work, is there not a responsibility to have a job? If someone plays by the rules, makes a mistake, the boyfriend got killed, they were on their way to the church, they looked for the job, they took the training, but there were no jobs.

□ 1800

Oh, the Governors will work out something. If we are providing Federal funds and for the first time in 60 years are saying we wash our hands of this problem, it is now a State problem and you, RANGEL, trust the Governors, you have been there for 40 years, that is a heck of a thing to tell to a child that is being denied food stamps, that is being denied health care because we have a problem with the mother. But if you do not have a problem with the mother and she has worked hard and there is no job for her to find, you say if it is 2 years, 3 years, 4 years, 5 years, it is OK with you that she has not got a job.

I say if we want to turn it over to the States, I think it is wrong, but I would support it. But we have an obligation as a Congress, as a Nation to put a safety net there for those kids. They have not hurt anybody. But it is not there in any of these bills.

What has really happened is that the question before us as we adopt the resolution that the gentleman from Minnesota [Mr. SABO] has is not whether or not this is a good or bad bill. It is the question that the gentleman from Florida [Mr. SHAW], my friend, raised: Who is prepared before this election to protect the status quo? It is not me, but that does not mean that this flying pig is an eagle. It means that we have to do something before the election.

Democrats have to have a vote on something and so do the Republicans, unless, of course, which I know never entered the minds of my friends in the majority, unless we can make the President look worse by having to veto it. So now good-thinking people are wondering in the Congress do they really want a bill or do they really want to embarrass the President. And that is what we are talking about today. The urgency to get this bill out is based really to get it out before we go to the election.

All I am saying is, if the bill is so good, why does Catholic Charities say it is so bad? Are they dealing with such a higher authority that they cannot reach the Christians outside of the Christian Coalition? If the bill is so good, why is it my Jewish friends who take care of kids every day in the Jewish Council Against Poverty, which every year, the gentleman from New York [Mr. GILMAN], my good friend, and I are there saying that poverty is not black or white or Catholic or Protestant or Jew or gentile, hey, they are against the bill. And the Muslims

are against the bill. The Protestant Council said it may be a good concept but it is bad for children.

I tell my colleagues one thing, this is the best medicine we can find to have food for an election. So I retain my time to yield to other Members, but I really wish that we could hurt the people that should be hurt and provide the jobs and the opportunity for those people who played by the rules; but there is no provision there to protect them.

One day when we are talking about welfare reform, we will concentrate on education and dreams and training and have people that have more time to be prepared to get married and to get the picket fence and to have the same dreams as other people. But I realize that that issue is a local issue. We will leave that to the local school boards, and we will tackle the big ones like welfare reform and let the Governors tell us how well they are doing.

Mr. KASICH. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Florida [Mr. SHAW].

Mr. SHAW. Mr. Speaker, I would like to respond very briefly to my good friend from New York. On this floor we often use the word good friend in referring to somebody right before we slap them upside the head, but CHARLIE and I are good friends; we really are, both on the floor and off of the floor. I would like to say to the gentleman from New York, next year I think we all anticipate he would be the ranking member on the Committee on Ways and Means.

My colleague may try to make the argument that he is going to be chairman, but it is not going to happen next year. But in any event he is going to be the top Democrat on the Committee on Ways and Means. In that position, as I have said to him in the past that I would hold out to him my hand to work in cooperation with him once welfare reform gets in place to be sure it is going to work, there are going to be problems with welfare reform.

Anyone in this body that feels that we have washed our hands of the problem is kidding themselves. The Federal Government, by defense of a welfare system that has not worked and has built up layer after layer of generations on poverty, we have a responsibility as a Federal Government to go in and clean up this mess and to get people where the jobs are or get the jobs where the people are. I know, I say to my friend and colleague, that this is something that he is interested in, and I will tell my colleague tonight that I would be happy to go to his district and to work with him because I know of his concern for the people he represents. I also have concern for them.

Now, one quick response to the question as to whether we are trying to rush something in before the election, we are trying to give this President the opportunity to deliver on a promise he made 4 years ago during the campaign

on which he mentioned right below where the speaker is standing here tonight in telling us during the State of the Union Address that he wants a welfare bill that he can sign. We intend to deliver him a welfare bill that hopefully he will sign.

It got great support in the Senate. I hope we take the momentum that they came out of the Senate onto the House Floor and that we send him a bipartisan bill and he will sign it.

Mr. RANGEL. Mr. Speaker, I am certain that the President will make note of this contribution that we are making to his campaign and the great opportunity that we have given to him. I would like to yield 2 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Speaker, Democrats and Republicans have agreed from the very beginning of this session on welfare reform, the need for welfare reform. We agreed that one title of the welfare reform bill should be there, child support enforcement. It was placed in, we worked together and it stayed that way.

Other than that, there were many disagreements. There were many debates. There were many arguments. We come to this point where we have the motion before us that will put people to work and protect children.

We look at this motion. It says yes to welfare to work programs and no to unfunded mandates. We look at this motion that says yes to strict time limits on adults and no to driving additional children into poverty. The motion says yes to reforming welfare but no to increasing the number of people without health coverage.

So the motion is a good motion. This bill can become a better bill. I remember the other day last week when we were voting on final passage in the House, on the welfare bill. One of my colleagues on the other side of the aisle came down and said: BARBARA, I thought you said, if we made this bill better, you would vote for it. I said yes, I said that, but I think it can be better.

Yesterday it was made better. Yesterday Medicaid language was much better in the Senate. Yesterday no block grant for food stamps. Let us use the surplus agriculture supplies we have for nutrition for the children. Yet there were other ways that the Senate bill very definitely made this a better bill.

We have this motion, a commonsense blueprint for welfare reform that will work and that President Clinton can look at so he can decide if he is going to sign it.

I say to my colleagues on the other side of the aisle this is a much better bill that we continue to talk about. Tomorrow there will be a conference, where we will meet. The gentleman from Florida [Mr. SHAW] has been a leader on this and has been patient, unbelievably patient.

I say let us still consider that safety net for children. Let us still make it a better bill so that we can all vote for it and the President can sign it and we can all say we did welfare reform.

Mr. KASICH. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Speaker, certainly it is the tradition of the Congress that going to conference is a time when House Members and Members of the other body think together anew about legislation, and the best ideas from both sides are merged. So, there is no doubt in my mind that what comes out of conference will be a bill we will all be proud of.

I do want to go back to something that my friend from New York said, and that is jobs; what are we going to do if there are no jobs? And why do all these religious groups oppose the bill? Well, I would say to my colleagues that welfare reform is not just about welfare. Welfare reform is about system change in America. Those groups do not understand that. They do not see the possibilities.

I think we are missing the understanding of the new opportunities this bill creates. For example, it has always been unfair for local taxpayers, and we know how terribly, terribly stressed people are at the level of local property taxes. Those people are paying their local government people, and they are participating in paying welfare benefits.

Through attrition, without anybody who is employed losing their job, there is not any level of government that cannot open up entry-level jobs for welfare recipients so right off the bat they get real wages for real work. They make contacts and then the local governments can use that money to up the salaries of some of their people to do supervision and to do coordination.

So I believe in the long run we are going to use our public dollars better as a result of welfare reform because we are going to open up jobs. We are going to build job training into our Federal, State and local bureaucracy, and people will have opportunities right off the bat they never dreamed of. So I think using the resources of the employment base that government provides with taxpayer dollars, our community colleges and our adult education resources, we are going to create opportunity with this bill that we are going to be proud of.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN. Mr. Speaker, the basic foundations of welfare reform have been clear for some time: moving people on welfare into productive work with time limits and State flexibility, protecting the child who will be a main beneficiary of breaking the cycle of dependency.

While I have believed that there was a mainstream cutting across the parties to build a new structure on these foundations, and I have been actively engaged along these very lines, early Republican bills veered sharply in an opposite direction and as a result the President vetoed them.

In direct response, the majority moved and there have been some significant improvements in the proposed legislation, moving from no specific provision for health care and woefully inadequate day care to assurance of health and day care as parents move off of welfare to work, better ensuring that States who meet their responsibilities and maintain their effort, not simply substituting Federal dollars for their own, canceling the punitive program cuts for severely handicapped children, restoring the safety net for foster care and child nutrition and creating a structure, though still very inadequate, to protect people who want to work from the ravages of a major recession.

The bipartisan Tanner-Castle bill, which I actively supported, and several amendments in the Senate point to several key areas where there is a serious need for further change, especially those relating to the protection of health and welfare of children who are legally in this country, and to really achieving what is most needed for the parent on welfare, for their benefit, for the child and for the taxpayer; that is, work.

This motion instructs the conferees to do everything possible to achieve the stated objectives on a bipartisan basis. The conference can be an important step forward on a bipartisan basis toward welfare reform or a backward step on a partisan one leading to further gridlock. This Nation badly needs and wants the former. We must strive to achieve it.

Mr. KASICH. Mr. Speaker, I yield myself 2 minutes.

I want to say to my friend from New York I was amazed the other day in talking to some of my friends on the Democratic side of the aisle. They were wondering about our economic program. I think what my colleagues have to understand, they may not like our program, but our program balances the budget and lowers interest rates.

One of the major ways we do it is to shift power and money from this city back home so that people can solve local problems with local solutions. I would say to the gentleman. I want my local housing authority administrators to set the rules for the people that live in the housing in my community. I do not want to come to Washington for the rules. I want to do it in the neighborhood.

Our program is to provide tax incentives, we believe, and lower taxes on risk-taking. We think that will create jobs, and my good friend Bob Garcia

joined with Jack Kemp to create enterprise zones to give tax relief so we can create jobs. The day is going to come, in my judgment, where the poorest Americans are going to support lowering capital gains taxes so that people will risk money to create jobs.

I would also say to the gentleman that our view of deregulation, of unshackling businesses that cannot get started in communities because they got to hire lawyers and accountants and Lord knows how much. Instead of treating those people with great respect, we make it difficult for them to create a job and hire people. That is why we support deregulation.

□ 1815

That is why we support less Federal involvement, because we believe we need to reclaim our communities and our neighborhoods and our families.

So this plan cannot be divorced from our economic plan. The gentleman may not agree with our economic plan, but we are sincere in our efforts to try to bring greater prosperity to this country, and we think we are on the right track. The gentleman believes we are not. But we cannot divorce welfare from the need to provide economic growth. We believe we have the better way to do it, and I want the gentleman to understand that is our approach.

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

Ms. PELOSI. Mr. Speaker, I rise in support of the motion to instruct and reject the idea of putting more children into poverty.

Mr. Speaker, we can all agree that the welfare status quo is unacceptable. But the Republican welfare reform proposal will make the problems of poverty and dependence much worse because it refuses to make work the cornerstone of welfare reform.

Real welfare reform is about work. Opportunities for work, jobs that pay a living wage, job training opportunities to provide skills necessary to earn a living wage are long term solutions for a permanent and productive reform in our welfare system.

Real welfare reform must emphasize the importance of work. Real welfare reform must also aid rather than punish children. In the United States, 14 million children live in poverty. Passage of this legislation would add millions more to that statistic. This welfare bill is punitive and unrealistic.

Abolishing the safety net for children, imposing family caps, denying legal immigrants benefits, imposing arbitrary time limits and failing to provide adequate child care, health care, education, job training, and work opportunities for people in need will thrust millions more into poverty.

This bill cuts almost \$60 billion from the poor in this country. These cuts will affect children whose parents are on welfare. These cuts will trap countless women in abusive relationships, with nowhere to turn—without a realistic way to gain independence, gain work, and provide for their children.

Welfare reform must be about education, job training, and work. We must keep families together, rather than ripping them apart. We cannot simply reduce the deficit at the cost of our poorest Americans. This proposal has little wisdom, conscience, or heart.

Some of my colleagues will vote for this bill and then wash their hands of welfare reform, saying they have done their job. But the job of welfare reform is more complex and dire. People living in poverty are not cardboard cutouts: they do not have the same stories, they do not need the same services. This bill treats everyone alike, with unrealistic time limits and no real lasting and effective plan to move welfare recipients to work at a living wage.

The denial of benefits to legal immigrants in this legislation will do great harm to children and have a devastating impact on the health care system in our country. Only 3.9 percent of immigrants, who come to the United States to join their families or to work, rely on public assistance compared to 4.2 percent of native-born citizens. According to the Urban Institute, immigrants pay \$25 billion more annually than they receive in benefits. Yet the myth persists that welfare benefits are the primary purpose for immigration to the United States. Instead of appreciating legal immigrants for their significant contributions to this, their adopted country, this bill blatantly punishes them, especially young children and the elderly. It bans SSI and food stamps for virtually all legal immigrants. It tosses aside people who pay taxes, serve our country, and play by the rules. This lacks compassion and common sense.

If we want to achieve real welfare reform, we need to offer some long-term solutions to help people move up and out from the cycle of poverty. The current welfare system is not adequate, but this bill makes it far worse.

I urge my colleagues to oppose the Republican bill and work together for meaningful reform that puts people to work and pulls them out of poverty for good.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. NEAL].

(Mr. NEAL of Massachusetts asked and was given permission to revise and extend his remarks.)

Mr. NEAL of Massachusetts. Mr. Speaker, I want to thank the gentleman from New York [Mr. RANGEL] for yielding me this time.

Let me offer a statistic this evening that I think is the most compelling number that has surrounded this debate for the better part of 18 months. There are 12.8 million people in America who receive AFDC. Of that number, between 8 and 9 million of those recipients are children.

That is the issue that we can never lose focus on. That is the issue that ought to motivate, and that is the issue that ought to drive these deliberations. And yet after 18 months there has only been one bipartisan initiative that deals with welfare. The authors having been the former Governor of Delaware, MIKE CASTLE, and the Congressman from Tennessee, JOHN TANNER. Only one bill had the support of

Democrats and Republicans alike in this institution, and it was the piece of legislation that Bill Clinton said "I will sign if you put that on my desk."

But the posturing that has taken place over this issue has delayed getting to a bill that withstands the scrutiny that we all know welfare reform deserves. Let me just read one sentence from a letter that was sent by the Speaker of the House to the members of the Republican Conference. He said, in suggesting they oppose the bipartisan bill, the following: "It is critical that Republicans maintain the upper hand on this issue by rejecting the Gephardt substitute."

That they maintain the upper hand, because that is what this debate has been about. This debate has been about November. This debate has been about trying to get a bill down to the White House that they know the President of the United States cannot sign. That is how policy has been made, and that is how it has evolved in this institution. And remember those words, it is important that the Republicans maintain the upper hand on this issue.

Mr. KASICH. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana [Mr. MCCREERY].

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

Mr. Speaker, just a couple of points. My good friend on the Committee on Ways and Means, the gentleman from Massachusetts [Mr. NEAL], is a good member of that committee and certainly I listen when he speaks. He talks about a bipartisan bill that was offered here on this floor, and he said that was the only bipartisan bill offered. Well, maybe it was the only bill with a bipartisan list of authors, but the fact is that that bill only got 9 Republicans to vote for it on the floor. The Republican bill got 30 Democrats to vote for it on the floor. So the more bipartisan of those two bills, my colleagues, was not the so-called bipartisan bill, it was the Republican bill that in fact passed this House.

Another point. The gentleman from Massachusetts, [Mr. NEAL] and the gentleman from Michigan [Mr. LEVIN] talked about how far Republicans have come, and I appreciate their giving us that. We have come a long way from where we started. But so has the President. To give him some credit, he has come a long way.

The first bill the President sent to this House increased spending for welfare programs in this country. The bill that we hope he will sign now will save somewhere on the order of \$60 billion. So that is coming a long way on the part of the President and the Democrats in this House. And I appreciate that, too.

Mr. Speaker, I think this is a classic example of negotiators starting at the far ends, coming to the middle, producing a product that is a compromise but

that will move this country forward, that will bring families and children out of poverty finally in this country, give them some hope instead of lives of despair and hopelessness.

So I want to congratulate both sides of the aisle, the Republicans and the Democrats, for compromising, coming to the middle, producing a bill that I hope will become law.

Mr. KASICH. Mr. Speaker, I urge Members to support the Sabo amendment, and I yield back the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, I rise in strong support of the motion to instruct. Welfare conferees should do all in their power to ensure that the welfare conference agreement reinforces our basic values of responsibility and work and protects our Nation's children.

The welfare bill that passed the House last week woefully fell short on these goals. Instead, the bill is tough on children and soft on requiring work.

The Republican bill fails to meet the goal of moving people from welfare to work by underfunding the work program by \$10 billion. My Republican colleague from Connecticut talked about local government being the source of jobs. I quite frankly do not understand how New Haven and Hartford and Bridgeport and Stamford, how they provide jobs without raising the property tax in Connecticut. And those in Connecticut know that they are being choked by taxes.

Let me just say that I urge the conferees to protect our children. Without these protections attempts to reform welfare will increase the number of children living in poverty and fail to move people off the welfare rolls and into the work force. Protect innocent children, vote for the motion to instruct.

Mr. RANGEL. Mr. Speaker, I yield 30 seconds to the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Speaker, I thank the gentleman from New York for yielding me this time.

I am astounded to hear the gentleman from Ohio [Mr. KASICH] talk about a bill that will cut out the safety net under the poor and then say in years to come the poor will ask us to cut capital gains and maybe something will trickle down.

We need this motion to instruct. Both the House and the Senate have protections for eligibility standards for Medicaid. Let us make sure they do not drop it. That is what they did in the last conference, and unless we get any assurances to the contrary, let us instruct our conferees to hold to the provisions that protect the rights of children at least to get health care, which is both in the House and the Senate bill.

Mr. RANGEL. Mr. Speaker, as we conclude the debate in support of the motion to instruct by the gentleman from Minnesota [Mr. SABO], I would like to say that I do not think that any Member in this House could challenge the fact that if we want true welfare reform we have to talk about education, training, access to jobs and people working with dignity and with pride so that they do not have time to do the things that require dependency on the Government.

Maybe one day we will get to those issues instead of talking about punishment, cutting grants, mandatory sentences, and make this country as great as she can be with education, jobs, and productivity. One day when we reach that, that truly will be welfare reform and an opportunity for this great republic to reach the heights that she can reach.

Mr. MANZULLO. Mr. Chairman, Paul Swanson from Lake in the Hills, IL, which I represent, knows what welfare reform means to him. Paul is a carpenter, a secretary for a union PAC committee and believes in welfare reform. Let me quote from Mr. Swanson's letter:

More people going to work will reduce the welfare burden and thereby reduce taxes.

You see, Paul is one of those forgotten Americans, who get up at the break of day, pack their lunch, send their kids off to school, and are working harder than ever in their lives, but having less money to spend. The reason Paul has less to spend is that taxes are too high, and it takes high taxes to support the welfare state. Our goal is to help the Paul Swansons of this world by reforming welfare so that less money is spent on welfare, and Paul Swanson would have more money to spend on his family.

(Mr. MYERS of Indiana asked and was given permission to speak out of order.)

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 3816, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1997

Mr. MYERS of Indiana. Mr. Speaker, I ask unanimous consent that during the further consideration of H.R. 3816, in the Committee of the Whole, pursuant to House Resolution 483, the bill be considered as read, and no amendment shall be in order except for the following amendments, which shall be considered as read, shall not be subject to amendment or to a demand for a division of the question in the House or in the Committee of the Whole, and shall be debatable for the time specified, equally divided and controlled by the proponent and a Member opposed:

Amendment No. 1 by Mr. SOLOMON for 10 minutes; amendment No. 2 by Mr. FOGLIETTA for 10 minutes; amendment Nos. 3 or 4 by Mr. OBEY for 40 minutes; amendment No. 5 by Mr. GUTKNECHT for 20 minutes; amendment No. 6 by Mr. KLUG for 20 minutes; amendment No. 7 by Mr. KLUG for 20 minutes; amendment No. 8 by Mr. ROEMER for 10 minutes; amendment No. 9 by Mr. ROE-

MER for 10 minutes; amendment No. 10 by Mr. ROHRBACHER for 10 minutes; amendment No. 11 by Mr. TRAFICANT for 5 minutes; amendment No. 12 by Mr. BARTON of Texas for 10 minutes; amendment No. 13 by Mr. BEREUTER for 10 minutes; amendment No. 14 by Mr. HILLEARY for 10 minutes; amendment Nos. 15 & 16 en bloc by Mr. MARKEY for 20 minutes; amendment No. 17 by Mr. PETRI for 20 minutes; amendment No. 20 by Mr. ZIMMER for 10 minutes; an amendment by Mr. ROGERS—regarding the new Madrid floodway—for 5 minutes; an amendment by Mr. FILNER—regarding the Tijuana River Basin—for 10 minutes; an amendment by either Mr. KLUG or Mr. SCHAEFER or Mr. FAZIO—regarding solar energy—for 30 minutes; an amendment by Mr. KOLBE—regarding the central Arizona project—for 10 minutes; and an amendment by Mr. PICKETT—regarding the Sandbridge beach project—for 10 minutes.

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

Mr. BROWN of California. Mr. Speaker, reserving the right to object, may I inquire of the distinguished chairman if this would preclude me from making the pro forma amendment that I had discussed with him earlier?

Mr. MYERS of Indiana. Mr. Speaker, will the gentleman yield?

Mr. BROWN of California. Further reserving the right to object, I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Mr. Speaker, by unanimous consent, the gentleman can address the Committee for 5 minutes during which we will have a colloquy for that period of time and we will not object.

Mr. SKAGGS. Mr. Speaker, if the gentleman will yield, I believe the colloquy that was just had answered my question as well, because I was anticipating a colloquy with the chairman.

Mr. MYERS of Indiana. Mr. Speaker, will the gentleman yield under this reservation?

Mr. BROWN of California. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Mr. Speaker, I would say to the gentleman that I think we have taken care of all those. We have an understanding that there are some of these in controversy or in misunderstanding which require further consideration and we will have a dialog and a colloquy and we will yield for that purpose and there will no objection.

We would like to hold that to a minimum, however, I must say to each of the gentlemen. I hope we hold it to just 5 minutes, because we want to expedite this and get finished tonight. Here in Washington it is 6:30 and we hope we can finish by no later than 11, give or take an hour.

Mr. BROWN of California. Mr. Speaker, I understand the problem and I will do my best to accede.

Mr. SKAGGS. Mr. Speaker, if the gentleman will yield further, I was expecting to be long-winded, but given what he has said, I will try to be succinct.

Mr. BROWN of California. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Minnesota [Mr. SABO].

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

RECORDED VOTE

Mr. RANGEL. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 418, noes 0, not voting 15, as follows:

[Roll No. 353]

AYES—418

Abercrombie	Canady	Ehrlich
Ackerman	Cardin	Engel
Allard	Castle	English
Andrews	Chabot	Ensign
Archer	Chambliss	Eshoo
Army	Chapman	Evans
Bachus	Chenoweth	Everett
Baessler	Christensen	Ewing
Baker (CA)	Chrysler	Farr
Baker (LA)	Clay	Fattah
Balducci	Clayton	Fawell
Ballenger	Clement	Fazio
Barcia	Clinger	Fields (LA)
Barr	Clyburn	Fields (TX)
Barrett (NE)	Coble	Finler
Barrett (WI)	Coburn	Flake
Bartlett	Collins (GA)	Flanagan
Barton	Collins (MI)	Foglietta
Bass	Combest	Foley
Bateman	Condit	Forbes
Becerra	Cooley	Fowler
Bellenson	Costello	Fox
Bentsen	Cox	Frank (MA)
Bereuter	Coyne	Franks (CT)
Berman	Cramer	Franks (NJ)
Bevill	Crane	Frelinghuysen
Bilbray	Crapo	Frisa
Bilirakis	Creameans	Frost
Bishop	Cubin	Funderburk
Billey	Cummings	Furse
Blumenauer	Cunningham	Galleghy
Blute	Danner	Ganske
Boehlert	de la Garza	Gejdenson
Boehner	Deal	Gekas
Bonilla	DeFazio	Gephardt
Bonior	DeLauro	Geren
Bono	DeLay	Gilchrest
Borski	Dellums	Gillmor
Boucher	Deutsch	Gilman
Brewster	Diaz-Balart	Gonzalez
Browder	Dickey	Goodlatte
Brown (CA)	Dicks	Goodling
Brown (FL)	Dingell	Gordon
Brown (OH)	Dixon	Goss
Brownback	Doggett	Graham
Bryant (TN)	Dooley	Green (TX)
Bryant (TX)	Doolittle	Greene (UT)
Bunn	Dornan	Greenwood
Bunning	Doyle	Gunderson
Burr	Dreier	Gutierrez
Burton	Duncan	Gutknecht
Callahan	Dunn	Hall (OH)
Calvert	Durbin	Hall (TX)
Camp	Edwards	Hamilton
Campbell	Ehlers	Hancock

Hansen	McCrery	Sanders
Harman	McDermott	Sanford
Hastert	McHale	Sawyer
Hastings (FL)	McHugh	Saxton
Hastings (WA)	McInnis	Scarborough
Hayworth	McIntosh	Schaefer
Hefley	McKeon	Schiff
Hefner	McKinney	Schroeder
Heineman	McNulty	Schumer
Herger	Meehan	Scott
Hilleary	Meek	Seastrand
Hilliard	Menendez	Sensenbrenner
Hinchey	Metcalf	Serrano
Hobson	Meyers	Shadegg
Hoekstra	Mica	Shaw
Hoke	Millender-	Shays
Holden	McDonald	Shuster
Horn	Miller (CA)	Siskis
Hostettler	Miller (FL)	Skaggs
Houghton	Minge	Skeen
Hoyer	Mink	Skelton
Hunter	Moakley	Slaughter
Hutchinson	Molinari	Smith (MI)
Hyde	Mollohan	Smith (NJ)
Inglis	Montgomery	Smith (TX)
Istook	Moorhead	Smith (WA)
Jackson (IL)	Moran	Solomon
Jackson-Lee	Morella	Souder
(TX)	Murtha	Spence
Jacobs	Myers	Spratt
Jefferson	Myrick	Stark
Johnson (CT)	Nadler	Stearns
Johnson (SD)	Neal	Stenholm
Johnson, E. B.	Nethercutt	Stockman
Johnson, Sam	Neumann	Stokes
Johnston	Ney	Studds
Jones	Norwood	Stump
Kanjorski	Nussle	Stupak
Kaptur	Oberstar	Talent
Kasich	Obey	Tanner
Kelly	Olver	Tate
Kennedy (MA)	Ortiz	Tauzin
Kennedy (RI)	Orton	Taylor (MS)
Kennelly	Owens	Tejeda
Kildee	Oxley	Thomas
Kim	Packard	Thompson
King	Pallone	Thornberry
Kingston	Parker	Thornton
Klecza	Pastor	Thurman
Klink	Paxon	Tiahrt
Klug	Payne (NJ)	Torkildsen
Knollenberg	Payne (VA)	Torres
Kolbe	Pelosi	Torricelli
LaFalce	Peterson (MN)	Towns
LaHood	Petri	Trafficant
Largent	Pickett	Upton
Latham	Pombo	Velazquez
LaTourette	Pomeroy	Vento
Laughlin	Porter	Visclosky
Lazio	Portman	Volkmer
Leach	Poshard	Vucanovich
Levin	Pryce	Walker
Lewis (CA)	Quillen	Walsh
Lewis (GA)	Quinn	Wamp
Lewis (KY)	Radanovich	Ward
Lightfoot	Rahall	Waters
Linder	Ramstad	Watt (NC)
Lipinski	Rangel	Watts (OK)
Livingston	Reed	Waxman
LoBiondo	Regula	Weldon (FL)
Loftgren	Richardson	Weldon (PA)
Longley	Riggs	Weller
Lowe	Rivers	White
Lucas	Roberts	Whitfield
Luther	Roemer	Wicker
Maloney	Rogers	Williams
Manton	Rohrabacher	Wilson
Manzullo	Ros-Lehtinen	Wise
Markey	Roth	Wolf
Martinez	Roukema	Woolsey
Martini	Roybal-Allard	Wynn
Mascara	Royce	Yates
Matsui	Rush	Young (AK)
McCarthy	Sabo	Zeliff
McCollum	Salmon	Zimmer

NOT VOTING—15

Buyer	Ford	McDade
Coleman	Gibbons	Peterson (FL)
Collins (IL)	Hayes	Rose
Conyers	Lantos	Taylor (NC)
Davis	Lincoln	Young (FL)

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Messrs. SKEEN, FLAKE, and BLILEY changed their vote from "no" to "aye."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. KNOLLENBERG). Without objection, the Chair appoints the following conferees: Messrs. KASICH, ARCHER, GOODLING, ROBERTS, BLILEY, SHAW, TALENT, NUSSLE, HUTCHINSON, MCCRERY, BLIRAKIS, SMITH of Texas, Mrs. JOHNSON of Connecticut, Messrs. CAMP, FRANKS of Connecticut, CUNNINGHAM, CASTLE, GOODLATTE, SABO, GIBBONS, CONYERS, DE LA GARZA, CLAY, FORD, MILLER of California, WAXMAN, STENHOLM, Mrs. KENNELLY, Messrs. LEVIN, TANNER, BECERRA, Mrs. THURMAN, and Ms. WOOLSEY.

There was no objection.

GENERAL LEAVE

Mr. SABO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the motion to instruct conferees on H.R. 3734.

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

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2391, WORKING FAMILIES FLEXIBILITY ACT OF 1996

Ms. GREENE of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 104-704) on the Resolution (H. Res. 488) providing for consideration of the bill (H.R. 2391) to amend the Fair Labor Standards Act of 1938 to provide compensatory time for all employees, which was referred to the House Calendar and ordered to be printed.

APPOINTMENT OF CONFEREES ON H.R. 3005, SECURITIES AMENDMENTS OF 1996

Mr. BLILEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3005) to amend the Federal securities laws in order to promote efficiency and capital formation in the financial markets, and to amend the Investment Company Act of 1940 to promote more efficient management of mutual funds, protect investors, and provide more effective and less burdensome regulation, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

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

Mr. DINGELL. Mr. Speaker, reserving the right to object, I do so simply to have a very brief colloquy with my respected and dear friend, the gentleman from Virginia [Mr. BLILEY].

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

Mr. DINGELL. I yield to the gentleman from Virginia, but I believe the request for the appointment of conferees represents the agreement that we have had earlier; is that correct?

Mr. BLILEY. Mr. Speaker, the gentleman is absolutely correct.

Mr. DINGELL. Then, Mr. Speaker, I do not object.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota? The Chair hears none and, without objection, appoints the following conferees: Messrs. BLILEY, FIELDS of Texas, OXLEY, TAUZIN, SCHAEFER, DEAL of Georgia, FRISA, WHITE, DINGELL, MARKEY, BOUCHER, GORDON, Ms. FURSE, and Mr. KLINK.

There was no objection.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1997

The SPEAKER pro tempore. Pursuant to House Resolution 483 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. 3816.

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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. 3816) making appropriations for energy and water development for the fiscal year ending September 30, 1997, and for other purposes, with Mr. OXLEY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, all time for general debate had expired.

Pursuant to the order of the House of earlier today, the bill is considered read.

The text of H.R. 3816 is as follows:

H.R. 3816

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1997, for energy and water development, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary

of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, beach erosion, and related purposes.

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, restudy of authorized projects, miscellaneous investigations, and, when authorized by laws, surveys and detailed studies and plans and specifications of projects prior to construction, \$153,628,000, to remain available until expended, of which funds are provided for the following projects in the amounts specified:

Norco Bluffs, California, \$180,000;
San Joaquin River Basin, Caliente Creek, California, \$150,000;
Tampa Harbor, Alafia Channel, Florida, \$200,000;
Lake George, Hobart, Indiana, \$100,000;
Little Calumet River Basin, Cady Marsh Ditch, Indiana, \$200,000;
Barnegat Inlet to Little Egg Harbor Inlet, New Jersey, \$558,000;
Brightline Inlet to Great Egg Harbor Inlet, New Jersey, \$600,000;
Great Egg Harbor Inlet to Townsends Inlet, New Jersey, \$400,000;
Manasquan Inlet to Barnegat Inlet, New Jersey, \$400,000;
Townsends Inlet to Cape May Inlet, New Jersey, \$375,000;
South Shore of Staten Island, New York, \$300,000;
Mussers Dam, Middle Creek, Snyder County, Pennsylvania, \$450,000;
Monongahela River, West Virginia, \$500,000;
Monongahela River, Fairmont, West Virginia, \$250,000; and
Tygart River Basin, Philippi, West Virginia, \$250,000.

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), \$1,035,394,000, to remain available until expended, of which such sums as are necessary pursuant to Public Law 99-662 shall be derived from the Inland Waterways Trust Fund, for one-half of the costs of construction and rehabilitation of inland waterways projects, including rehabilitation costs for the Lock and Dam 25, Mississippi River, Illinois and Missouri, Lock and Dam 14, Mississippi River, Iowa, and Lock and Dam 24, Mississippi River, Illinois and Missouri, projects, and of which funds are provided for the following projects in the amounts specified:

San Timoteo Creek (Santa Ana River Mainstem), California, \$7,000,000;
Ohio River Flood Protection, Indiana, \$1,800,000;
Indianapolis Central Waterfront, Indiana, \$8,000,000;
Indiana Shoreline Erosion, Indiana, \$2,200,000;
Harlan (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, \$18,500,000;
Martin County (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, \$350,000;

Middlesboro (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, \$2,000,000;

Pike County (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, \$2,000,000;

Town of Martin (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, \$300,000;

Williamsburg (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, \$4,050,000;

Salyersville, Kentucky, \$3,500,000;

Lake Pontchartrain and Vicinity, Louisiana, \$18,525,000;

Red River below Denison Dam Levee and Bank Stabilization, Louisiana, Arkansas, and Texas, \$100,000;

Glen Foerd, Pennsylvania, \$800,000;

South Central Pennsylvania Environmental Restoration Infrastructure and Resource Protection Development Pilot Program, Pennsylvania, \$10,000,000;

Wallisville Lake, Texas, \$10,000,000;

Richmond Filtration Plant, Virginia, \$3,500,000; and

Virginia Beach, Virginia, \$8,000,000:

Provided, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use \$1,000,000 of the funds appropriated in Public Law 104-46 for construction of the Ohio River Flood Protection, Indiana, project: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed, in cooperation with State, county, and city officials and in consultation with the Des Moines River Greenbelt Advisory Committee, to provide highway and other signs appropriate to direct the public to the bike trail which runs from downtown Des Moines, Iowa, to the Big Creek Recreation area at the Corps of Engineers Saylorville Lake project and the wildlife refuge in Jasper and Marion Counties in Iowa authorized in Public Law 101-302: *Provided further*, That using \$500,000 of the funds appropriated for the Passaic River Mainstem, New Jersey, project under the heading "General Investigations" in Public Law 103-126, the Secretary of the Army, acting through the Chief of Engineers, is directed to begin implementation of the Passaic River Preservation of Natural Storage Areas separable element of the Passaic River Flood Reduction Project, New Jersey.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS; ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For expenses necessary for prosecuting work of flood control, and rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a, 702g-1), \$302,990,000, to remain available until expended.

OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; and removal of obstructions to navigation, \$1,701,180,000, to remain available until expended, of which such sums as become available in the Harbor Maintenance Trust Fund, pursuant to Public

Law 99-662, may be derived from that fund, and of which such sums as become available from the special account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601), may be derived from that fund for construction, operation, and maintenance of outdoor recreation facilities, and of which funds are provided for the following projects in the amounts specified:

Raystown Lake, Pennsylvania, \$4,190,000; and

Cooper Lake and Channels, Texas, \$2,601,000:

Provided, That using \$1,000,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to design and construct a landing at Guntersville, Alabama, as described in the Master Plan Report of the Nashville District titled "Guntersville Landing" dated June, 1996.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, \$101,000,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary for emergency flood control, hurricane, and shore protection activities, as authorized by section 5 of the Flood Control Act approved August 18, 1941, as amended, \$10,000,000, to remain available until expended: *Provided*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use up to \$8,000,000 of the funds appropriated herein and under this heading in Public Law 104-134 to rehabilitate non-Federal flood control levees along the Puyallup and Carbon Rivers in Pierce County, Washington.

GENERAL EXPENSES

For expenses necessary for general administration and related functions in the Office of the Chief of Engineers and offices of the Division Engineers; activities of the Coastal Engineering Research Board, the Humphreys Engineer Center Support Activity, the Engineering Strategic Studies Center, and the Water Resources Support Center, and for costs of implementing the Secretary of the Army's plan to reduce the number of division offices as directed in title I, Public Law 104-46, \$145,000,000, to remain available until expended: *Provided*, That no part of any other appropriation provided in title I of this Act shall be available to fund the activities of the Office of the Chief of Engineers or the executive direction and management activities of the Division Offices.

ADMINISTRATIVE PROVISIONS

Appropriations in this title shall be available for official reception and representation expenses (not to exceed \$5,000); and during the current fiscal year the revolving fund, Corps of Engineers, shall be available for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles.

GENERAL PROVISIONS

CORPS OF ENGINEERS—CIVIL

SEC. 101. (a) In fiscal year 1997, the Secretary of the Army shall advertise for competitive bid at least 10,000,000 cubic yards of the hopper dredge volume accomplished with government owned dredges in fiscal year 1992.

(b) Notwithstanding the provisions of this section, the Secretary is authorized to use the dredge fleet of the Corps of Engineers to undertake projects when industry does not perform as required by the contract specifications or when the bids are more than 25

percent in excess of what the Secretary determines to be a fair and reasonable estimated cost of a well equipped contractor doing the work or to respond to emergency requirements.

SEC. 102. None of the funds appropriated in this Act may be used to study, design, or undertake improvements of the Federal vessel, McFARLAND.

TITLE II
DEPARTMENT OF THE INTERIOR
CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For the purpose of carrying out provisions of the Central Utah Project Completion Act, Public Law 102-575 (106 Stat. 4605), and for feasibility studies of alternatives to the Uintah and Upalco Units, \$42,527,000, to remain available until expended, of which \$16,700,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account; *Provided*, That of the amounts deposited into the Account, \$5,000,000 shall be considered the Federal contribution authorized by paragraph 402(b)(2) of the Act and \$11,700,000 shall be available to the Utah Reclamation Mitigation and Conservation Commission to carry out activities authorized under the Act.

In addition, for necessary expenses incurred in carrying out responsibilities of the Secretary of the Interior under the Act, \$1,100,000, to remain available until expended.

BUREAU OF RECLAMATION

For carrying out the functions of the Bureau of Reclamation as provided in the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) and other Acts applicable to that Bureau as follows:

GENERAL INVESTIGATIONS

For engineering and economic investigations of proposed Federal reclamation projects and studies of water conservation and development plans and activities preliminary to the reconstruction, rehabilitation and betterment, financial adjustment, or extension of existing projects, \$14,548,000, to remain available until expended; *Provided*, That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund; *Provided further*, That funds contributed by non-Federal entities for purposes similar to this appropriation shall be available for expenditure for the purposes for which contributed as though specifically appropriated for said purposes, and such amounts shall remain available until expended; *Provided further*, That of the total appropriated, \$500,000 shall be available to complete the appraisal study and initiate preconstruction engineering and design for the Del Norte County and Crescent City, California, Wastewater Reclamation Project, and \$500,000 shall be available to complete the appraisal study and initiate preconstruction engineering and design for the Fort Bragg, California, Water Supply Project.

CONSTRUCTION PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For construction and rehabilitation of projects and parts thereof (including power transmission facilities for Bureau of Reclamation use) and for other related activities as authorized by law, \$398,069,000, to remain available until expended, of which \$23,410,000 shall be available for transfer to the Upper Colorado River Basin Fund authorized by

section 5 of the Act of April 11, 1956 (43 U.S.C. 620d), and \$71,728,000 shall be available for transfer to the Lower Colorado River Basin Development Fund authorized by section 403 of the Act of September 30, 1968 (43 U.S.C. 1543), and such amounts as may be necessary shall be considered as though advanced to the Colorado River Dam Fund for the Boulder Canyon Project as authorized by the Act of December 21, 1928, as amended; *Provided*, That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund; *Provided further*, That transfers to the Upper Colorado River Basin Fund and Lower Colorado River Basin Development Fund may be increased or decreased by transfers within the overall appropriation under this heading; *Provided further*, That funds contributed by non-Federal entities for purposes similar to this appropriation shall be available for expenditure for the purposes for which contributed as though specifically appropriated for said purposes, and such funds shall remain available until expended; *Provided further*, That all costs of the safety of dams modification work at Coolidge Dam, San Carlos Irrigation Project, Arizona, performed under the authority of the Reclamation Safety of Dams Act of 1978 (43 U.S.C. 506), as amended, are in addition to the amount authorized in section 5 of said Act; *Provided further*, That utilizing funds appropriated for the Tucson Aqueduct System Reliability Investigation, the Bureau of Reclamation is directed to complete, by the end of fiscal year 1997, the environmental impact statement being conducted on the proposed surface reservoir. The Bureau of Reclamation is further directed to work with the City of Tucson on any outstanding issues related to the preferred alternative.

OPERATION AND MAINTENANCE

For operation and maintenance of reclamation projects or parts thereof and other facilities, as authorized by law; and for a soil and moisture conservation program on lands under the jurisdiction of the Bureau of Reclamation, pursuant to law, \$286,232,000, to remain available until expended; *Provided*, That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund, and the amount for program activities which can be derived from the special fee account established pursuant to the Act of December 22, 1987 (16 U.S.C. 4601-6a, as amended), may be derived from that fund; *Provided further*, That funds advanced by water users for operation and maintenance of reclamation projects or parts thereof shall be deposited to the credit of this appropriation and may be expended for the same purpose and in the same manner as sums appropriated herein may be expended, and such advances shall remain available until expended; *Provided further*, That revenues in the Upper Colorado River Basin Fund shall be available for performing examination of existing structures on participating projects of the Colorado River Storage Project.

BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT

For the cost of direct loans and/or grants, \$12,290,000, to remain available until expended, as authorized by the Small Reclamation Projects Act of August 6, 1956, as amended (43 U.S.C. 422a-422i); *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974; *Provided further*, That these funds are available to subsidize gross obligations for the prin-

cipal amount of direct loans not to exceed \$37,000,000.

In addition, for administrative expenses necessary to carry out the program for direct loans and/or grants, \$425,000; *Provided*, That of the total sums appropriated, the amount of program activities which can be financed by the reclamation fund shall be derived from the fund.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, and habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), 3405(f) and 3406(c)(1) of Public Law 102-575, to remain available until expended; *Provided*, That the Bureau of Reclamation is directed to levy additional mitigation and restoration payments totaling \$30,000,000 (October 1992 price levels) on a three-year rolling average basis, as authorized by section 3407(d) of Public Law 102-575.

GENERAL ADMINISTRATIVE EXPENSES

For necessary expenses of general administration and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, \$45,150,000, to be derived from the reclamation fund and to be nonreimbursable pursuant to the Act of April 19, 1945 (43 U.S.C. 377); *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted for the current fiscal year as general administrative expenses.

SPECIAL FUNDS

(TRANSFER OF FUNDS)

Sums herein referred to as being derived from the reclamation fund or special fee account are appropriated from the special funds in the Treasury created by the Act of June 17, 1902 (43 U.S.C. 391) or the Act of December 22, 1987 (16 U.S.C. 4601-6a, as amended), respectively. Such sums shall be transferred, upon request of the Secretary, to be merged with and expended under the heads herein specified.

ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed 6 passenger motor vehicles for replacement only.

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for energy supply, research and development activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 24 for replacement only), \$2,648,000,000, to remain available until expended; *Provided*, That of the \$13,102,000 made available to the Office of Energy Efficiency and Renewable Energy for program direction, \$1,440,000 is available only for termination expenses related to reducing FTEs of the headquarters staff of that Office.

URANIUM SUPPLY AND ENRICHMENT ACTIVITIES

For expenses of the Department of Energy in connection with operating expenses; the

purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for uranium supply and enrichment activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.) and the Energy Policy Act (Public Law 102-486, section 901), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of electricity as necessary; and the purchase of passenger motor vehicles (not to exceed 3 for replacement only); \$53,972,000, to remain available until expended: *Provided*, That revenues received by the Department for uranium programs and estimated to total \$42,200,000 in fiscal year 1997 shall be retained and used for the specific purpose of offsetting costs incurred by the Department for such activities notwithstanding the provisions of 31 U.S.C. 3302(b) and 42 U.S.C. 2296(b)(2): *Provided further*, That the sum herein appropriated shall be reduced as revenues are received during fiscal year 1997 so as to result in a final fiscal year 1997 appropriation from the General Fund estimated at not more than \$11,772,000.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions and other activities of title II of the Atomic Energy Act of 1954 and title X, subtitle A of the Energy Policy Act of 1992, \$200,200,000, to be derived from the Fund, to remain available until expended: *Provided*, That \$34,000,000 of amounts derived from the Fund for such expenses shall be available in accordance with title X, subtitle A, of the Energy Policy Act of 1992.

GENERAL SCIENCE AND RESEARCH ACTIVITIES

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for general science and research activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, \$996,000,000, to remain available until expended.

NUCLEAR WASTE DISPOSAL FUND

For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, as amended, including the acquisition of real property or facility construction or expansion, \$182,000,000, to remain available until expended, to be derived from the Nuclear Waste Fund, subject to authorization: *Provided*, That none of the funds provided herein shall be distributed to the State of Nevada or affected units of local government (as defined by Public Law 97-425) by direct payment, grant, or other means, for financial assistance under section 116 of the Nuclear Waste Policy Act of 1982, as amended: *Provided further*, That the foregoing proviso shall not apply to payments in lieu of taxes under section 116(c)(3)(A) of the Nuclear Waste Policy Act of 1982, as amended.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for Departmental Administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed \$35,000), \$195,000,000, to remain

available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511, et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total \$125,388,000 in fiscal year 1997 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 1997 so as to result in a final fiscal year 1997 appropriation from the General Fund estimated at not more than \$69,612,000: *Provided further*, That end of year employee levels for fiscal year 1997 may not exceed the following by organization: Board of Contract Appeals, 6; Chief Financial Officer, 192; Congressional, Public, and Intergovernmental Affairs, 35; Economic Impact and Diversity, 30; Field Management, 20; General Counsel, 153; Human Resources and Administration, 550; Office of the Secretary, 23; and Policy, 20.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$24,000,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed 94 for replacement only), \$3,684,378,000, to remain available until expended.

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental restoration and waste management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed 20, of which 19 are for replacement only), \$5,409,310,000, to remain available until expended: *Provided*, That an additional amount of \$134,500,000 is available for privatization initiatives.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense, other defense activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemna-

tion of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of passenger motor vehicles (not to exceed 2 for replacement only), \$1,459,533,000, to remain available until expended.

DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, as amended, including the acquisition of real property or facility construction or expansion, \$200,000,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

OPERATION AND MAINTENANCE, ALASKA POWER ADMINISTRATION

For necessary expenses of operation and maintenance of projects in Alaska and of marketing electric power and energy, \$4,000,000, to remain available until expended.

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93-454, are approved for official reception and representation expenses in an amount not to exceed \$3,000.

During fiscal year 1997, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, \$18,859,000, to remain available until expended.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, and for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed \$1,500 in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, \$25,210,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, not to exceed \$3,787,000 in reimbursements, to remain available until expended.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7101, et seq.), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed \$1,500, \$211,582,000, to remain available until expended, of which \$203,687,000 shall be derived from the Department of the Interior Reclamation Fund: *Provided*, That of the amount herein appropriated, \$5,432,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: *Provided further*, That the Secretary of the Treasury is authorized to transfer from the Colorado River Dam Fund to the Western Area Power Administration \$3,774,000 to carry out the

power marketing and transmission activities of the Boulder Canyon project as provided in section 104(a)(4) of the Hoover Power Plant Act of 1984, to remain available until expended.

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, \$970,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 423 of the Foreign Relations Authorization Act, fiscal years 1994 and 1995.

FEDERAL ENERGY REGULATORY COMMISSION SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses (not to exceed \$3,000), \$141,290,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, not to exceed \$141,290,000 of revenues from fees and annual charges, and other services and collections in fiscal year 1997 shall be retained and used for necessary expenses in this account, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as revenues are received during fiscal year 1997 so as to result in a final fiscal year 1997 appropriation from the General Fund estimated at not more than \$0.

GENERAL PROVISION

SEC. 301. PRIORITY PLACEMENT, JOB PLACEMENT, RETRAINING, AND COUNSELING PROGRAMS FOR UNITED STATES DEPARTMENT OF ENERGY EMPLOYEES AFFECTED BY A REDUCTION IN FORCE.

(a) DEFINITIONS.—

(1) for the purposes of this section, the term "agency" means the United States Department of Energy.

(2) For the purposes of this section, the term "eligible employee" means any employee of the agency who—

(A) is scheduled to be separated from service due to a reduction in force under—

(i) regulations prescribed under section 3502 of title 5, United States Code; or

(ii) procedures established under section 3595 of title 5, United States Code; or

(B) is separated from service due to such a reduction in force, but does not include—

(i) an employee separated from service for cause on charges of misconduct or delinquency; or

(ii) an employee who, at the time of separation, meets the age and service requirements for an immediate annuity under subchapter III of chapter 83 or chapter 84 of title 5, United States Code.

(b) PRIORITY PLACEMENT AND RETRAINING PROGRAM.—Not later than 30 days after the date of the enactment of this Act, the United States Department of Energy shall establish an agency-wide priority placement and retraining program for eligible employees.

(c) The priority placement program established under subsection (b) shall include provisions under which a vacant position shall not be filled by the appointment or transfer of any individual from outside of the agency if—

(1) there is then available any eligible employee who applies for the position within 30

days of the agency issuing a job announcement and is qualified (or can be trained or retrained to become qualified within 90 days of assuming the position) for the position; and

(2) the position is within the same commuting area as the eligible employee's last-held position or residence.

(d) JOB PLACEMENT AND COUNSELING SERVICES.—The head of the agency may establish a program to provide job placement and counseling services to eligible employees.

(1) TYPES OF SERVICES.—A program established under subsection (d) may include, but is not limited to, such services as—

(A) career and personal counseling;

(B) training and job search skills; and

(C) job placement assistance, including assistance provided through cooperative arrangements with State and local employment services offices.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, notwithstanding section 405 of said Act, and for necessary expenses for the Federal Co-Chairman and the alternate on the Appalachian Regional Commission and for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, \$155,331,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100-456, section 1441, \$12,000,000, to remain available until expended.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including the employment of aliens; services authorized by 5 U.S.C. 3109; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms; official representation expenses (not to exceed \$20,000); reimbursements to the General Services Administration for security guard services; hire of passenger motor vehicles and aircraft, \$471,800,000, to remain available until expended: *Provided*, That of the amount appropriated herein, \$11,000,000 shall be derived from the Nuclear Waste Fund, subject to the authorization required in this bill under the heading, "Nuclear Waste Disposal Fund": *Provided further*, That from this appropriation, transfer of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That moneys received by the Commission for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs, including criminal history checks under section 149 of the Atomic Energy Act may be retained and used for salaries and expenses associated

with those activities, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at \$457,300,000 in fiscal year 1997 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That the funds herein appropriated for regulatory reviews and other activities pertaining to waste stored at the Hanford site, Washington, shall be excluded from license fee revenues, notwithstanding 42 U.S.C. 2214: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1997 from licensing fees, inspection services and other services and collections, excluding those moneys received for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs, so as to result in a final fiscal year 1997 appropriation estimated at not more than \$14,500,000.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, including services authorized by 5 U.S.C. 3109, \$5,000,000, to remain available until expended; and in addition, an amount not to exceed 5 percent of this sum may be transferred from Salaries and Expenses, Nuclear Regulatory Commission: *Provided*, That notice of such transfers shall be given to the Committees on Appropriations of the House and Senate: *Provided further*, That from this appropriation, transfers of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1997 from licensing fees, inspection services, and other services and collections, so as to result in a final fiscal year 1997 appropriation estimated at not more than \$0.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100-203, section 5051, \$2,531,000, to be derived from the Nuclear Waste Fund, subject to the authorization required in this bill under the heading, "Nuclear Waste Disposal Fund", and to remain available until expended.

TENNESSEE VALLEY AUTHORITY

For the purpose of carrying out the provisions of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. ch. 12A), including hire, maintenance, and operation of aircraft, and purchase and hire of passenger motor vehicles, \$97,169,000, to remain available until expended: *Provided*, That none of the funds provided herein shall be available for activities of the Environmental Research Center in Muscle Shoals, Alabama, except

for necessary termination expenses: *Provided further*, That of the funds provided herein, not more than \$5,000,000 shall be made available for operation, maintenance, improvement, and surveillance of Land Between the Lakes: *Provided further*, That of the amount provided herein, not more than \$16,000,000 shall be available for Economic Development activities.

TITLE V—GENERAL PROVISIONS

SEC. 501. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 502. Section 508(f) of Public Law 104-46, the Energy and Water Development Appropriations Act, 1996, is repealed.

SEC. 503. 42 U.S.C. 7262 is repealed.

SEC. 504. Public Law 101-514, the Energy and Water Development Appropriations Act, 1991, is amended by striking “: *Provided*” and all that follows through “nonreimbursable” under the heading, “Construction, Rehabilitation, Operation and Maintenance, Western Area Power Administration”.

SEC. 505. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the “Cleanup Program—Alternative Repayment plan” and the “SJVDP—Alternative Repayment Plan” described in the report entitled “Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995”, prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal Reclamation law.

This Act may be cited as the “Energy and Water Development Appropriations Act, 1997”.

The CHAIRMAN. Pursuant to that order, no amendment shall be in order except the following amendments, 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:

Amendment No. 1 by the gentleman from New York [Mr. SOLOMON] for 10 minutes;

Amendment No. 2 by the gentleman from Pennsylvania [Mr. FOGLETTA] for 10 minutes;

Amendment No. 3 or 4 by the gentleman from Wisconsin [Mr. OBEY] for 40 minutes;

Amendment No. 5 by the gentleman from Minnesota [Mr. GUTKNECHT] for 20 minutes;

Amendment No. 6 by the gentleman from Wisconsin [Mr. KLUG] for 20 minutes;

Amendment No. 7 by the gentleman from Wisconsin [Mr. KLUG] for 20 minutes;

Amendment No. 8 by the gentleman from Indiana [Mr. ROEMER] for 10 minutes;

Amendment No. 9 by the gentleman from Indiana [Mr. ROEMER] for 10 minutes;

Amendment No. 10 by the gentleman from California [Mr. ROHRBACHER] for 10 minutes;

Amendment No. 11 by the gentleman from Ohio [Mr. TRAFICANT] for 5 minutes;

Amendment No. 12 by the gentleman from Texas [Mr. BARTON] for 10 minutes;

Amendment No. 13 by the gentleman from Nebraska [Mr. BEREUTER] for 10 minutes;

Amendment No. 14 by the gentleman from Tennessee [Mr. HILLEARY] for 10 minutes;

Amendments Nos. 15 and 16 en bloc by the gentleman from Massachusetts [Mr. MARKEY] for 20 minutes.

Amendment No. 17 by the gentleman from Wisconsin [Mr. PETRI] for 20 minutes;

Amendment No. 20 by the gentleman from New Jersey [Mr. ZIMMER] for 10 minutes;

An amendment by the gentleman from Kentucky, [Mr. ROGERS] regarding the New Madrid Floodway, for 5 minutes;

An amendment by the gentleman from California [Mr. FILNER] regarding the Tijuana River basin, for 10 minutes;

An amendment by either the gentleman from Wisconsin [Mr. KLUG], or the gentleman from Colorado [Mr. SCHAEFER], or the gentleman from California [Mr. FAZIO], regarding solar energy, for 30 minutes;

An amendment by the gentleman from Arizona [Mr. KOLBE] regarding the Central Arizona project for 10 minutes; and

An amendment by the gentleman from Virginia [Mr. PICKETT] regarding the Sandbridge Beach project, for 10 minutes.

Pursuant to House Resolution 483, 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 and may reduce to not less than 5 minutes the time for voting by electronic de-

vice 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 not be less than 15 minutes.

The Chair recognizes the gentleman from Indiana [Mr. MYERS].

Mr. MYERS of Indiana. Mr. Chairman, I ask unanimous consent to strike the last word to explain the procedure for the remainder of the evening.

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

There was no objection.

Mr. MYERS of Indiana. Mr. Chairman, the committee hopes and expects to finish this bill tonight. That is our expectation, and the procedure we are going to use for the next hour and a half, until about 8:30 or quarter of 9, is that we are going to roll all ordered votes until that time.

At this time, down at the Ellipse, the Army has a tattoo to honor those Members of Congress who are retiring, Mr. BEVILL, Mr. CHAPMAN among them, two members of this subcommittee who are retiring; Mr. BEVILL, et al., retired Army types. We would love to have been down there, but work comes first, so there will be no votes ordered, no votes taken during the next hour and a half, no earlier than 8:30, and probably closer to 8:45 or 9 o'clock.

So we now understand what the procedure is, and hopefully, we will hold discussion to a minimum here. We have 20 amendments, some having as much as 40 minutes. To finish those by 11 o'clock is ambitious, but with the cooperation of everyone, we will get out early.

We do not want to cut anyone off. We will try to make sure that everyone that wishes to speak has that opportunity, but let us expedite it if we possibly can.

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But let us expedite it as quickly as we can. Everyone knows the issues we are going to be discussing tonight. Let us stick with it, and we will try to expedite it as rapidly as possible.

Mr. PORTER. Mr. Chairman, I ask unanimous consent to strike the last word.

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

There was no objection.

Mr. PORTER. Mr. Chairman, unfortunately, we will soon be bidding a fond farewell to our good and old friends, the gentleman from Indiana [Mr. MYERS] and the gentleman from Alabama [Mr. BEVILL]. Both will be very sorely missed in this Chamber. Both have brought professionalism, knowledge, and collegiality to this body, qualities that we need in order to

make our system work, and do not always find in our Members.

Despite a great deal more partisanship and contention in this Chamber, those who understand our system realize that cooperation and comity are necessary to find the common ground we need to govern. TOM and JOHN represent to me the personal qualities envisioned in our constitutional system, and I commend them for their work, for their making a difference in their service in the Congress, and wish both of them all good things in their retirements and in the years ahead.

Mr. Chairman, I would ask the chairman of the subcommittee if I may engage him in a colloquy.

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Mr. Chairman, I am happy to engage in a colloquy with the gentleman.

Mr. PORTER. Mr. Chairman, I am concerned with the funding level for the section 205 continuing authorities program. I want to be certain that projects under this section specifically mentioned in the report, including the North Libertyville Estates project, will receive priority funding by the Army Corps of Engineers for fiscal year 1997.

Mr. MYERS of Indiana. If the gentleman will continue to yield, it certainly is the intention of this committee that projects such as Libertyville Estates in Libertyville, IL, will receive the top priorities from the Corps of Engineers.

The gentleman has our support, yes.

Mr. PORTER. I would also like to clarify that when the Army Corps of Engineers commits the requested funding for the North Libertyville Estates project, the project cooperation agreement between the local sponsor and the Army Corps of Engineers Chicago District Office can be signed. This commitment indicates to the local sponsor the Federal Government's financial obligation to the project. When the PCA is signed, the local sponsor can begin working on the sewer system. Following the completion of that work, which may take up to 8 months, the Army Corps will begin construction on the levee. The Corps hopes to complete its work in less than 1 year.

It is also my understanding that when funding is committed by the Department of the Army Office of Civil Works, the PCA can be signed and the local sponsor can be assured that the funding for the Federal share is set aside for that project.

I would ask the chairman of the subcommittee, is that correct?

Mr. MYERS of Indiana. If the gentleman will continue to yield, that is correct. When the local sponsor is willing to put money up, it shows two things. First, the people of that area who are going to be affected are con-

cerned and, second, are willing to put their money up; so, yes, that is the intention of the subcommittee.

Mr. PORTER. I very much thank the chairman of the subcommittee.

Mr. DICKEY. Mr. Chairman, I ask unanimous consent to strike the last word.

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

There was no objection.

Mr. DICKEY. Mr. Chairman, I would like to enter into a colloquy with the gentleman from Indiana [Mr. MYERS].

Mr. Chairman, H.R. 3816 includes \$8 million for the Army Corps of Engineers to continue work on the Montgomery Point Lock and Dam, in Arkansas, on the White River, without cost sharing from the Inland Waterways Trust Fund.

I would ask the chairman of the subcommittee, is it his intent to direct the Corps to use these funds in fiscal year 1997 to continue construction on the Montgomery Point Lock and Dam?

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. DICKEY. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Mr. Chairman, the gentleman is correct. If he will read the report language, we very specifically said this is to be provided completely with Federal funds from the taxpayers.

Mr. DICKEY. Would that provision in this bill direct the Corps to use the funds provided in fiscal year 1997 to begin construction of a diversion channel, or at least to begin moving dirt?

Mr. MYERS of Indiana. The gentleman is correct.

Mr. DICKEY. Mr. Chairman, I would ask the chairman of the subcommittee, is it his intent that the Corps maintain its published schedule for the completion of the Montgomery Point Lock and Dam?

Mr. MYERS of Indiana. If the gentleman will continue to yield, Mr. Chairman, this is not a new project. It has been before us for a good long time. We understand the level of the two rivers is a problem, that something must be done, and we completely support it. The Corps should understand, and I think they do, they have told us they do, that they have to proceed.

Mr. DICKEY. I want to thank the gentleman. I know he is going to be glad after he retires that he will not hear any more about the Montgomery Point Lock and Dam.

Mr. MYERS of Indiana. Promise?

Mr. DICKEY. I cannot promise. Best wishes to you, Mr. Chairman.

Mr. SKAGGS. Mr. Chairman, I ask unanimous consent to strike the last word.

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

There was no objection.

Mr. SKAGGS. Mr. Chairman, I would like first of all to echo really the understated praise that has been offered by many Members for both the chairman and ranking member who are completing their service this year. I was privileged to serve with them on this subcommittee for a couple of years, and enjoyed that very much, and respect their good work for the country enormously.

Mr. Chairman, I would like to engage the chairman of the subcommittee in a brief colloquy, if I may, concerning one of the projects funded in this bill, namely, the Animas-La Plata project in New Mexico.

As the chairman knows, the bill includes money for this project. There is an extensive discussion of it in the committee report. As we discussed when the bill was before the committee for markup, I think it is important that there be no misunderstanding about this part of the report and the intent that it reflects.

Report language starts by saying, "In the event that the funding provided the Bureau of Reclamation is inadequate for the task to be accomplished this year, the committee expects the Bureau to reprogram available funds for construction of the project."

Mr. Chairman, am I correct in understanding that any such reprogramming would be subject to the normal procedures, including consultation with the committee?

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. SKAGGS. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Mr. Chairman, the gentleman is absolutely correct. This has been an ongoing program for the many years the gentleman from Alabama [Mr. BEVILL] and I have been on this subcommittee, and we have tried to make sure that all the concerns, be they environmental, State, whatever it might be, all these are met.

There is no intention here to short-circuit anything. All the normal requirements for reprogramming must be met.

Mr. SKAGGS. If I may follow on further, Mr. Chairman, the project as the gentleman knows has been the subject of some litigation concerning the applicability of various environmental laws, NEPA, endangered species, and so forth. The report also refers to the need for environmental compliance and the possibility that implementation of the Endangered Species Act could limit water development in the San Juan River Basin, which includes the Animas and La Plata Rivers.

Is it nonetheless correct that nothing in the report should be read as suggesting that there is any intent to waive NEPA or the Endangered Species Act or any other environmental law, or to limit the extent to which any such law

applies to the Animas-La Plata project?

Mr. MYERS of Indiana. If the gentleman will continue to yield, there is absolutely no intent by this subcommittee to circumvent or to bypass any present environmental laws or rules. The language is written to make sure we do not apply some new rules someplace down the road 2 or 3 years from now.

Mr. SKAGGS. Finally, Mr. Chairman, the report further says that "Construction of the first stage of the project may proceed without adversely affecting any other water users on the San Juan system."

Again, I would ask if I am correct in understanding that this simply states an opinion based upon information available to the committee and is not intended to foreclose the ability of any holders of water rights on the San Juan River or its tributaries to raise any issues about the project's effects on their rights?

Mr. MYERS of Indiana. There is no intent by this subcommittee, Mr. Chairman, if the gentleman will continue to yield, to ever change riparian rights. They are as old and constitutional as our country. Downstream holders of rights must not be denied. We have no change in the riparian rights.

Mr. SKAGGS. I greatly appreciate the gentleman's clarification on these points, Mr. Chairman.

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 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.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New York [Mr. SOLOMON] and a Member opposed will each control 5 minutes.

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

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

Mr. Chairman, I do not believe there will be anyone rising in opposition to this very good amendment. It has been accepted by all of the chairmen of all of the preceding subcommittees of the Committee on Appropriations, as well as the ranking member.

Mr. Chairman, the amendment that I am offering with the gentleman from California [Mr. POMBO] and the gentleman from Indiana [Mr. BUYER] has passed this House a number of times, most recently on the VA-HUD and Labor-HHS appropriation bills, so I will be brief.

Mr. Chairman, as we know, in many places across the country military recruiters are being denied access to educational facilities, preventing recruiters from explaining the benefits of an honorable career in our Armed Forces of the United States of America, explaining it to our young people. Likewise ROTC units have been kicked off of several campuses around this country.

This amendment today would simply prevent any funds appropriated in this act from going to any institution of higher learning which prevents military recruiting on their campuses or has an anti-ROTC policy. Mr. Chairman, institutions that are receiving Federal taxpayer money just cannot be able to then turn their backs on young people who are defending their country.

Mr. Chairman, it is really a matter of simple fairness. That is why this amendment has always received such strong bipartisan support and become law for Defense Department funds.

A third part of the amendment would also deny contracts or grants to institutions that are not in compliance with the existing law that they submit an annual report on veterans' hiring practices to the Department of Labor. In the same vein, this is simple commonsense and fairness to the people who defend our country. Mr. Chairman, all we are doing here is asking for compliance with existing law. I would urge support of the Solomon-Pombo-Buyer amendment.

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Mr. Chairman, the gentleman discussed this amendment with the committee. Coming from a congressional district that has six universities, and having gone through the Vietnam war and the Korean war and some of the problems we had, I completely agree with the gentleman. There is no reason whatsoever for that. These universities are here because some people have fought for the right for them to be there, so we completely agree with the gentleman. We accept the amendment.

Mr. SOLOMON. Mr. Chairman, I certainly thank the gentleman.

Mr. BEVILL. Mr. Chairman, I have no objection to the amendment.

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 New York [Mr. SOLOMON].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments?

AMENDMENT OFFERED BY MR. ROGERS

Mr. ROGERS. 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. ROGERS: On page 7, line 11, strike "\$302,990,000" and insert in lieu thereof: "\$303,240,000".

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Kentucky [Mr. ROGERS] and a Member opposed each will control 2½ minutes.

The Chair recognizes the gentleman from Kentucky [Mr. ROGERS].

Mr. ROGERS. Mr. Chairman, this amendment deals with a project in Missouri's Eighth Congressional District, which has been represented, as we all know, by the late and great Bill Emerson. The St. John's-New Madrid project was authorized in the Water Resources Development Act of 1986, but was delayed due to disagreements between the Corps and the local sponsor over cost-sharing issues. Those issues I am told have now been resolved.

This amendment would provide money for the project, allowing the Corps to complete its planning work and to sign formal agreements with the sponsor and begin construction. This project is a priority in this district because of the flooding that it would prevent. It provides levee protection for 400 acres of prime farmland in a three-county area and it will protect three townships, two of which have suffered flooding this year.

It will also prevent flooding on two major U.S. interstate highways.

This amendment provides a relatively small amount, \$250,000 for the project, so that the Corps can move it along.

Mr. Chairman, I want to say as vice chairman of the subcommittee what a pleasure it has been working with the gentleman from Indiana, JOHN MYERS, and the gentleman from Alabama, Mr. BEVILL, two stalwart giants of this body whom we will all miss very much. It has been a great pleasure working with them, seeing them work from the inside. It is as pleasurable as seeing them work from the outside.

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Mr. Chairman, I thank our colleague, first for his nice words, and his contribution to the subcommittee.

The committee is very much aware of the situation in the New Madrid area of Missouri. Our good friend, Bill Emerson, talked to the committee a number of times. I have been in his district twice on this particular issue. We discussed it with Bill before his passing, that it was a new start. The committee has tried to hold the line on new starts because of concern about future funds. We are completely understanding. We loved Bill. We want to honor his memory. But we did put the language in our report on page 37 that the Corps of En-

gineers is to complete its preconstruction engineering activities on the St. Johns-New Madrid floodway, and they are to report back to the committee within 6 months. So while I cannot obligate the next Congress or the conference committee, it is fully understood that this is a high priority. We respect that we want to remember Bill this way, and we hope that future Congresses will do this job.

The CHAIRMAN. Does any Member seek time in opposition to the amendment?

Does any Member seek unanimous consent to control the time in opposition?

Mr. MYERS of Indiana. Mr. Chairman, I ask unanimous consent to control the time in opposition, while I am not opposed to the amendment.

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

There was no objection.

Mr. MYERS of Indiana. Mr. Chairman, I yield the gentleman from Kentucky [Mr. ROGERS].

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

Mr. Chairman, I would ask the gentleman, is this something the chairman and the Members could consider as we proceed along in the future?

Mr. MYERS of Indiana. Mr. Chairman, we are going to go to conference hopefully next week, even, with the other body. If the opportunity presents itself, and we do not know what funds they will have, it will be, I assure the gentleman, under consideration when we do go to conference. The gentleman will be a member of that conference, so I assure him we will give it every consideration. We loved Bill Emerson and we want to remember him properly.

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Mr. ROGERS. Mr. Chairman, I thank the gentleman for that willingness to consider the project in conference as we proceed.

Mr. Chairman, with that assurance, I ask unanimous consent to withdraw the amendment.

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

There was no objection.

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:
(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If its has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States,

the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Ohio [Mr. TRAFICANT] and a Member opposed each will control 2½ minutes.

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

Mr. TRAFICANT. Mr. Chairman, I want to start out by associating myself with all of the remarks relative to the gentleman from Indiana [Mr. MYERS] and the gentleman from Alabama [Mr. BEVILL]. I want to thank both of the gentlemen, on behalf of all of the people in the 17th District of Ohio, for over the years having worked with us, being honest with us, and attempting to give us a hand, and certainly on behalf of all of the people in the country.

Let me also say that my amendment is straightforward. Any person who affixes a fraudulent Made-in-America label on an import shall be ineligible to receive any contract or subcontract under this bill. It is good, straightforward legislation.

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. I thank the gentleman for yielding.

Mr. Chairman, the gentleman from Ohio [Mr. TRAFICANT], as always, has discussed his amendment with the committee. We have added the basic language to our bill for a number of years under the leadership of the gentleman from Alabama [Mr. BEVILL], and we are pleased to accept your new additional language which we understand and completely agree with.

Mr. TRAFICANT. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from California [Mr. MILLER].

Mr. MILLER of California. I thank the gentleman for yielding. I rise in support of his amendment and also in support of his legislation.

I rise in support of H.R. 3816, making appropriations for energy and water development for fiscal year 1997.

This bill provides funds for critical flood control and navigation projects in Contra Costa and Solano counties in the San Francisco Bay Area of California. I appreciate the committee's continued support for these projects.

I am particularly pleased that the committee's bill seeks to resolve two important matters affecting California's Central Valley Project and the protection of water quality in the Sacramento-San Joaquin Delta. Specifically, the committee has included language to compel San Joaquin Valley irrigators to repay over \$30 million in costs related to cleaning up the contamination at Kesterson Reservoir and for studies on how to resolve the mounting drainage crisis in the Central Valley. Committee members also voted to reimpose a ban on

selection of any terminus for the San Luis Drain. The drain was proposed years ago to benefit irrigators who want to convey their agricultural wastes from the Valley into the Delta and San Francisco Bay.

Agricultural wastewater in California's Central Valley poisoned Kesterson Reservoir in the 1980's and demonstrated the severe pollution generated by irrigated agriculture in the West. Years later, there is widespread opposition to any drain that would dump those wastes into the Delta and San Francisco Bay. For years, the farmers whose irrigation practices caused the severe pollution problems in the Valley have evaded paying for the cleanup costs. With the language included in H.R. 3816, the delays will end, and the payment will begin. The restriction on selection of any terminus re-emphasizes the Congress' oft-stated concerns about the proposed drain to the Delta.

As a result of these provisions, taxpayers will finally receive long-overdue payment for the costs of cleaning up Kesterson Reservoir; the Delta and San Francisco bay will be protected from toxic discharges of agricultural wastes; and Central Valley irrigators can close the books on Kesterson and pursue innovative solutions to their drainage problems within their own area instead of seeking to export their pollution problems elsewhere.

My own opposition to such a drain is longstanding and reflected in years of testimony before the Appropriations Committee in support of the restrictive amendment that once again is included for fiscal year 1997. The Bay-Delta system is the ecological and economic core of northern California. We have spent years, and billions of tax dollars—and private dollars—cleaning it up and restoring its water quality, its fisheries, and its aesthetic appeal. Through a series of laws I have authored, including the Central Valley Project Improvement Act of 1992, we have rededicated our efforts toward those goals through major reforms in the management of our water resources. We are never going to go backward and again allow others to treat our Bay-Delta system as a cesspool for their own contamination.

As important as these provisions concerning repayment and the drain terminus are, they alone will not resolve the drainage problems in the San Joaquin Valley. The Bureau of Reclamation, acting pursuant to a court order, is now negotiating a memorandum of understanding with the California State Water Resources Control Board and the Westlands Water District regarding the terms and conditions under which an environmental impact statement addressing drainage issues will be prepared. I have had an opportunity to review a draft of this MOU, and I note that it quite properly assigns full responsibility for payment of all costs of preparing the EIS to the Westlands Water District. Any agreement that allows Westlands to evade paying 100 percent of the expenses of preparing this EIS will not be acceptable. In addition, the MOU must strictly limit Westlands' role in the actual preparation of the EIS and in approving all or portions of the EIS. Under no circumstances should Westlands or other Central Valley Project water users be in a position of authority with respect to NEPA compliance. I have

alerted the Bureau of Reclamation of my concerns regarding the pending execution of this MOU, and I will continue to insist that the strictest standards of public involvement be followed as solutions to drainage issues in the San Joaquin Valley continue to be pursued.

H.R. 3816 and the accompanying committee report also raise an additional issue which I will address in my capacity as senior Democratic member of the Committee on Resources.

I wish to register at this time my strong objections to language contained in the committee report accompanying H.R. 3816 (House Report 104-679), which directs that no funds be made available for the San Joaquin River Basin Resource initiative in fiscal year 1997. As my colleague from California, Ms. PELOSI, noted in her additional views on this bill, the San Joaquin study is required by law; it is not optional. The study was authorized to determine how to restore fish to the San Joaquin River, where diversions of water for irrigation have wiped out several stocks of commercially valuable anadromous fish.

The Appropriations Committee is obviously determined to kill this study and prevent people from learning the truth about the destruction of fishery resources in the San Joaquin River. The effort to kill this study is important only to a small group of CVP beneficiaries who continue to profit from their subsidized water supplies at the expense of California's commercial and sport fish businesses. The San Joaquin study has been authorized by Congress and the Secretary is obligated to complete this study. The San Joaquin study should be fully funded and allowed to proceed without interference from special interests.

Mr. TRAFICANT. Mr. Chairman, before I close I want to thank the gentleman from Indiana [Mr. MYERS] for his position and leadership on the Committee on Commerce. I urge an "aye" vote.

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

The CHAIRMAN. Does any Member seek the time in opposition?

The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

Mr. HASTINGS of Washington. Mr. Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN. Without objection, the gentleman from Washington is recognized for 5 minutes.

There was no objection.

Mr. HASTINGS of Washington. Mr. Chairman, I would like to engage in a colloquy with the gentleman from Indiana [Mr. MYERS] and also associate myself with the remarks that were made earlier in his behalf on his retirement. We have worked closely together over the last 2 years and I greatly appreciate his hard work on this legislation.

What I would like to do, however, Mr. Chairman, is inquire about report language that has been included in the Senate bill. This encourages the Bonneville Power Administration to enter

into an energy exchange with non-Federal hydro projects on the Columbia River that are affected by Federal fish protection measures.

The Douglas County PUD district estimates that it loses almost one-fifth of its energy-carrying capability as a result of the Federal fish protection programs. The cost of these losses, which do not take into account the PUD's own fish protection costs, have nearly tripled in this past decade.

The Senate language is intended to urge BPA to provide winter energy to non-Federal projects in return for delivery of an equal amount of energy generated in those projects from the increased Federal fish flows in the spring and the summer. Such an exchange is similar to the kinds of federally authorized seasonal exchanges BPA already makes with utilities in California. This is also specifically provided under by the Northwest Power Planning Act.

I believe that this issue is best resolved between BPA and those interested non-Federal utilities. However, I am willing to explore a solution to this problem as a member of the House Committee on Resources, should I be convinced that BPA is not negotiating in good faith.

Will the chairman be willing to work with us to arrive at an acceptable resolution to this problem?

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. HASTINGS of Washington. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Mr. Chairman, of course, the committee will be very pleased to work with the gentleman, as we always have. The committee shares that concern about which we are all interested in saving the salmon and other fish, but at what cost? We have to offset that some way, so we are very much willing to work with the gentleman. I thank the gentleman for bringing this issue up.

Mr. HASTINGS of Washington. Mr. Chairman, I thank the gentleman for that. I would also like the chairman to know, because we have been discussing other issues mainly with the Department of Energy on environmental cleanup efforts, I want him to know, however, that the House and Senate have accepted legislation dealing with this from a structural standpoint. Those issues are in committee right now and should be resolved in the authorization bill. So I wanted to let the gentleman know that that is proceeding on even though it is out of his jurisdiction.

I also appreciate the chairman's willingness to work with us to ensure that the savings reached in the new Hanford contracts which are in my district can be used to compensate for the Department's plan to transfer \$185 million in cleanup into an insurance fund. I appreciate his work on this because this

is critical to my district, and, Mr. Chairman, I thank the gentleman for his consideration.

Mr. MYERS of Indiana. I thank the gentleman.

Mr. BROWN of California. Mr. Chairman, I ask unanimous consent to strike the last word in order to engage in a colloquy.

The CHAIRMAN. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. BROWN of California. Mr. Chairman, I would say to my colleague, the gentleman from Indiana [Mr. MYERS] that this is what I would like to do. I am going to give a brief description of the situation of the Salton Sea for which we have in this bill \$400,000, and then I am going to conclude by asking the gentleman if he would be willing to consider adding report language directing the Bureau of Reclamation to develop a mitigation plan for the Salton Sea. The gentleman can think about that while I describe the situation.

Mr. Chairman, my colleagues, these two charts show the Salton Sea, in case you think it does not exist. The Salton Sea is this body of water right here in the southeast corner of California. It is about 500 square miles. It is probably one of the largest bodies of inland water outside of the Great Lakes in the United States. It is an artificial lake that was created 90 years ago by the flooding of the Colorado River, and a good lawyer would easily find that the Federal Government was responsible for that flood and for cleaning up the mess that now exists there, which I am going to describe very briefly.

The Salton Sea was created, as I said, by the overflow of the Colorado River 90 years ago. It was a fresh water lake to begin with and it had fresh water fish, trout and so on. Over the last 90 days it has become a salt water lake. It is now 50 percent saltier than the ocean.

The 1992 Water Act, which we passed in this House, authorized \$10 million for the analysis of this situation, the problem of the Salton Sea. The Bureau of Reclamation in its wisdom has only requested \$300,000 of that \$10 million to engage in research, and they requested nothing for the next fiscal year.

I want to thank the gentleman from Indiana [Mr. MYERS] and his committee in their wisdom for adding \$400,000, unrequested by the Bureau.

Now, the Bureau's description of the Salton Sea project, which I have here, and I would like to quote from it briefly. It says that "Over the last several decades there has been concern over the increasing salinity of the Salton Sea." It is, as I said, now 50 percent saltier than the ocean. It goes on to say that "There are indications that increasing salinity is adversely impacting biological values."

Would pictures of acres of dead fish constitute an indication that biological

values were being impacted? Because that is what we have, acres of dead fish, and it is now clear that all fish in that lake will be dead within a very short time.

I quote further: "There are also adverse impacts on recreational uses." The actual value of those adverse impacts is \$50 million a year today and going up.

Another concern is that the surface elevation of the sea has been on the rise. That elevation can fluctuate by a foot or more with a very small change in the amount of water coming in, and that inflow is not being controlled. The one lawsuit that I know of which was brought on that matter resulted in a liability judgement by the court of \$10 million against the irrigation district for not controlling it.

Now, this situation will become drastically worse within 5 years because of the plans to conserve and sell water in the Imperial Valley. They are going to probably conserve 20 percent of the irrigation water coming from here into the Salton Sea and reduce the size of the Salton Sea by probably about 20 percent, leaving a huge vacant area around the edge of the Salton Sea, and those properties which are now lake-side properties will be a mile from the edge of the lake. Every one of those property owners is going to sue. The potential damages run into the hundreds of millions of dollars.

Now, why did the Bureau of Reclamation not ask for any money this year to continue research on solutions to this problem? I do not know. They are all nice people. I have talked to them. They say, "Well, it is pretty controversial. We are not sure that we ought to get into something at this time." Another year from now may be too late. We have to have an action plan.

I want to see the Bureau, which has the best qualified people in the world, begin to do something. Would the chairman, the gentleman from Indiana [Mr. MYERS] be willing to give them some modest direction in the language of committee report saying that we would like to see them use this \$400,000, which must be matched by local sources, meaning \$300,000, to prepare an action plan?

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Mr. Chairman, the Salton Sea is, I guess, California's Dead Sea. We are very much aware of it. We have had it under consideration for quite some time.

The gentleman said it was not requested. The gentleman from California [Mr. BROWN] requested it from the committee, so it may not have been requested by the Bureau of Reclamation. We are very much aware of it.

Mr. Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN. Without objection, the gentleman from Indiana is recognized for 5 minutes.

There was no objection.

Mr. MYERS of Indiana. Mr. Chairman, I will yield to my colleague for a response here, but first, we are fully aware of this. The New River is becoming more and more polluted. We understand there is a threat from Mexico. I think it meets the requirements to clean it up. They are going to shut some of our water off, and that will present a worse problem.

We are very much aware of that. That is where the gentleman put \$400,000. We are asking the Bureau of Reclamation to get its work done and do what the gentleman is speaking of here. We are very much aware of it, and we are going to be pushing and making sure that BOR does its job.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. MYERS of Indiana. I yield to the gentleman from California [Mr. BROWN].

Mr. BROWN of California. Mr. Chairman, I would like to express my profound thanks to the gentleman from Indiana [Mr. MYERS] for his knowledge about this situation. As he has already indicated, the Mexicans now have EPA money and United States-Mexico Border Commission cleanup money to build a sewage system. They are going to clean up that water and then they are going to keep it in Mexico. That reduces, again, the amount of flow coming from across the border here into the Salton Sea and it means the problem becomes worse.

Mr. MYERS of Indiana. Mr. Chairman, we have the Kesterson situation in California, similar to this because it was neglected in years past. Now, we are still living with that problem. We want to avoid this at this point. We have recurring responsibilities in this country. We think they should also adhere to the recurring responsibility and have an obligation downstream to help keep that lake alive.

Mr. BROWN of California. Mr. Chairman, if the gentleman will yield further, I am not going to take any more of his time, but he has been a true gentleman, and I appreciate it.

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

Mr. MYERS of Indiana. Mr. Chairman, I yield to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, if the gentleman from California [Mr. BROWN] would remain, I just have a couple of questions for him.

Not being on the committee, I can tell you where Worchester is and Pintail Duck Club, and so can my father-in-law because we use it all the time, and I am aware of some of the pollution problems. I am not aware of some of the areas which the gentleman is trying to help.

I support what the gentleman is trying to do. If the gentleman could make me more knowledgeable on the issues as far as what those plans are, maybe I could even be more supportive for him.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. MYERS of Indiana. I yield to the gentleman from California [Mr. BROWN].

Mr. BROWN of California. Mr. Chairman, if I may respond briefly to the gentleman, the duck hunters from my district, which is one reason I have a concern, are very unhappy with the situation down there. This is a flyway, a migratory bird flyway where they come from the north down to the Gulf of California here. There are large nesting areas down here.

The duck hunters are now seeing examples of bird kill from eating the dead fish which may have selenium in them, and further increases in salinity will compound the problem. We will have environmentalists suing all over the place to force Salton Sea to be cleaned up, which can be done probably in the same way they did at Kesterson, which is to shut down part of the agriculture, and that is a \$1 billion a year agriculture industry there. A 10 percent shutdown is \$100 million a year.

Mr. MYERS of Indiana. Mr. Chairman, the committee understands the concern and shares that concern and we will do all we can.

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Mr. FOGLIETTA. Mr. Chairman, I ask unanimous consent to strike the last word in order to enter into a colloquy with the chairman of the subcommittee.

The CHAIRMAN. Without objection, the gentleman from Pennsylvania is recognized for 5 minutes.

There was no objection.

Mr. FOGLIETTA. Mr. Chairman, I am deeply concerned about the language in the bill which prohibits funding for the hopper dredge, the U.S.S. *McFarland*. The *McFarland* is a sea-going hopper dredge owned by the Philadelphia District Army Corps of Engineers. This vessel is vital to the commerce in the Delaware River as well as to the environment in the area. I understand that there are some ideas on dredging in the future, but I am concerned with a provision of this bill forbidding the expenditure of funds to maintain the capabilities of this vessel. It is my understanding that we have the gentleman's commitment, according to our prior conversation, to work together with myself and my colleague, the gentleman from Pennsylvania [Mr. BORSKI], to arrive at a result in conference that would enable the *McFarland* to be maintained and improved so that it can continue to do its job in the Delaware River.

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. FOGLIETTA. I yield to the gentleman from Indiana.

Mr. MEYERS of Indiana. Mr. Chairman, the *McFarland*, as we all know, is an old, old hopper dredge. The necessity of keeping it in inventory to do the type of work the gentleman is referring to, local work there, the committee has recognized for several years. The concern was to spend good money after bad. It is an old, old hopper dredge. We have rejected major overhaul improvements and this is what the intent of this language was, to make sure that it is maintained so it can do the job when needed but not to be put back into inventory to do a job it was never intended to, and it has outlived its lifetime.

Mr. FOGLIETTA. But we certainly do not anticipate a complete overhaul of this ship or this vessel. All we want to do is maintain it in its full capability it now has to continue doing its work as it is now doing until the Army Corps of Engineers issues its report, which is due in the near future.

Mr. MEYERS of Indiana. The intent was to keep it like it is today, repairs when necessary but no major overhaul.

Mr. FOGLIETTA. We are not looking for a major overhaul.

Mr. MEYERS of Indiana. We are reading on the same page.

Mr. FOGLIETTA. I thank the chairman.

AMENDMENT OFFERED BY MR. BARTON OF TEXAS

Mr. BARTON of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. BARTON of Texas: Page 20, line 18, insert "(reduced by \$1,000,000)" after "\$195,000,000".

Page 21, line 21, insert "(increased by \$1,000,000)" after "\$24,000,000".

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Texas [Mr. BARTON] and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, before I talk about my amendment, I want to compliment the gentleman from Indiana, Chairman MYERS, and the gentleman from Alabama, Ranking Member BEVILL, for their work, not just this year but in prior Congresses. They have always been a pleasure to work with and been very professional and have helped me not just on this amendment but many other issues in the past, including the late lamented superconducting super collider that they both worked very hard for.

Mr. Chairman, the amendment before the body is a straightforward amendment. It would reduce the general ad-

ministration account in the departmental administration, Department of Energy, by \$1 million, from \$195 million to \$194 million, and transfer that \$1 million to the Inspector General account in that same department. The Inspector General office last year actually spent \$28 million. The Senate mark this year was at \$23 million. The current House mark is at \$24 million. So this transfer of \$1 million would increase the Inspector General account to \$25 million. The Inspector General's office in the department has been very helpful to me in my duties as chairman of the Committee on Oversight and Investigations of the Committee on Commerce, especially with regard to the travel practices of the current Secretary, Mrs. O'Leary. They have uncovered numerous instances of waste of funds. In fact, the Secretary herself in her appearances before my subcommittee has admitted that mistakes have been made and is trying to work to rectify those mistakes.

So I would hope that we would accept this amendment, and it is my understanding that both the gentleman from Alabama [Mr. BEVILL] and the gentleman from Indiana [Mr. MYERS] are prepared to accept it.

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Mr. Chairman, let me explain how we got here. We put \$25 million, as the gentleman has expressed, last year to the IG. The IG is a very important function of government, of every agency. We need inspections. I appreciate the fact that the gentleman has shared that they have helped him very much in his examination of the way the funds of the department have been spent. Last year the IG was appropriated \$25 million but later, not too long ago we learned that not only did they spend the \$25 million that we had appropriated, but they had also had some funds someplace of more than \$3 million that they also spent. We were not aware of that at the time we marked the bill up. We have had to cut back, reduce the size of government, so we cut back \$1 million here as badly as the IG is needed. So with the understanding now that they used these extra funds, where it came from I am not sure yet.

In any event, we accept the amendment because they do a very necessary and fine job. I thank the gentleman for offering the amendment.

Mr. BARTON of Texas. Mr. Chairman, it is my understanding that the minority also accepts the amendment.

With that, Mr. Chairman, I yield back the balance of my time, but I do have a query to the Chair: Is the bruise above the Chairman's left eye going to preclude him from participating in the sporting contest tomorrow evening that he has been preparing for for the last several months?

The CHAIRMAN. Nothing could keep me from that game.

Mr. BARTON of Texas. Mr. Chairman, I would hope for a unanimous vote in support of the amendment, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. BARTON].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ROEMER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. ROEMER: Page 17, line 21, strike "\$2,648,000,000" and insert in lieu thereof "\$2,638,400,000".

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Indiana [Mr. ROEMER] and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana [Mr. ROEMER].

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

Mr. Chairman, I offer this amendment in the spirit of bipartisanship with the gentleman from California [Mr. ROHRBACHER], my chairman who serves with me on the Subcommittee on Energy of the Committee on Science. We have offered this amendment for two reasons: Primarily for deficit reduction. If we are going to move toward a balanced budget by 2002, if we are going to achieve that in a fair manner, we need to come up with some spending reductions in a host of different accounts. When we looked very carefully at this budget, we found that the field offices under the Energy Department jurisdiction had actually said that they were going to decrease their staff by 6 percent. Instead they got a 7-percent increase. We offer this amendment to cut \$9.6 million out of those field offices and take them down to the level that they said they would go down to.

The second reason is the U.S. Senate has agreed to this cut. They have already made the cut of \$9.6 million in this account. So if this body agrees to this bipartisan amendment, this will bring it to the same level as the U.S. Senate.

Oftentimes around this body to spending reductions, we take the approach called NIMBY, not in my backyard, Mr. Chairman. Don't cut it if it affects us out in the field in our congressional offices.

We have cut the headquarters in Washington, DC, under this budget by about 25 percent. Yet, as I said previously, we have not cut the field offices. This would apply those same fair cuts to some of the field offices. Not devastating cuts, fair cuts to help us reach a balanced budget in the next few years.

The justification for this, and I do not think this is an onerous amendment at all, Mr. Chairman, reading through the budget request, here is something typical of one of the field offices:

The budget request of an Idaho field office states that it needs \$893,000 to pay seven new employees but later on, Mr. Chairman, five pages later in the budget to be precise, the office says that it will cut its staff by 15 employees next year. So it needs money to add employees and then it is going to cut employees, anyway.

I think this is in line with some of the fair cuts that we are trying to work together on in a bipartisan spirit, Mr. Chairman, and I would encourage this body to vote in favor of this amendment.

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. ROEMER. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Mr. Chairman, my good friend and colleague from Indiana has discussed this amendment, and we have agreed. We have cut headquarters; we have cut the administrative staff quite a little bit. We did not cut the field offices, but we agree with the gentleman. I think there can be a reduction there. I think everyone agrees. We accept the gentleman's amendment.

Mr. ROEMER. Mr. Chairman, I am not going to use any more of any time on this amendment. I know a good thing when I see it. This will save the taxpayers almost \$10 million. I urge the body to agree with the chairman and the ranking member's recommendations and move my amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. ROEMER].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ROEMER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. ROEMER: Page 17, line 21, strike "\$2,648,000,000" and insert in lieu thereof "\$2,638,000,000".

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Indiana [Mr. ROEMER] and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana [Mr. ROEMER].

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

Mr. Chairman, I am going to be very brief with this amendment. I am delighted to have passed the last amendment. This amendment would save the taxpayer approximately \$10 million.

In testimony that I sat through based on the February 1995 Galvin report, Alternative Futures for the Department of Energy National Laboratories, Dr. Robert Galvin, the former CEO of Motorola, estimated that the labs could reduce their cost by 50 percent through streamlining and other efficiencies. Since the publication of this report, DOE has implemented some of its recommendations.

As a result, DOE claims to have saved \$264 million in fiscal year 1996 and expects to save \$366 million in fiscal year 1997. In total, DOE has promised to save over \$1.7 billion in the next 5 years. Overall the DOE budget request remained level from fiscal year 1996 to fiscal year 1997. Thus, despite savings from the Galvin initiative, DOE has made up for the administrative cost reductions by advancing other new initiatives. These new initiatives included the National Ignition Facility and countless smaller activities.

Mr. Chairman, my amendment says if we are going to save the money through the Galvin report, it should not be resented, then, from administrative savings on other new initiatives. Let us say to the Department of Energy, if we are going to run it better, cheaper, more efficiently for the taxpayer, then the taxpayer needs to see some of the benefits from that.

My amendment would make sure that the taxpayer received some of those benefits by making sure that the \$10 million in this amendment goes to deficit reduction.

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. ROEMER. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. I thank my friend for yielding.

Mr. Chairman, we share the concern that the gentleman has, and he is right. We have many, many, too many national labs today. We have to do something about it. It is a concern of this committee. We have had concern for several years. We have to consolidate some of them. We just cannot continue to fund all of these. However, we have already reduced this account. We were aware of Mr. Galvin. In fact, we invited him last year to appear before our committee. While we have made significant reductions here, we feel that might be too much at this time. But in the future I think that we are going to have to do something along this line and reduce.

I urge the gentleman to withdraw at this time this amendment. I think the gentleman is on the right track, but maybe we have cut it enough already in the bill.

Mr. ROEMER. Reclaiming my time, Mr. Chairman, I would just say that for those kinds of comments and the kind of bipartisanship that the gentleman from Indiana [Mr. MYERS] has shown our side in the past, we will sincerely

miss him next year when I will hopefully continue to work on this.

Mr. MYERS of Indiana. We wish the gentleman well.

Mr. ROEMER. It will be a fight, as the gentleman from Indiana knows. We will continue to try to restructure, not just cut the national laboratories. They are an invaluable resource for this country. We do need to restructure them, we do need to make sure they are not duplicating efforts from our colleges and universities in the private sector, and we do need to make sure when we cut costs that we actually save money for the taxpayer.

With that, Mr. Chairman, and with the kind words from the distinguished Member from my State of Indiana, I ask unanimous consent to withdraw my amendment.

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

There was no objection.

AMENDMENT OFFERED BY MR. KOLBE

Mr. KOLBE. 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. KOLBE: On page 12, line 23 strike "\$398,069,000" and insert "\$377,496,000", and on page 13, line 1 strike "\$71,728,000" and insert "\$51,155,000".

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona [Mr. KOLBE] and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona [Mr. KOLBE].

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

Mr. Chairman, the amendment I am offering on behalf of the entire Arizona congressional delegation reduces the FY 1997 funding level of the Central Arizona Project [CAP] by \$20,573,000. If adopted, my amendment would bring the FY97 appropriation for the CAP from the \$76.6 million recommended in the bill to \$56,073,000. That's about a 27% cut in this project alone, and a nearly 5% cut in the total Bureau of Reclamation construction budget.

Mr. Chairman, most members would agree this is a tad unusual: to cut your own construction project! So they may wonder why I'm proposing this reduction, particularly as Federal commitments to Energy and Water programs are dwindling and funding for worthwhile and important projects is difficult to obtain.

But the truth is simple—we don't need all of this money! Of course, I'm extremely grateful to Chairman JOHN MYERS and Ranking Minority Member TIM BEVILL for being such stalwart supporters of this project over the years. But, the fact is we are nearing the completion of this monumental project, and we just don't need the

money that the Bureau is trying to spend on this project.

This amendment does not imply that the CAP has diminished in importance. This simply is not the case. Bringing a stable water supply from the mainstream of the Colorado River into central and southern Arizona is, very simply, the sustenance that has allowed Arizona to thrive. The Ancient Ones—the Hohokams—knew that the area could not survive without a dependable source of water. Their disappearance 800 years ago is associated with their inability to have an assured water supply during a long-term sustained drought. However, with the help of Congress and the vision of some great leaders from my own State of Arizona, we have accomplished what past civilizations could not. The Central Arizona Project provides the water that has become our lifeblood. Its value is being proved, even as I speak, as it delivers water to thirsty Arizona during the worst drought in 100 years.

That doesn't mean, however, that we have to gild the lily. We don't have to add things to the project that have nothing to do with delivering water to central Arizona. But that is exactly what the Bureau has proposed doing in their budget request this year. As I stated earlier, the CAP is nearing completion; in fact, it has been declared "complete" and operation turned over to its ongoing manager, the Central Arizona Water Conservation District [CAWCD]. It has thus become possible to scale back the Federal Government's financial commitment to minor parts of the CAP's budget without having any negative impact on the overall project. Working with the management and board of CAWCD, I have identified several programs within the CAP whose funding can be reduced for fiscal year 1997.

The following list identifies the specific projects/activities, provides a brief description of the work to be performed, lists the projects location in the Bureau of Reclamation's Budget Justifications for fiscal year 1997, and the total amount of the reduction that I'm proposing. Again, the total amount of the reductions that I am proposing to the CAP's fiscal year 1997 budget is \$20,573,000.

(1) Hayden-Rhodes Aqueduct: Siphon Repairs, PF-2B, page 5, line 5, \$1,616,000.

(2) Hayden-Rhodes Aqueduct: other repairs, PF-2B, page 5, line 12, \$1,509,000.

(3) Modified Roosevelt Dam: noncontract costs, PF-2B, page 14, line 15, \$4,465,000.

(4) Other project costs: Water allocations non-contract costs, PF-2B, page 33, line 9, \$500,000.

OPC O&M during construction, PF-2B, page 33, line 15, \$350,000.

Curation Facilities, PF-2B, page 34, line 3, \$750,000.

Native Fish Protection, PF-2B, page 34, line 13, \$2,775,000.

Native Fish—noncontract costs, PF-2B, page 34, line 14, \$332,000.

(5) Environmental Enhancement: Major contracts, PF-2B, page 35, line 6, \$2,200,000.

Noncontract costs, PF-2B, page 35, line 7, \$801,000.

(6) New Waddell Dam: Roadrunner Campground, PF-2B, page 10, line 2, \$1,470,000.

New Recreation Enhancement Contracts, PF-2B, page 10, lines 3, 4, 5, & 6, \$1,550,000.

Non-contact costs, PF-2B, page 10, line 1, \$2,255,000.

Total reduction in fiscal year 1997 cap budget—\$20,573,000.

Mr. Chairman, in some cases these programs do not need to be funded at all, and others require no funding in fiscal year 1997. For instance, \$1.6 million was requested for siphon work, but the Bureau of Reclamation (the Bureau) completed siphon work on September 30, 1993. Furthermore, the Bureau has declined to perform any siphon repairs that may be needed. If this issue is ever resolved and the Bureau agrees to initiate and do the work on the siphons in need of repair, then we can provide them with money in fiscal year 1998. But the Bureau has not made any indications that they are willing to undertake this work.

Another example of unneeded federal funding is the \$1.5 million earmarked for Reach 11 dike repairs. The Bureau has already completed Reach 11 dike repairs and has no need of any more money for work related to those repairs. Staff costs earmarked for modified Roosevelt Dam are in a similar situation; \$4.5 million was included for staff costs. Modified Roosevelt Dam, however, is now complete and a notice of "substantial completion" will be issued by the Bureau this fall. And that is an exorbitant cost to finish up this project.

The same can be said for over the \$5 million recommended for recreational related activities at New Waddell Dam. Although recreational activities enhance one's overall outdoor experience, they aren't integral to the delivery of Colorado River water to central and southern Arizona, and they certainly shouldn't be paid by taxpayers elsewhere in our nation. If a case can be made that these appealing, yet ancillary activities, should be funded, then we can review this information and consider funding them in fiscal year 1998. The list I have prepared is replete with similar situations. That is why these programs have been targeted for funding reductions.

The Bureau in responding to my amendment allege that cuts of the order that I have proposed would jeopardize other CAP features and delay work on several projects. The Bureau also states that the proposed reductions would cause a delay in funding " * * * work on the Pascua Yaqui and San Carlos Indian Distribution Systems * * *" and delay the "Gila River Indian Community (GRIC) Self Governance contract". To further illustrate their concern the Bureau claims that they would have to "reassign" \$5.3 million that has been earmarked for the GRIC contract to other activities. This not so veiled threat is gamesmanship,

at best, and I categorically and completely refute the Bureau's contentions.

First of all, my amendment does not have any impact on work related to the Indian Distribution System account. Funding for work related to this vital project is contained in a separate line item within the CAP budget and one which my amendment leaves untouched. I firmly believe that Federal commitments made to tribal leaders should be fulfilled. Secondly, the Bureau's threat to reprogram monies set aside for the GRIC contract are hollow. Final reprogramming authority is vested with Congress and more specifically the House and Senate Appropriations Subcommittees on Energy and Water Development. I don't think this Congress will be a willing partner in any effort to renege on a long-standing commitment to the Gila River Indian Community. Lastly, I am amazed that in an era of downsizing the Bureau of Reclamation is fighting tooth and nail to keep from trimming their bureaucracy.

I am convinced that my amendment will not negatively impact ongoing projects which are vital to the CAP. In fact, I have a letter from the general manager of the Central Arizona Water Conservation District, the governing body of the CAP, endorsing my amendment.

In the letter the general manager reiterates that the reduction proposed by my amendment will not impact CAWCD's ability to manage the Central Arizona Project, and that CAWCD agrees with the level of reductions that are being proposed.

Mr. Chairman, this is a win-win-win for all of us. American taxpayers don't have to put up the front money for unnecessary work on this project; CAP water users don't have to pay higher property taxes to repay parts of a project that are unneeded; and Bureau personnel and resources can be released for other important projects.

Mr. Chairman, this Nation is facing a \$5.2 trillion debt, and this Congress is working diligently to reduce our annual deficit. The Central Arizona Water Conservation District and the residents of Arizona are prepared to do our part to assist in this endeavor. My amendment trims over \$20 million from the Central Arizona Project's budget in fiscal year 1997. I ask that my colleagues support this cost saving amendment.

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Mr. Chairman, I ask my colleagues to support this cost-saving amendment.

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the gentleman from Indiana.

The CHAIRMAN. The time of the gentleman from Arizona has expired.

Does any Member seek time in opposition?

Mr. KOLBE. Mr. Chairman, in the absence of any Member in opposition, I

ask unanimous consent that the gentleman from Indiana [Mr. MYERS] be allowed to take the 5 minutes.

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

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana [Mr. MYERS] for 5 minutes.

Mr. MYERS of Indiana. Mr. Chairman, the gentleman, who is a member of the full committee and a very strong advocate of the CAP, has discussed this amendment with us. In examining his recommendations, on a number of these we completely agree. How we missed them, I do not know.

As an example, the siphons. The siphons are in litigation, have been for quite some time. And some of the repairs, I understand, have been made. But there are still some that have not been made subject to whatever the decision will be by the court. But a number of others are legitimate and ways to save money.

Anytime this committee can find a way to save money, and it is unanimous from the gentleman's delegation from Arizona, we have no objections. We welcome it, and I thank the gentleman.

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

Mr. MYERS of Indiana. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I appreciate the gentleman's support. The Senators concur with that, and they will be offering the same reduction over on the Senate side.

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

Mr. MYERS of Indiana. I yield to the gentleman from Alabama.

Mr. BEVILL. Mr. Chairman, I have no objections.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona [Mr. KOLBE].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. PETRI

Mr. PETRI. 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. PETRI: Page 12, line 23, after the dollar amount, insert "(reduced by \$10,000,000)".

Page 12, line 24, after the dollar amount, insert "(reduced by \$9,500,000)".

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Wisconsin [Mr. PETRI] will be recognized for 10 minutes, and a Member in opposition will be recognized for 10 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. PETRI].

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

Mr. Chairman, this amendment cuts the \$10 million in the bill that would be used to begin construction of the Animas-La Plata [A-LP] Bureau of Reclamation water project in southern Colorado and northern New Mexico.

Just on the face of it, pumping water over 1,000 feet uphill into another watershed, largely for irrigation, does not appear to be a sensible thing to do. I know of no other irrigation system with such an inherently uneconomic basic design.

Proponents attempt to justify A-LP by saying it is needed to satisfy Indian water rights claims, but this project can't possibly be built in time to avoid litigation.

The 1988 Settlement Agreement says that if the Indian water rights have not been fulfilled by the year 2000, the tribes may unilaterally abandon the A-LP project and seek an alternative settlement. It is physically impossible for the Bureau of Reclamation to meet this construction deadline.

Although the Indian water rights provide an excuse for this project, they are not its driving force. The driving force is huge Federal water subsidies for local, non-Indian water users.

Now, let me be clear: I don't have a problem with supplying water to non-Indian users—as long as they are willing to pay for it.

There is no national interest whatever in forcing my constituents—and everyone else's too—to pay for the massive water subsidies in A-LP.

For example, let's look at irrigation, the use to which most of the project's water would be devoted.

The capital cost of irrigating each acre of land works out to \$7,467.

The land that would be irrigated is currently worth about \$300 to \$500 per acre.

With irrigation, the value of these high elevation and rather marginal lands might double.

The farmers who own this land are supposed to pay about \$300 per acre to build the A-LP project, but everybody else would pay the rest.

Does it make any sense at all to force nonirrigators to pay over \$7,000 per acre to raise irrigators' land values by a few hundred dollars per acre?

For \$7,000 per acre, maybe we could grow corn in Antarctica. But that wouldn't make sense, and neither does this.

Federal taxpayers would get almost as bad a deal on the project's municipal and industrial water. Under Federal law, municipal and industrial users are supposed to cover the entire cost of that water—signing a contract with the Federal Government before construction starts.

In the case of the A-LP project, some repayment contracts have been signed, but records show that those contracts

wouldn't repay the full cost of the water to the Treasury.

Even worse, only a couple of the municipal and industrial users have signed such contracts, while other have not.

How can we possibly start building this project when we don't have the appropriate contracts in place?

At the very least, we shouldn't appropriate money to start construction on a boondoggle like this until applicable laws have been complied with.

Perhaps the best argument against Animas-La Plata is contained in this ad in favor of it, that appeared in the Durango Herald in 1987. It says: "Why we should support the Animas-La Plata project. Reason No. 7: Because someone else is paying most of the tab. We get the water. We get the reservoir. They pay the bill."

My friends, we should not pay this bill.

The days of massive Federal subsidies—subsidies from your constituents and mine—for mammoth water projects aimed at opening and developing the West should be over.

The West is open and developed. Any further development should be paid for by the people who benefit from it.

Therefore, I urge my colleagues to vote "yes" on our amendment to delete funding for this "Jurassic" porker.

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

The CHAIRMAN. Is there a Member seeking time in opposition?

Mr. MYERS of Indiana. Mr. Chairman, I rise in opposition.

The CHAIRMAN. The gentleman from Indiana [Mr. MYERS] is recognized for 10 minutes.

Mr. MYERS of Indiana. Mr. Chairman, I yield 2 minutes to the gentleman from Alabama [Mr. BEVILL], my colleague of long standing, the ranking member.

Mr. BEVILL. Mr. Chairman, I rise in opposition to the amendment to kill the Animas-La Plata. I say that this is a project that actually had 100 years of negotiation between the two large Indian tribes in Colorado and the Indians. Those tribes gave up many of their very valuable water rights.

They have unemployment at the rate of 65 percent, and every phase of government entered into this agreement, the local government, the State, the Federal Government. We had a ground breaking there some 3 or 4 or 5 years ago and over 2,000 people turned out for that dedication because of the interest in this water project and because it means so much to these people who have been suffering as a result of not having a water supply.

With that agreement, the Federal Government as well as the others are obligated. Everybody has lived up to their part of the agreement, except the Federal Government, and is ready and willing to go ahead and proceed with it. All the court cases by everybody that

has opposed it have been acted on unsuccessfully by those who opposed it. It seems we still have some who feel like they are in opposition to the program.

But I urge we go ahead in all fairness and in commitments by this Federal Government to those two Indian tribes and the people of southwest Colorado that the gentleman from Indiana, Chairman MYERS, and I have visited during a time when everybody was getting together on it and we participated in it. Many years of work have gone into it and the integrity of the U.S. Government is really at stake with these people. It would be very unfair and I just urge my colleagues to support the Animas-La Plata project. It is one of great need and one that they deserve and they are entitled to.

Mr. PETRI. Mr. Chairman, I yield 5 minutes to the gentleman from Oregon [Mr. DEFAZIO].

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

Let us try to explain the issue before us. Animas-La Plata. Sounds good. Satisfy Indian claims. Well, actually, it is a project that cannot be built without violating the environmental laws of our Nation, voiding the laws that require local cost for sharing for new Federal water projects.

It is a project that has been sold as an Indian water rights settlement, except that it will not deliver affordable or usable water to the Indian tribes in question. It is a project that will deliver a \$5,000 an acre irrigation subsidy to non-Indian farmers in the high desert of southwestern Colorado so they can grow low-value crops. Two-thirds of the water will go to them if this project is ever completed, if we void the environmental laws, if we go ahead with a project that will produce 36 cents of benefits for every Federal dollar invested.

Thirty-six cents of benefits for every Federal dollar invested. How can that be in a time when we are striving to balance the Federal budget? We will hear a lot from the opposition. They think they have a strategy to get this through, 36 cents of benefits for every dollar that every American taxpayer will invest. And they are going to say that it is because it is satisfying Indian water claims. It is not.

What is before us today is called phase I stage A of the Animas-La Plata project. It barely passes muster under the Endangered Species Act. It fails the cost-benefit test. And it does not even come close to satisfying the Indian water rights.

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That is phase one.

Now, if the proponents are successful in pushing through this nearly \$500 million project, despite the environmental problems, despite the negative cost/benefit ratio, it still will not sat-

isfy the Indian water claims because it does not deliver the water to those tribes.

There is some thought that maybe they can sell the water or they can do something else with it. Colorado law will not allow them to sell it out of State. The water is going to be extraordinarily expensive. It is not going to be delivered in time to satisfy the Indian water claims. In fact, they can back out. The Bureau of Reclamation says we can finish the project by 2003. The tribe has the right, after the year 2000, to back out of this agreement.

I believe when they see that they are going to be delivered water at an extraordinary price that they cannot sell to anybody, that they are going to opt out. They are going to pursue their claims in court and a future Congress is going to be where we are today, except they will have spent nearly \$500 million, if they void the environmental laws of the land, if they waive all cost share and if they build a project that delivers 36 cents on the dollar, if we pony up all that money. And they will then have to come up with some other proposal to meet the Indian water claims.

There is a better way to do it. The Inspector General of the Interior Department says, cut \$170 million out of this particular project and you can just direct it to the Indian claims and you could better meet their claims. Local citizens are looking at other non-dam alternatives.

The amendment before us would cut \$10 million that is going to irrevocably commit us to this poorly thought out project. It is also about the ultimate \$481 million to be spent by the taxpayers to bring a return of 36 cents on the dollar to Federal taxpayers. The proponents cannot say it is economically justified. It is not, by the numbers of the Bureau of Reclamation, who always try to cook the numbers in favor of these projects, they cannot say it is environmentally justified. We will have to waive a whole host of laws to complete the project. So they are staking their hopes on convincing us that this will satisfy the Indian water rights settlement. As I explained earlier, it will not.

It is quite simple, in my opinion, Mr. Chairman. This half a billion dollar boondoggle should be stopped now before we waste any more of Federal taxpayers' dollars on this project.

Mr. MEYERS of Indiana. Mr. Chairman, I yield 5 minutes to the gentleman from Colorado [Mr. MCINNIS].

Mr. MCINNIS. Mr. Chairman, I would like to extend appreciation from the native American tribes and from the people of the State of Colorado to both the gentleman from Alabama [Mr. BEVILL] and the gentleman from Indiana [Mr. MYERS]. They realize the importance of this project. And what is beautiful about the work that they have

given us, they understand the history. They know the history. They have seen the history. Year after year they have been with us on this project, because they understand the significance of what this government did in 1988 when we made an agreement with the native Americans.

Years ago, when I was a young man, I liked to trade baseball cards. I remember very distinctly one time when I made a trade on a baseball card. I did not give the card to the party with whom I traded. But I had this baseball card. After I made the agreement to trade the card, guess what? I found out that I could have got a lot more than I did. So I went to my father and my mother. They were both business people. I asked them, I said, I think I can get a lot better deal. I was kind of hoping they were going to reinforce my thought at the time and that was, go with the better deal. But my father and my mother said one thing to me. This is exactly what they had. Son, keep your word.

You can talk about all the statistics that you want and the preceding speakers have done that. The fact is, in 1988, the native Americans who had a lawsuit against us, the United States of America, were about to prevail on that lawsuit. I was in the State legislature. Our very best attorneys told us we were going to lose that lawsuit. You need to settle with the native Americans. You need to make an agreement with them.

On behalf of the United States of America, on behalf of the State of Colorado, President Reagan in this country, the U.S. Congress, the State legislature in Colorado, all of the elected officials dealing with this, we made an agreement with the native Americans. We said, drop your lawsuit, because we know you are going to win; drop your lawsuit and we will build this project.

Now look what happens. Is history coming back to haunt us again? Are we once again going to walk away from the native Americans from the promises we made? Do not let these statistics lead you astray. Those are opinions. This is fact. This is fact. We have an agreement. We made an agreement with the native Americans. We have every obligation to fulfill that agreement.

You are going to hear some statistics, you have heard some earlier that the costs were 36 times or the cost/benefit ratio. The study that the gentleman from California uses, in fact, has in very clear language that they do not consider the cost if we do not do what we said we were going to do. And what is going to happen if we do not do what we said we were going to do, for the gentleman from California, we are going to have to build the project. They are going to sue us in Federal court. We will lose. They will get specific performance. We will have to do

what we said we said we were going to do. We cannot build it for several years because of the litigation. That will add hundreds of millions of dollars in costs.

Then the court is going to assess the cost of the water, the value of the water to storage between when we built the project and when we said we were going to build it and when we finally did build it. On top of that, they are going to assess attorney fees. If you worry about the taxpayers today, you are going to vote no on this amendment, because the taxpayers today are much further ahead by going ahead with this project and just doing it.

In conclusion, let me just remind all of us, we made an agreement. The gentleman from California had Congressmen out of California who are signatories to this agreement. The Congress, this Congress made it. Our President signed it. Our State legislature did it. I was in the room when we sat down with the Indian chiefs and the native Americans councils. One of their questions to us was, are you going to keep the agreement? Fortunately, they did not trust us. They said, you are good people and everything, but we want it in writing.

We put it in writing. We have a written contract. They call it a treaty; we call it a contract. We have a written contract and it is about time the people of this country and I think the people of this country want to stand up and honor the obligations that we made to the native Americans.

What more do you have if you do not have your word? We need to keep our word.

Mr. PETRI. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Chairman, I rise in strong support of the Petri amendment. This amendment is just common sense. It applies the principles of fiscal responsibility and cost-benefit analysis that the project's supporters always claim to support. And it protects an environmentally precious area from needless degradation—another goal to which we all claim allegiance.

Let's look at the economic issues first. The project would return only 36 cents for every dollar invested. Who reached that conclusion? Not an opponent of the project, but its sponsor—the Bureau of Reclamation.

And not only does the project have a laughable cost-benefit ratio, it has already exceeded its indexed cost ceiling—and that's without factoring in the usual cost overruns. How can we balance the budget if we fail to pull the plug on projects that cannot justify their costs or live within a budget?

But this project would not only provide inadequate benefits, it would cause actual and irreparable harm. It would divert almost half the flow in one of the last free-flowing rivers in

the West. It would destroy numerous wetlands. It would jeopardize the existence of endangered species. It would cause water quality violations in New Mexico.

It is no wonder that a broad coalition of taxpayer and environmental groups are calling for passage of this amendment. The arguments are compelling. Vote for the Petri amendment and pull the plug on wasteful and environmentally damaging Federal spending.

Mr. MYERS of Indiana. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. FAZIO] who has been on this project for a good many years like the rest of us here.

Mr. FAZIO of California. Mr. Chairman, I do rise in opposition to this amendment because I really think it kills the Animas-La Plata project. This project is a peacefully negotiated settlement between parties that are normally at odds. By this action tonight, if we were to concur in the amendment, I think we would strike a real death blow at something that admittedly has not been perfected, has not been worked out as much as we hope it can be, but prematurely put the Ute and Mountain Ute tribes in a position of having in effect entrusted themselves to a process that totally let them down. There is not any question that their leadership has made a judgment and for 8 years that judgment has been to work with the environmental community to find compliance in this project. In patient, good faith efforts they have extended this project and, therefore, it will cost more. But those 8 years of delay for the sake of the environment should not now be used as a means of destroying their agreement, an agreement that we all have made with the tribes that have, I think, cooperatively worked with their Government to bring about the real acquisition of their water rights.

We have heard a lot about the cost of this project. But Members do not tell us that the second phase of the project is a non-Federal commitment. They do not tell us that the agreement with the Fish and Wildlife Service is going to limit the project's size. They do not tell us that municipal and industrial users are fully reimbursable under this and that power revenues from the Colorado River will pay for a large segment of this project's cost. They do not talk about the fact that water users must sign contracts to repay the Government. In fact for 2 years now, sitting at the Department of Interior, are the repayment contracts that would make sure that the taxpayers are not taking a hit in this program. There is no way that we should turn our back on these tribes or on the people of this part of Colorado.

I urge Members to join together with this committee and let this project continue to be negotiated, with a supportive Secretary of Interior, following

Governor Romer and former Governor Lamm and Senator Hart and Congressman Wirth in supporting this proposal. We can remove many of the problems with further negotiation. Let us not once again renege on a deal we've made.

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

I would conclude by saying that in fact very few municipal contracts have been entered into for only a fraction of that part of the cost. The cost of the project for the land involved will be \$7,467 per acre, several hundred dollars paid for by the landowners, the rest paid for by the taxpayers. So that is the rest of the story. I urge adoption of the amendment.

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

Mr. Chairman, the arguments used against this project have been used many times. They were used in litigation in at least two court cases that I am aware of. Mr. BEVILL and I and Mr. FAZIO have been on this committee for a good many years. The same arguments were used in court and it was settled several times, we thought, both legally and in litigation with the environmentalists, only to have the environmentalists find some new way to approach this.

Congress heard this same argument back in 1988, when Congress passed the Colorado Ute Indian Water Rights Settlement Act of 1988, agreeing that we would start on this phase. This is phase 1 that we are speaking about here.

It is absolutely true, the benefit-cost ratio only looked at one phase of it. The next phase the Indians will provide. The State of Colorado has already appropriated \$42,600,000 to complete this, realizing their legal responsibility.

It is not a matter of fact tonight whether we should consider this again. We have a number of times met the legal responsibility through court action, litigation, as well as through congressional action, the action of 1988, and agreement with the two Indian tribes, the Ute Indian Tribes.

We have a legal responsibility. You might try to renegotiate and back out on it, but it will not hold in court because we have agreed, both through congressional action as well as through court action and through litigation with the environmentalists, that we make this agreement helping the Indian tribes and agreeing to the water rights that they have.

They have given up a lot. We have a legal obligation. If you want to address all these other things, OK. But legally, this Congress, even though you may not have been here in 1988, or even prior to that, we have a responsibility, you are part of us today who made that responsibility. You have to go along or you destroy the whole system of government.

Support the Indian tribes with whom we have a legal responsibility. Reject this amendment.

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The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. PETRI].

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

Mr. PETRI. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 483, further proceeding on the amendment offered by the gentleman from Wisconsin [Mr. PETRI] will be postponed.

AMENDMENT OFFERED BY MR. PICKETT

Mr. PICKETT. 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. PICKETT: Page 6, line 5, strike "and".

Page 6, after line 5, insert the following: Sandbridge Beach, Virginia Beach, Virginia, Beach Erosion Control and Hurricane Protection, \$283,000; and

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

Before beginning my remarks on the amendment, I would like to join in with the others who made laudatory remarks about the gentleman from Indiana [Mr. MYERS] and the gentleman from Alabama [Mr. BEVILL] for the outstanding job that they have done here in their capacity on this committee. I think all Members recognize that stellar work they have accomplished.

The amendment that I have offered is one that would transfer funds in the bill for a project at Sandbridge Beach in the City of Virginia Beach, that I represent, from planning to construction. This is for an Erosion Control and Hurricane Protection act.

This project was authorized in the Water Resources Development Act of 1992, and pursuant to the authorization, the people in Virginia Beach in the area where the project is located entered upon a special tax district that they assessed themselves, the moneys required to meet the local match for this project.

In the justification for this project, the Army Corps of Engineers took into account only the property protection aspects of the project. Nothing else was considered. The project was fully justified based on the property that it would protect, and if this project is not built, there is going to be a substantial loss of property as a result of water action from the Atlantic Ocean.

I would like to tell the body that the U.S. Navy occupies the property immediately north of this project. The Navy has seen fit to commence and is now completing a \$6 million project to protect Navy property in this area. If this

project is not built, then the Navy project could very well be put at risk because of wave action that would take place in the project area.

The Army Corps of Engineers, in April 1996, completed its limited re-evaluation report and reaffirmed the economic justification used in the project authorization.

The amount of money that is being set aside in the bill for planning is \$283,000. This amendment would allocate those funds for construction purposes of the project. I am hopeful that by the time this bill is presented to the President for his signature that some additional moneys will be available for this project so that construction can go ahead.

If this project is not built, as I have said, there is going to be substantial property destruction. This property is largely insured under a flood control program, which means that, one way or the other, the company is going to end up paying the cost of this project.

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. PICKETT. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Mr. Chairman, I share the gentleman's concern. He has touched on a point that this committee suffered this year, and I say "suffered," and I mean just exactly that.

There are a great many projects such as the gentleman's very meritorious. If we had all the money in the world, we would have a lot more in here. But we have to prioritize, limit to only so many, and we tried to go about what we thought was most important. Maybe we made some mistakes; we hope not.

The gentleman has a very worthy project, but there are a number of them.

The gentleman from Virginia [Mr. SISISKY], the gentleman's State, had a very important project that we just could not fund. The gentleman from New York [Mr. BOEHLERT] was speaking about some in this district, and he is a member of the authorizing committee. We spoke earlier about Mr. Emerson of Missouri. These are all very fine projects, but we told over a hundred in the same category as our colleague from Virginia that we just could not deal with everything in the world.

The gentleman from Virginia is a gentleman; he has been very kind to us. Very succinctly and very appropriately, he asked for those funds when he appeared before our committee. We did put one of the programs in for the gentleman's beach that we thought was maybe higher priority than this, in our judgment—not the gentleman's, but our judgment—but we felt that we just could not do everything that we would have liked to do.

So we fully understand. I do not know what will happen when we go to

conference, whether there will be more money over there. We cannot promise anybody anything, but these are some of the projects we will have in mind as we go to conference.

So all we can tell the gentleman is, we hope he will withdraw it, because we would love to have done it, but we just do not have the money in the House.

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

Mr. PICKETT. I yield to the gentleman from Alabama.

Mr. BEVILL. Mr. Chairman, I support the gentleman's position, and like our chairman, if the door is closed, there is not much we can do. But I just want to say it is a good project, and if during the appropriations process, there is an opportunity, I will be supporting the gentleman from Virginia.

Mr. PICKETT. Mr. Chairman, with those remarks, I ask unanimous consent to withdraw the amendment at this time.

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

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

Mr. BOEHLERT. Mr. Chairman, I move to strike the last word for the purpose of engaging the chairman in a brief colloquy.

Mr. Chairman, I want to begin by recognizing the efforts to produce a water and energy appropriations bill that continues the Federal commitment to improving our Nation's water infrastructure. As the chairman of the House Water Resources and Environment Subcommittee, I share the gentleman's strong interest in the quality of America's harbors, reservoirs, rivers, canals, locks, and dams. Water infrastructure, as we all know, is a critical component of this Nation's economic and environmental future and the bill before us today reflects this reality.

As my colleagues know, the House Transportation and Infrastructure Committee reported the 1996 Water Resources Development Act this week, and is likely to consider this legislation on the House floor next week. Included in WRDA 1996 is a measure that is critical to the public health of 9 million Americans. That is section 554, the New York City Watershed Program. WRDA 1996 authorizes \$25 million for the Corps of Engineers to carry out critical water-related environmental infrastructure projects in the 2,000 square mile New York City Watershed. Through this and other targeted programs in the watershed we will be able to protect the drinking water supply for 9 million Americans while saving \$8 billion in unnecessary filtration expenditures. This point bears repeating—we will be able to protect the drinking water supply for 9 million Americans and save taxpayers over \$8

billion through the New York City Watershed Program.

It is my understanding that the chairman understands the critical nature of the New York City Watershed Program authorized in WRDA 1996 and that funding this program will be a priority in conference. Is my understanding correct?

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. BOEHLERT. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Mr. Chairman, the gentleman is correct. We have worked very closely with the gentleman who is chairman of the subcommittee. This is a high priority, but as I expressed earlier to our colleague from Virginia, it is one of those things that we just simply run out of money. But it is very high priority and would be a model for other programs.

So it is a very high priority. If money can be found someplace between now and conference, it will be a very high priority. We cannot do everything for everyone. The chairman and I have both visited the tunnels in New York City; we understand the tremendous problem New York City is going to have in the future that supply municipal and industrial water for the population of New York City. So we fully understand and we will do our best. I assure the gentleman from New York, we will work with him.

Mr. BOEHLERT. Mr. Chairman, I want to thank the gentleman from Indiana for his support, and I want to thank the ranking minority member for the interest he has evidenced in this. Before I sit down, I want to say on behalf of all of my colleagues how much we appreciate the work of the gentleman from Indiana [Mr. MYERS] and all the great work the gentleman from Alabama [Mr. BEVILL] did over the years. It has been a pleasure for all of us to work with them, and I say, both of these gentlemen are going to be deeply missed.

AMENDMENT OFFERED BY MR. KLUG

Mr. KLUG. 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. KLUG: Page 34, line 2, after the dollar amount, insert the following: "(reduced by \$16,000,000)".

Page 34, line 9, strike the colon and all that follows through "activities" on line 12.

The CHAIRMAN. Pursuant to the order of the House to today, the gentleman from Wisconsin [Mr. KLUG] and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. KLUG].

Mr. KLUG. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, as my colleagues know, much of the debate in this House

and this Chamber over the last 2 years has really focused on what level of Government best organizes and administers program. In fact, we just had a vote in the Chamber last week on welfare reform, and we decided that States were capable of essentially running their own operations and administering their own programs.

Well, I think the second part of that dialogue that needs to go on and frankly needs to be amplified over the next several years is, are there programs involved that maybe we should not run or the States should not run, that we should just get out of, out of altogether. That is where we find ourselves, I think, today in this discussion about the Tennessee Valley Authority.

Now, my colleagues are going to hear in a couple of minutes about what an important economic tool the TVA has been for the southeastern region of the United States, and you get no arguments from me, but the TVA was first established in the 1930's, and here we are, 60 years later, making the same argument that the region served by the Tennessee Valley Authority needs additional help from the Federal Government to kind of kick-start its economy.

The money we have targeted in this amendment is merely \$16 million in economic development money targeted to the TVA region.

Now, let me make it clear that the region served by the Tennessee Valley Authority already gets money under the Economic Development Administration, as does every other region of this country; and in addition, the TVA gets an additional pot of money because it is part of the region served by the Appalachian Regional Commission, which pours additional economic development money into the 13 States that stretch along the Appalachian River.

So the TVA gets money for 60 years, it gets additional money from the Appalachian Regional Commission, and it gets economic development money already poured into economic development projects across the rest of the country.

This is a very simple amendment. And let me make it clear that the TVA itself admits that economic development is not an essential part of its appropriated activity; it is not required in statute under Federal law, and in fact, the TVA itself proposes phasing out this function over the next 3 years. In this town, it is always the next 3 years; it is never today and it is never this year.

Let us make it very simple and begin to separate ourselves from the Tennessee Valley Authority and say, no more economic development money, strike this \$16 million.

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

Mr. MYERS of Indiana. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Indiana will control the 10 minutes in opposition.

Mr. MYERS of Indiana. Mr. Chairman, I yield 5 minutes to the gentleman from Alabama [Mr. CRAMER].

Mr. CRAMER. Mr. Chairman, I rise in opposition to this unnecessary agreement and want to say to my colleagues here that the economic development activities of the Tennessee Valley Authority were created so that this section of the country could have the opportunity to have the kind of economic development that other sections of the country would have.

TVA has in fact taken steps, I say to my colleague, to phase this out. This would not be the time to pull the rug out from under them. They have shifted from a grant activity program to business services and investments. They have in fact cut staff by 45 percent. They have terminated 25 programs. So they are on line to do what we want them to do. It is just that they cannot have this rug pulled out from under them.

Currently, there are over \$40 million in existing programs being managed by TVA. TVA must phase out those programs, but they have got to do that in an orderly way. We are holding their feet to the fire, but we are doing it in a responsible way.

Let us oppose this irresponsible amendment.

Mr. KLUG. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. FOLEY].

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Mr. FOLEY. Mr. Chairman, today I rise in strong support of the amendment to strike economic development funding from the Tennessee Valley Authority. I want to thank the gentleman from Wisconsin [Mr. KLUG], the chairman of the Privatization Task Force, for bringing this amendment to the attention of this body.

This taxpayer-friendly amendment would save \$16 million in an unnecessary appropriation from this legislation. The gentleman from Wisconsin [Mr. KLUG] mentioned, and I read from page 130 of the bill, the economic development, "In testimony before the Subcommittee on Energy and Water Development this year, TVA conceded that economic development is not an essential appropriated activity of the Authority." They agree. They admit it. But they still want \$16 million.

What my friend, the gentleman from Wisconsin, [Mr. KLUG], is getting at today is not merely the unnecessary \$16 million appropriation for economic development, but the larger problem of the TVA, an authority that the former TVA Executive, Mr. William Malec, said should be sold, and called a "New Deal Dinosaur" in the Wall Street Journal this time last year.

I think the elimination of the economic development funding for the

TVA is a prudent and fiscally responsible step, especially given the fact that the TVA itself admitted that the economic development is not an essential activity.

Let us look at a newspaper article. First of all, "Power Agency to Form Joint Venture in India. The Tennessee Valley Authority intends to lend its agency and expertise to a profit-producing joint venture in India."

OK, "Limo Expenses Among TVA Expenditures." Knoxville News Journal: "\$86,000 spent on trips," \$86,000 of ratepayers' money. Then, thousands on alcoholic beverages; nearly \$40,000 for limousine services; and \$48,000 for air travel to and from China. Mr. Chairman, when it is their own money, they go by cab or Metro. When it is the Government's money, let us call up a limousine, a Lincoln Town Car.

Now, they were asked: "Please tell us why you use expensive chauffeur-driven Lincoln Town Cars rather than using rental cars, taxis, or the Washington's electric air-conditioned subway system?"

"I am writing down your question and I will get back to you." Mr. Francis from the Authority says, "I am writing the question down, I will have to get back to you." He could not answer it. Now we are going to China, we are going to India. And this is supposed to be promoting economic development in the Southeast. Southeast Asia? I must have missed where we are doing business.

Mr. Chairman, this is taxpayers' dollars. Sixteen million dollars I know does not amount to a hill of beans around this place. Unless you talk billions and trillions, you do not get anybody's attention. Today Mr. KLUG's amendment will save \$16 million. Mr. and Mrs. Average America could thank you for that kind of sacrifice.

Mr. MYERS of Indiana. Mr. Chairman, I yield 4 minutes to the gentleman from Alabama [Mr. BEVILL], the ranking member of the committee.

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

Mr. Chairman, I rise in opposition to this amendment. I do not know of any public works project in the history of this Congress that has been more successful than the Tennessee Valley Authority, which was created by the Roosevelt administration for the purpose of leading this Nation out of a Great Depression. It has been very successful. It is the only project that I know that sends the government a check every month, or every year, it is an annual payment, paying it back for all that the Federal Government deposited into it.

This particular part of the program, which has nothing to do with the power program, which is self-sustaining, is an economic development program. It has proven very successful, it has returned \$16.00 for every federal dollar that has

been invested. But the committee, the subcommittee, has approved and recommends to the Members that this program over the next 3 years, be phased out, so that there will be no rough edges. We cannot just use the chop block method that is being used now and just cut it all off. They have contracts. It will cost the government more money. As we say, it will be penny-wise and pound foolish just to try to cut the funds off of this project.

The subcommittee on the Committee on Appropriations has approved it, the full committee unanimously approved this plan, and for goodness sakes, do not take out after it with a hatchet here and try to pretend you are saving money, because you are not. You will be wasting money.

Mr. Chairman, I yield 1 minute to the gentleman from Tennessee [Mr. CLEMENT].

Mr. CLEMENT. Mr. Chairman, I would say to the gentleman from Wisconsin, he would not get a Gold Medal in the South or the Tennessee Valley area for his misrepresentation of the facts, being a former member of the TVA and former chairman of the TVA Congressional Caucus.

We do have a lot to be proud of, just as the gentleman from Alabama [Mr. BEVILL] said.

Mr. Chairman, my colleague who is offering the amendment is not from the seven-State region which TVA services. Perhaps he does not realize the important role TVA plays as a regional development agency. TVA provides electricity to over 7 million citizens in seven States. This service is fully funded by TVA customers, charged by Congress to help develop the Tennessee Valley region, not by the taxpayers.

Let me repeat this, Mr. Chairman, because I think it goes to the heart of the debate today: TVA is a resource development agency, charged by Congress to help develop the Tennessee Valley region.

Wisconsin and other States do it in different ways. They receive Federal funds, but it goes through different departments and agencies. We decided in the South that we would designate TVA as that agency that appropriates those funds and provides those services.

Mr. Chairman, I would like to make a final point regarding some of the misconceptions and outright inaccuracies made by TVA's critics. They leave the impression that the Federal taxpayer is subsidizing TVA's power program. I repeat it again, nothing could be further from the truth. The truth is that TVA must charge sufficient electric rates to cover the cost of the power program. Not one single Federal cent goes into TVA's power programs, so when TVA critics state that TVA provides government-subsidized power, obviously they have been misinformed or ill-advised.

The Klug amendment is wrong in its assumptions and it is wrong for our people. I urge my colleagues to vote against the Klug amendment.

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

Mr. Chairman, I just want to make one brief point, which is to say that my colleague, the gentleman from Alabama, points out that every year the TVA writes a check to Washington. Of course they do, because they borrowed money from us. In fact, the Tennessee Valley Authority is \$28 billion in debt. That is why they sent us checks, not because they are making money. If they were making money on the operation they would not have to get \$16 million in appropriated funds.

Mr. Chairman, I yield 1 minute to my colleague, the gentleman from New Jersey [Mr. FRANKS].

Mr. FRANKS of New Jersey. Mr. Chairman, the previous speaker on the other side indicated that the TVA is an enormously valuable program. It may well be. But the problem is that it promotes an egregious regional inequity. The program is great, but only for that handful of States that benefit from its activities. The fact of the matter is the taxpayers from all around the country are paying for this subsidy for only one region. That regional inequity should not longer be able to prevail in a climate where we are struggling to balance the Federal budget.

We have also noted that TVA derives significant economic development activity funds from a variety of agencies, including the Appalachian Regional Commission and the Economic Development Administration. When the very leadership of the TVA says in testimony before the subcommittee that this is not a core mission and it ought to be phased out, that should give us the open opportunity to exploit that opportunity by ridding ourselves of this unnecessary program. It will help to eliminate this regional inequity and help us balance the Federal budget.

Mr. MYERS of Indiana. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee [Mr. WAMP].

Mr. WAMP. Mr. Chairman, I want to leave the time to close to the distinguished TVA Caucus chairman, the gentleman from Tennessee [Mr. QUILLEN].

Mr. Chairman, I just want to point out that the Academy Awards could be given out here tonight. TVA's budget is about \$5.5 billion. One fifty-first of that budget comes from the Federal Government. The rest of it is ratepayer income. It is one of the biggest power companies in the country. We cannot take the budget from the power side and compare it to the nonpower side. They are phasing out the economic development budget; not phasing it out, they are moving it over 3 years from the nonpower program, which we subsidize, over to the power program.

If we add up the ARC money, the EDA money, and the TVA money our region gets, we are still way behind the rest of the country. That is what we have to point out. The entire Appalachian region, gentlemen, has been impoverished since the Great Depression, and we are still behind the rest of the country. There is a legitimate reason for some of this funding. You cannot just wipe it all out at one time. We are downsizing TVA efficiently, effectively. We took a cut last year. We are taking another cut this year. But you cannot just wipe it all out.

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

Mr. Chairman, I simply want to make several key points to close. First of all, Mr. Chairman, my colleague, the gentleman from Florida, pointed out that if the TVA has the financial resources to do deals in India and China, and that is where their investments are, then what in God's name are we doing sending the taxpayers' money to Tennessee?

As the region already gets \$170 million in economic development aid from the Economic Development Administration and from the Appalachian Regional Commission, so we are going to send them a third pot of money to go to the Tennessee Valley Authority region?

Finally, let me make the point from where we were last week in this Chamber. We have been talking about ending welfare as we know it in this country. We want to set time limits for individuals, to say no more aid for 2 years. We want to make welfare a ladder, not an escalator.

We are talking about 60 years of Federal aid. It did a valuable service back in the 1930s. I do not begrudge that. It has done a wonderful job servicing the Southeast corner of the United States, but the fundamental question is, when is enough enough? I know it is going to get done in 3 years. Everything around here always gets done in 3 years. My simple answer is, get it done this year: Sixteen million dollars zeroed out.

Mr. MYERS of Indiana. Mr. Chairman, with pleasure, I yield the balance of my time to the gentleman from Tennessee [Mr. QUILLEN], the Republican dean of the House of Representatives in the majority party, the chairman of the TVA Caucus, and a good friend for many years.

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

Mr. Chairman, here we go again: the gentleman from Wisconsin [Mr. KLUG], trying to destroy other parts of the country, when he does not try to destroy any part of his State. Mr. Chairman, when it comes to the Corps of Engineers, he supports it. He does everything except wanting to do violence to TVA and the ARC in other parts of the country.

TVA is a fine organization. It has tightened its belt and is doing a great job economically, in economic development, and has created over 300 new business, several hundred thousand jobs. It does a tremendously helping hand for all of the area.

Mr. Chairman, TVA covers seven States, 60 percent rural, when the dams were created to stop the flooding so farmers could exist. If all of the funds for TVA appropriated by the Government are cut out, then the Corps of Engineers would have to take over and do the things that TVA is doing now.

Mr. Chairman, I say to the gentleman from Wisconsin, he is off target, he is off base. Leave us alone. Sixteen million dollars for economic development brings up an area that is in poverty. We must not listen to the gentleman from Wisconsin. Vote to defeat his amendment, and let us look at something that he offers in the future for Wisconsin, and maybe we would give that more attention than he has given to the Tennessee Valley Authority.

Mr. Chairman, I urge the amendment be defeated. I urge that the people come to the cause of supporting TVA and the \$16 million economic development funds. Over the 2-year period or longer, those funds have been reduced more than half, so let us do this tonight. Let us do it for the poor people of the Tennessee Valley area. Let us do it for America. I urge the defeat of the amendment.

Mr. CRAMER. Mr. Chairman, I rise in opposition to Representative KLUG's amendment which would eliminate funding for the Tennessee Valley Authority's [TVA] economic development activities.

The mission of TVA's Economic Development program is to increase the number of businesses and quality jobs in the Tennessee Valley with emphasis on rural communities. The Tennessee Valley is almost 60 percent rural. Rural per capita income in this area is 27 percent below the national average with over 18 percent living below the poverty level.

As part of its economic development program, TVA's business incubators are effective national models. Partnerships in nine Valley business incubators resulted in the creation of over 300 new businesses and over 2200 new jobs. In my own district, a TVA-Huntsville-Madison County alliance for Technology Transfer has proved invaluable. Local technical, academic, and business experts are aligned to help small and new high-tech firms solve problems in many areas including materials and manufacturing processes. A successful Shoals Entrepreneurial Center has required two expansions with over 150 jobs created—three businesses have graduated from incubators. A Managers Assistance and Training for Minority Business Entrepreneurs program aided five business startups and supported eight existing minority small business. TVA also manages an additional \$12 million in projects for the Appalachian Regional Council [ARC] for a total of \$52 million in existing programs.

Nevertheless, in order to be sensitive to Federal budget pressures and still allow for an orderly and business-like phaseout of existing programs and services, the TVA Board of Directors recommended the following fiscally responsible phaseout plan for economic development. In the past 3 years, TVA has shifted economic development programs from grants to business services and investments. In fiscal year 1995 and 1996, new investments returned \$16 for each dollar TVA invested. Staff has been reduced by 45 percent in the past 3 years and 25 major programs have been terminated.

Over 50 percent of economic development funds go direct into the communities for programs and services. There are currently over \$40 million in existing programs being managed by TVA that must be phased out in a logical and orderly, business-like manner. Ignoring TVA's proposed phaseout plan would unnecessarily devastate these programs in hundreds of communities in 7 States. This action would be wrong and unjustified given the strength TVA has clearly demonstrated in economic development.

I urge my colleagues to vote against this mean-spirited, unnecessary amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Wisconsin [Mr. KLUG].

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

Mr. KLUG. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 483, further proceedings on the amendment offered by the gentleman from Wisconsin [Mr. KLUG] will be postponed.

AMENDMENT OFFERED BY MR. ROHRABACHER

Mr. ROHRABACHER. Mr. Chairman, I offer amendment No. 10.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. ROHRABACHER: Page 17, line 21, after the dollar amount, insert the following: "(reduced by \$1,000)".

Page 17, line 23, after the dollar amount, insert the following: "(reduced by \$5,200,000)".

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from California [Mr. ROHRABACHER] and a Member opposed will each be recognized for 10 minutes.

The Chair recognizes the gentleman from California [Mr. ROHRABACHER].

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

Mr. Chairman, this amendment addresses the concerns of many Members, including some on my subcommittee, that we should continue to fund renewable energy research.

Unfortunately, the Department of Energy has confused the issue by constantly directing funds away from re-

search and into the commercialization and marketing process.

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I believe the result has been harmful to the future success of the renewable energies technologies that our country will depend upon in the future.

My amendment would move the program in the right direction by restoring the photovoltaic research program to fiscal year 1996 levels. It would do so without taking money from other science research programs. Instead, it would add \$9.2 million to the photovoltaic program as follows: \$5.2 million from program direction, \$2 million from the renewable energy production incentive, \$2 million from the solar appliance R&D account. In the budget this is still listed by its old name, solar building technology research.

So first let us talk about bureaucracy. The Department of Energy's Office of Energy Efficiency and Renewable Energy is funded for two appropriations bills, both energy and water and interior. All together, program direction has \$48 million of the total appropriations to run a \$700 million program. By comparison, energy research operates a \$1.4 billion program with only \$30 million in program direction. This amendment would still leave the office with \$43 million for this purpose.

Why is this number inflated, one might ask? Well, one reason is that this office has become the repository for the Clinton reelection team. Since 1994, the political appointees have nearly doubled from 8 to 15. By comparison, energy research, fossil energy and nuclear energy have 4 apiece, 4 political appointees apiece. Let us put these people back on the campaign payroll and use taxpayer funds for solar energy research.

The renewable energy production incentive is nothing more than a handout to utilities and, basically, we are trying to basically convince them to use alternative energy sources. But when it comes right down to it, what we are talking about is a handout to utilities. The solar building technologies program includes many small programs, but its primary purpose is to promote the use of solar hot water heaters.

This is a pet project of the solar industry lobbying group, and no wonder it is. The Department of Energy basically extends \$1.7 million this year. Basically of that, \$265,000 of it goes to the Solar Energy Industries Association.

Well, Mr. Chairman, every dime that is not spent on these promotion programs goes to research programs, and every dime that goes to promotion programs comes out of the hide of research. So when we are talking about the photovoltaic program, it is a success story. Since 1976 the cost per kilowatt hour has dropped from \$5 to 16 cents. If solar energy is to become a real alternative, the cost must con-

tinue to go down. Spending scarce funds which should be going to research on promotional programs may be great for the lobbyists, but it does nothing to help renewable energy.

It is also wrong to use other science programs as a cash cow for basically renewable energy, as the Schaefer amendment does. My amendment is the only one that would not cut one research program to fund another. If my colleagues want to support true solar energy research without cutting other science programs, one should vote yes on this amendment.

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

The CHAIRMAN. Is there a Member in opposition to the amendment?

Mr. FAZIO of California. I am, Mr. Chairman.

The CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. FAZIO of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Alabama [Mr. BEVILL].

Mr. BEVILL. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I just rise in opposition to the amendment and urge everyone to vote against it and support the subcommittee and the full Committee on Appropriations and support the House position.

Mr. FAZIO of California. Mr. Chairman, I yield myself such time as I may consume. I would be at this time inclined to use the remainder so that we can move on with this debate.

I rise in opposition to the Rohrabacher amendment and in support of the amendment adopted by the full Committee on Appropriations which was offered by myself and the gentleman from California [Mr. RIGGS], another member of the subcommittee.

I regret that I must say I begin by agreeing with the gentleman from California [Mr. ROHRABACHER]. There is a need for photovoltaic research, and the way to accomplish that is to support what may be the next amendment offered, an amendment offered by the gentleman from Colorado [Mr. SCHAEFER], that will add \$7 million to the photovoltaic research program.

That is, I think, the best way to address the concern that Mr. ROHRABACHER indicated he hopes to relate to with his amendment. But I must oppose the source of the funds that he has outlined for that purpose.

First of all, the Subcommittee on Energy and Power and the full committee chose to add \$10 million to three of the six programs that were zeroed out in the markup for fiscal year 1997. They are wind energy, solar buildings, and the renewable energy production incentive program. REPI, as it is called, is the equivalent for public utilities of a program that operates through the Tax Code for those in the stockholder-owned utility category.

There is no question that the program has worked. It permits the Department of Energy to pay consumer-owned utilities up to 1.5 cents per kilowatt for electricity generated by projects that use solar, wind, geothermal or biomass technologies. These REPI funds have provided the margin of difference required to make a new project feasible. Across the country we have found that this is the key to bringing a number of renewal projects on line.

There are many, many, many kilowatt hours of fossil fuels saved as a result of this renewable investment. We ought not to eliminate, as the gentleman from California [Mr. ROHRABACHER] would, this very important program.

The solar buildings appliances R&D program is designed to conduct the research and development necessary to develop energy-producing technologies that are an integral part of advancing the science and technology base for solar renewable programs. This is not some sort of benefit to developers, as Mr. ROHRABACHER unfortunately indicates. It really has made a tremendous difference since the mid-1970's in bringing on many new solar technologies; yes, including solar water heating systems that have been installed nationwide generating some 25,000 job years of employment and creating tremendous savings to our utilities across the country.

So once again, this is not an appropriate place for the Congress or Mr. ROHRABACHER to zero out funding. These are modest sums. We are only asking for \$2 million to be spent in this category. So I would hope that Members here on the floor will not only support the Schaefer amendment that is coming up soon that will address all of the needs in the renewable area that have been left, regrettably, in this very tight budget year, but certainly not undo any of the progress that we attempted to make in full committee. We understand that all of these programs need a modest amount of funding, and they cannot be traded off one for another.

That is why I hope that Mr. ROHRABACHER will not ask for a recorded vote and will allow the debate on the Schaefer amendment to really suffice as we deal with the need to move forward on our solar renewable account with very limited funds in this bill.

I am hopeful that all of us will appreciate the fact that we have made tremendous market penetration and that our collaborative approach here using some 100 utilities around the country will continue in a way that will allow us to have even further market penetration of up to perhaps 300 percent more during the next 3 to 5 years, both through the REPI Program and as a result of some of the research investments that we have made.

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

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

Mr. Chairman, let me just say I will be asking for a recorded vote on this. This goes right to the core of what we are spending our money on.

The fact is photovoltaic cells have shown a great deal of progress. We are taking money right out of research and development to put into promotional programs to get people to put hot water heaters on their roofs, things that are outdated, programs that are just heavy with bureaucracy.

Let us keep money in research and development; let us make sure that we develop solar energy and do what we are supposed to do with our money rather than feed the bureaucracy. That is what this choice is all about. I would ask my colleagues to back up what the real purpose of our spending is supposed to be for, science and development, and that is spending it to improve better technology.

Mr. FAZIO of California. Mr. Chairman, let me conclude simply by saying that I think we are talking about research and development.

Mr. Chairman, I yield such time as he may consume to the gentleman from Colorado [Mr. SCHAEFER] to make that point. This is not a bail-out for developers, it is research and development in other areas of solar energy.

Mr. SCHAEFER. Mr. Chairman, I thank the gentleman for yielding.

It has been mistaken many, many times that renewables are corporate welfare, and this is not the case. The Energy Policy Act that was passed in 1992 was with overwhelming support by 362 House Members, and signed by President Bush. I think this is an excellent piece of legislation as is. We should continue to support it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. ROHRABACHER].

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

Mr. ROHRABACHER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 483, further proceedings on the amendment offered by the gentleman from California [Mr. ROHRABACHER] will be postponed.

AMENDMENT OFFERED BY MR. BEREUTER

Mr. BEREUTER. 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. BEREUTER:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. 506. None of the funds made available in this Act may be used to revise the Mis-

souri River Master Water Control Manual when it is made known to the Federal entity or official to which the funds are made available that such revision provides for an increase in the springtime water release program during the spring heavy rainfall and snow melt period in States that have rivers draining into the Missouri River below the Gavins Point Dam.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Nebraska [Mr. BEREUTER] and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Nebraska [Mr. BEREUTER].

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

Mr. Chairman, this is a straightforward amendment which would simply prevent the Army Corps of Engineers from revising the Missouri River master water control manual in such a way that it would increase the likelihood of springtime flooding. This is the same amendment which was accepted on the House floor last year, exactly the same language, during consideration of the energy and water appropriation bill.

This common-sense amendment is needed to ensure that the Corps does not repeat its previous mistake, a proposal which would have devastated farms, businesses, landowners in countless communities along the Missouri River. In 1994 the Corps issued its proposed changes to the master manual and made a colossal blunder by proposing to drastically increase the flow and water level of the Missouri River during the months of April, May, and June. These obviously are the very months when States such as Nebraska, Iowa, Kansas, and Missouri are already most vulnerable to flooding due to snow melt and heavy rainfall. And again we saw that this year.

It is bad enough that farmers and other landowners along the river have to contend with natural disasters. They should not be forced to deal with the kind of manmade disasters which would have been caused by the Corps' proposal. The floods and heavy spring rains of recent years, again this year, offer clear and convincing proof that the proposal was seriously flawed.

Mr. Chairman, at a series of two dozen hearings throughout the Missouri River Basin region, hundreds and hundreds of citizens expressed their very strong, even vociferous and nearly unanimous opposition to a number of provisions in the Corps' preferred alternative. One of the most detested provisions was the increased spring rise. Following this massive opposition to the proposed changes, the Corps acknowledged the flaws in its original proposal and expressed a willingness to reevaluate the issue.

However, this Member believes this common-sense amendment is needed to make absolutely certain that the Corps

does not move away from their commitment and repeat the mistake of the manual.

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. The committee has examined the gentleman's amendment. It is, I think, exactly the same language that was offered last year?

Mr. BEREUTER. Mr. Chairman, it is.

Mr. MYERS of Indiana. There was some question last year about the concern of downstream or other Members, but I understand that has been resolved, at least. Contingent upon that, we accept the amendment.

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

The CHAIRMAN. Is there a Member in opposition to the Bereuter amendment?

Mr. JOHNSON of South Dakota. Yes, Mr. Chairman, I am.

The CHAIRMAN. The gentleman from South Dakota [Mr. JOHNSON] is recognized for 5 minutes.

□ 2100

Mr. JOHNSON of South Dakota. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I will not take the 5 minutes, and I will not ask for a recorded vote. I simply want to, however, express concern about legislative changes to the master manual, a process which already has been delayed some time here. There is great concern among Northern States, upstream States of the Missouri River about a long overdue change in the master manual, a concern about changes of priorities which have occurred since the Pick-Sloan plan was first established decades ago. While the gentleman from Nebraska's amendment, I do not believe, is by itself something to cause great concern in the State of South Dakota—it may in fact be neutral in many ways—I do want to express some concern about legislative efforts other places and here to address the master manual to head off the deliberation that is going on in the course of making long overdue modifications of that manual. Again while I do not have great resistance and I understand where the gentleman from Nebraska is coming from, I do want to express concern about short-circuits of that manual deliberation.

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

Mr. JOHNSON of South Dakota. I yield to the gentleman from Nebraska.

Mr. BEREUTER. I thank my colleague, my neighbor, my friend for yielding.

Mr. Chairman, I would say to the gentleman quite candidly and with full commitment, I am not interested in delaying the revision of the master man-

ual. All I want to assure is what the citizens downstream from the gentleman have said. That is, that the spring rise only accentuates the normal kind of flooding we too often have from snow melt and from excessively heavy rains during that period of time. I want to see the revision myself. I believe it is true that my amendment should not have any impact upon the upstate Missouri—Montana, North Dakota, and South Dakota—States. I am committed to seeing the manual revised and something hopefully that can please all the States.

Mr. JOHNSON of South Dakota. I thank the gentleman for his comments. He has long played a constructive role relative to the Missouri River and development of the northern plains in general. Again I have some concern about legislative strategy at this point, but I do recognize the concern that the gentleman from Nebraska has. We share a concern about downstream flooding, erosion on the river banks and so on. I certainly do recognize that as a legitimate concern that he has.

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

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

Mr. Chairman, I urge my colleagues to support this legislation. I think it does no damage to my upstream friends from the Dakotas. I urge the adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska [Mr. BEREUTER]. The amendment was agreed to.

Mr. WELLER. Mr. Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN. Without objection, the gentleman from Illinois is recognized for 5 minutes.

There was no objection.

Mr. WELLER. Mr. Chairman, I rise to engage the gentleman from Indiana [Mr. MYERS], the chairman, in a colloquy.

Mr. Chairman, I appreciate this opportunity to discuss with the gentleman the importance of a provision in this particular bill.

First, I want to thank the chairman for his hard work in bringing this vital piece of legislation to the floor. This bill includes funding for many important energy and water initiatives throughout the country, and there is one particular project of particular concern to the people of the Chicago metropolitan area, particularly in the south suburbs which I represent. That is a project which I know the gentleman is personally familiar with because of his personal visit to the south suburbs earlier this June. That is particularly the tunnel and reservoir project, which many know as the deep tunnel, TARP, in the Chicago metropolitan area.

As you know, the Thornton Reservoir, in the south suburbs, is an im-

portant project which is designed to protect south suburban communities in the south suburbs and will provide about 5 billion gallons of floodwater storage when completed. The reservoir has a service area of 91 square miles and provides flood relief to 131,000 dwellings in 14 communities with a current population of over a half million.

Mr. Chairman, I flew back to Illinois just this past weekend, on Friday, because of excessive flooding that occurred in my district and throughout the Chicago area. Like my colleagues in the Chicago area, I saw firsthand the devastation to hundreds of homes and small businesses caused by these high waters. In fact, four counties in my district were declared a state of emergency by the Governor. The Governor has since requested Federal disaster relief. If the TARP were fully operational, most of this flooding would not have occurred.

It is my understanding, Mr. Chairman, and I would like to clarify this with the gentleman, that there is carryover construction funding for the Army Corps of Engineers which has been included in this particular bill. The energy and water report language directs the Corps of Engineers to use \$6,650,000 of this funding to continue construction of the McCook and Thornton Reservoir projects.

Mr. Chairman, is that the intended use of this funding?

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. WELLER. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Mr. Chairman, I thank my colleague for his question. I am quite familiar with the problems on the South Side, my wife coming from the South Side. I taught her to speak English. She says "South Side" now. But, yes, I am very familiar with the project. For years I have watched the Thornton quarry being dug out, another useful use for this quarry.

I am very familiar with the floods the gentleman is having on the West Side and the south side. In fact, for a number of years we have been providing for some type of water plan that you have now for restoring this surface water, and we now have the McCook and the Thornton program. Last year we put in \$6,655,000 for the design, of which \$604,000 is still available for the Thornton Reservoir.

Of course, there are some problems about real estate as we visited the gentleman's area. As soon as that real estate gets worked out, we are directing the Corps to continue the project, the design and engineering. There is no reason why that would not be on schedule. I think maybe as early as early fall, this year, is our understanding with the Corps. But the Corps is understanding, and they are ready to start

moving as soon as they get that real estate problem worked out, a trading of land as we have discussed.

The gentleman is right, it is on schedule. It has to be done. It is tragic that they had to have this flood. I am glad they had it after I was there. I hope I did not cause it.

Mr. WELLER. Mr. Chairman, I of course want to thank the gentleman for the support he has given the people of the south suburbs and the fact that we have allocated \$6,650,000 to help continue construction of the Thornton and McCook Reservoirs will be a big help for flood relief. Of course I want to thank the gentleman for his personal time and investment in this project and also for his support, the fact that it was included in this important piece of legislation.

Mr. MYERS of Indiana. We clearly recognize the need and will continue to support your wishes.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 483, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 17 offered by the gentleman from Wisconsin [Mr. PETRI]; amendment No. 7 offered by the gentleman from Wisconsin [Mr. KLUG]; and amendment No. 10 offered by the gentleman from California [Mr. ROHRBACHER].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. PETRI

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin [Mr. PETRI] 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 221, noes 200, not voting 12, as follows:

[Roll No. 354]

AYES—221

Abercrombie	Brown (CA)	Clement
Ackerman	Brown (FL)	Clinger
Andrews	Brown (OH)	Clyburn
Baldacci	Brownback	Coble
Ballenger	Bryant (TX)	Condit
Barcia	Bunning	Cooley
Barrett (WI)	Buyer	Costello
Beilenson	Camp	Coyne
Bentsen	Campbell	Cummings
Berman	Cardin	Cunningham
Bilbray	Castle	Danner
Blumenauer	Chabot	Davis
Blute	Christensen	Deal
Boehlert	Chrysler	DeFazio
Bonior	Clay	DeLauro
Borski	Clayton	Dellums

Deutsch	Kanjorski	Porter	Laughlin	Oxley	Stearns
Doggett	Kaptur	Poshard	Lewis (CA)	Packard	Stenholm
Doyle	Kasich	Quinn	Lewis (KY)	Pallone	Stockman
Duncan	Kelly	Rahall	Lightfoot	Parker	Stump
Durbin	Kennedy (MA)	Randstad	Linder	Pastor	Talent
Edwards	Kennelly	Rangel	Livingston	Faxon	Tate
Ehlers	King	Reed	Lucas	Peterson (FL)	Tauzin
Engel	Kingston	Rivers	Manton	Pickett	Taylor (MS)
English	Kiecicka	Roemer	Martinez	Pombo	Tejeda
Eshoo	Klug	Rohrabacher	Mascara	Pomeroy	Thomas
Evans	LaFalce	Roth	McCollum	Portman	Thompson
Everett	LaHood	Roukema	McCrery	Pryce	Thornberry
Ewing	Lantos	Roybal-Allard	McHale	Quillen	Thornton
Farr	Lantros	Royce	McInnis	Radanovich	Thurman
Fields (LA)	LaTourrette	Rush	McIntosh	Regula	Tiahrt
Flake	Lazio	Salmon	McKeon	Richardson	Traficant
Foglietta	Leach	Sanders	Meek	Riggs	Visclosky
Foley	Levin	Sanford	Meyers	Roberts	Volkmer
Forbes	Lewis (GA)	Sawyer	Milender-	Rogers	Vucanovich
Fox	Lipinski	Saxton	McDonald	Ros-Lehtinen	Walker
Frank (MA)	LoBiondo	Scarborough	Molinari	Sabo	Walsh
Frisa	LoGren	Schroeder	Mollohan	Schaefer	Wamp
Furse	Longley	Schumer	Montgomery	Schiff	Ward
Ganske	Lowey	Scott	Moorhead	Shadegg	Watts (OK)
Gejdenson	Luther	Seastrand	Murtha	Sisisky	Weldon (FL)
Gephardt	Maloney	Sensenbrenner	Myers	Skaggs	White
Geren	Manzullo	Serrano	Myrick	Skeen	Wicker
Gilchrest	Markey	Shaw	Nethercutt	Skelton	Williams
Gillmor	Martini	Shays	Norwood	Smith (TX)	Wilson
Gilman	Matsui	Shuster	Nussle	Smith (WA)	Wise
Goodlatte	McCarthy	Slaughter	Oberstar	Solomon	Young (AK)
Gordon	McDermott	Smith (MI)	Orton	Spence	Zeliff
Gutierrez	McHugh	Smith (NJ)			
Hall (OH)	McKinney	Souder			
Hall (TX)	McNulty	Spratt			
Hamilton	Meehan	Stark	Coleman	Gibbons	McDade
Hancock	Menendez	Stokes	Collins (IL)	Hayes	Rose
Hancock	Metcalf	Studds	Conyers	Jefferson	Yates
Hastert	Mica	Stupak	Ford	Lincoln	Young (FL)
Hastings (FL)	Miller (CA)	Tanner			
Hefner	Miller (FL)	Taylor (NC)			
Heineman	Minge	Torkildsen			
Hinche	Mink	Torres			
Hobson	Moakley	Torricelli			
Holden	Moran	Towns			
Horn	Morella	Upton			
Houghton	Nadler	Velazquez			
Hyde	Neal	Vento			
Inglis	Neumann	Waters			
Istook	Ney	Watt (NC)			
Jackson (IL)	Obey	Waxman			
Jackson-Lee	Oliver	Weldon (PA)			
(TX)	Ortiz	Weller			
Jacobs	Owens	Whitfield			
Johnson (CT)	Payne (NJ)	Wolf			
Johnson (SD)	Payne (VA)	Woolsey			
Johnson, E.B.	Pelosi	Wynn			
Johnston	Peterson (MN)	Zimmer			
Petri					

NOES—200

Allard	Coburn	Funderburk
Archer	Collins (GA)	Galleghy
Armey	Collins (MI)	Gekas
Bachus	Combust	Gonzalez
Baessler	Cox	Goodling
Baker (CA)	Cramer	Goss
Baker (LA)	Crane	Graham
Barr	Crapo	Green (TX)
Barrett (NE)	Cremeans	Greene (UT)
Bartlett	Cubin	Greenwood
Barton	de la Garza	Gunderson
Bass	DeLay	Gutknecht
Bateman	Diaz-Balart	Hansen
Becerra	Dickey	Hastings (WA)
Bereuter	Dicks	Hayworth
Bevill	Dingell	Hefley
Bilirakis	Dixon	Heger
Bishop	Dooley	Hillery
Bliley	Doolittle	Hilliard
Boehner	Dornan	Hoekstra
Bonilla	Dreier	Hoke
Bono	Dunn	Hostettler
Boucher	Ehrlich	Hoyer
Brewster	Ensign	Hunter
Browder	Fattah	Hutchinson
Bryant (TN)	Fawell	Johnson, Sam
Bunn	Fazio	Jones
Burr	Fields (TX)	Kennedy (RI)
Burton	Filner	Kildee
Callahan	Flanagan	Kim
Calvert	Fowler	Klink
Canady	Franks (CT)	Knollenberg
Chamberliss	Franks (NJ)	Kolbe
Chapman	Frelinghuysen	Largent
Chenoweth	Frost	Latham

NOT VOTING—12

Coleman	Gibbons	McDade
Collins (IL)	Hayes	Rose
Conyers	Jefferson	Yates
Ford	Lincoln	Young (FL)

□ 2132

Miss COLLINS of Michigan, Ms. MILLENDER-MCDONALD, Messrs. BURTON of Indiana, TIAHRT, LEWIS of Kentucky, MCCOLLUM, SOLOMON, FAWELL, MCKEON, MCCREARY, GREENWOOD, BACHUS, BROWDER, BECERRA, BONO, WARD, COX of California, and Mrs. CUBIN changed their vote from "aye" to "no."

Messrs. MATSUI, BLUMENAUER, COYNE, HASTERT, HALL of Texas, Mrs. ROUKEMA, Messrs. EWING, TANNER, EDWARDS, JOHNSON of South Dakota, MINGE, HEFNER, MCHUGH, TORKILDSEN, LAZIO of New York, and ORTIZ changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. KLUG

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin [Mr. KLUG] 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 CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 184, noes 236, answered "present" 1, not voting 12, as follows:

Levin	Ortiz	Smith (MI)
Lewis (CA)	Orton	Smith (NJ)
Lewis (GA)	Owens	Smith (TX)
Lewis (KY)	Oxley	Smith (WA)
Lightfoot	Packard	Solomon
Lipinski	Pallone	Spence
Livingston	Pastor	Spratt
LoBiondo	Payne (NJ)	Stark
Loftgren	Payne (VA)	Stenholm
Longley	Pelosi	Stokes
Lowe	Peterson (FL)	Studds
Lucas	Peterson (MN)	Stump
Luther	Pickett	Stupak
Maloney	Pombo	Talent
Manton	Pomeroy	Tanner
Manzullo	Porter	Tate
Markey	Portman	Tauzin
Martinez	Poshard	Taylor (MS)
Martini	Quinn	Tejeda
Mascara	Rahall	Thompson
Matsui	Ramstad	Thornberry
McCarthy	Rangel	Thornton
McCrery	Reed	Thurman
McDermott	Regula	Torkildsen
McHale	Richardson	Torres
McHugh	Riggs	Torricelli
McInnis	Rivers	Towns
McKinney	Roberts	Trafficant
McNulty	Roemer	Upton
Meek	Rogers	Velazquez
Menendez	Ros-Lehtinen	Vento
Meyers	Roth	Visclosky
Millender-	Roukema	Volkmer
McDonald	Roybal-Allard	Vucanovich
Miller (CA)	Rush	Walsh
Miller (FL)	Sabo	Ward
Minge	Salmon	Waters
Mink	Sanders	Watt (NC)
Moakley	Sawyer	Watts (OK)
Molinari	Saxton	Waxman
Mollohan	Schaefer	Weldon (PA)
Montgomery	Schroeder	White
Moorhead	Schumer	Whitfield
Moran	Scott	Wicker
Morella	Serrano	Williams
Murtha	Shaw	Wilson
Neal	Shays	Wise
Nethercutt	Shuster	Wolf
Norwood	Sisisky	Woolsey
Nussle	Skaggs	Wynn
Oberstar	Skeen	Young (AK)
Obey	Skelton	Zeliff
Olver	Slaughter	Zimmer

ANSWERED "PRESENT"—1

Harman

NOT VOTING—11

Coleman	Gibbons	Rose
Collins (IL)	Hayes	Yates
Conyers	Lincoln	Young (FL)
Ford	McDade	

□ 2148

Mr. SHADEGG and Mr. CREMEANS changed their vote from "no" to "aye." So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. HARMAN. Mr. Speaker, during rollcall 356, I voted from the well instead of by electronic voting card. In doing so, I mistakenly picked up and signed an orange card, instead of a red card. As a result, I am recorded as having voted "present," although I intended to vote "no" on the Rohrabacher amendment.

Mr. MYERS of Indiana. Mr. Chairman, I ask unanimous consent to strike the last word.

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

There was no objection.

Mr. MYERS of Indiana. Mr. Chairman, we have just had our last vote for the evening. What we plan to do at this point forward, after working with the leadership on the Democrat as well as

on the Republican side, as well as the gentleman from Alabama [Mr. BEVILL], the gentleman from Wisconsin [Mr. OBEY], and the gentleman from Louisiana [Mr. LIVINGSTON], we have agreed that what we will do now, we will consider those amendments that were made in order under the unanimous consent agreement earlier, we will have no more recorded votes.

Any votes ordered will be put over until tomorrow morning sometime after 10 o'clock, so if my colleagues have an amendment that they are going to offer tonight under the rule, or if they have some comment they would like to make about the amendment, they had better stick around tonight because we will not honor any amendments tomorrow. We are going to finish all amendments tonight except the final passage on any amendments on any vote that is ordered.

If there is any question about that, my colleagues had better bring it up now, but that is the way it is going to be done.

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

Mr. MYERS of Indiana. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I think the gentleman from Indiana needs to clarify that we are going to finish all debate on all amendments.

Mr. MYERS of Indiana. We will finish all debate. We will have a vote if any votes are ordered. We will roll those over until tomorrow. All debate will be finished tonight on the bill, except final passage and any votes on amendments ordered tonight. But there will be no debate or amendments tomorrow.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I ask unanimous consent to strike the last word.

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

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me acknowledge the kindness of the gentleman from Indiana [Mr. MYERS], and the ranking member, the gentleman from Alabama [Mr. BEVILL], and the gentleman from Wisconsin [Mr. OBEY] for allowing me this time.

Certainly I know a lot of work has gone into the energy and water development appropriations subcommittee work, and I would like to inquire of the gentleman from Indiana if he would be willing to enter into a colloquy on the Army Corps of Engineers oversight role of existing local flood control projects.

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Indiana [Mr. MYERS].

Mr. MYERS of Indiana. We would be pleased to enter into a colloquy with the gentleman, yes.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for his leadership.

He might not be aware, but we in Houston have a particularly unique set of circumstances in that we are 50 feet below sea level and very often have a tendency to flood. Having gone home and spoken to my constituents, I have been concerned about the quality of the Army Corps of Engineers' oversight role of the Sims Bayou flood control project in my congressional district in Houston.

We have already suffered several flooding situations in that area, in particular in 1993. The Crestmont Park neighborhood surrounding the Sims Bayou flood control project and other neighborhoods experienced severe flooding, as I said, in 1993 and 1994, and the response of the Corps has not been as quick and responsive as I believe it should have been. As constituents have noted, since the Corps gives a significant amount of funds for these projects, should they not be the senior partner in the partnerships with the local and county governments and be closely worked with to monitor the progress of these projects?

Mr. MYERS of Indiana. Well, certainly this committee and the Corps of Engineers are concerned about the cooperation of local communities. Local communities have to pay part of the expense of these projects, cost sharing, but the important part is the work must be worked by the Corps, with local communities. We encourage that cooperation, and I am disappointed to hear tonight we are not getting that kind of support.

We will urge the Corps to work with the local community. While the Corps has the responsibility of doing the job, we all recognize that, they should be working with the cooperation of those who are paying part of the expenses locally and who are vitally concerned about the job that is being done.

Ms. JACKSON-LEE of Texas. I appreciate that. I wanted to go on record to express my support for a strong Corps role, because the Corps needs to show a greater commitment to many low-income and urban areas that sometimes seem unlikely sites for flooding and seem to be left behind, and work more closely with the local governments.

Mr. MYERS of Indiana. That is exactly right. That is the attempt, and that is what we have encouraged the Corps to do. In most cases, the Corps does this, so we will urge the Corps to continue their cooperation. Regardless of income bracket, everyone is entitled to the efforts that the Corps can make to help prevent flooding and help relieve the pressure.

Ms. JACKSON-LEE of Texas. I thank the gentleman from Indiana, and I want to acknowledge the ranking member, the gentleman from Alabama [Mr. BEVILL] who has been very helpful and very forceful, if my colleagues will, in ensuring that the Army Corps of Engineers works with communities around this country.

Mr. BEVILL. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Alabama.

Mr. BEVILL. Mr. Chairman, I am familiar with this project and support it completely.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time, I thank the gentleman from Alabama [Mr. BEVILL] very much. I thank the gentleman from Indiana [Mr. MYERS], and I would say, with this, that I would expect that the Sims Bayou project would move along quickly with the involvement of Army Corps of Engineers.

Mrs. ROUKEMA. Mr. Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New Jersey?

There was no objection.

Mrs. ROUKEMA. Mr. Chairman, I rise to support H.R. 3816, the Energy and Water Development Appropriations Act for fiscal year 1997.

This bill includes an appropriation that is vitally important for several hundred members of my district. The bill provides \$250,000 for the Ramapo River at Oakland flood control project. This is a down payment toward the \$11.3 million that has been authorized for the project. It will allow the Army Corps of Engineers to coordinate with the State of New Jersey to prepare for the beginning of construction.

Flooding along the Ramapo River has occurred 15 times in the past 24 years. The people who live along its banks cannot continue to endure the repeated economic hardship and personal tragedy this flooding brings.

The 1984 flood alone caused more than \$9 million in damage and the Army Corps of Engineers has estimated that another major flood could cause \$11 million in damage. Clearly, the funds we are seeking to protect homes and businesses would be well spent.

This flood control project would protect residents and businesses along the Ramapo River from Pompton Lake Dam in Wayne, NJ, to Pompton Lakes upstream through Oakland, NJ. This is about a 3-mile stretch of river that is home to more than 300 families.

I have worked closely with the Energy and Water Subcommittee and the Appropriations Committee for funding for this project, along with many State and local officials. I want to thank Chairman MYERS and Chairman LIVINGSTON for their support.

Ms. LOFGREN. Mr. Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. LOFGREN. Mr. Chairman, I wanted first to thank the gentleman from Indiana [Mr. MYERS] and the gen-

tleman from Alabama [Mr. BEVILL] for their extraordinary courtesy to me as a brand-new Member of the House and for helping to show me the way and being so courteous and helpful.

□ 2200

I know many of us have had the experience of advocating for flood control projects and other things that we know about. However, today I wanted to mention and engage the chairman in a brief colloquy about something that is not in my district, but it is something we all care about. That is the fusion research program in this country.

I know that the chairman, as well as the gentleman from Alabama [Mr. BEVILL], are supporters of fusion, that we have very tight fiscal constraints. However, last year we had a 33 percent reduction below the requested amount. This year, once again, funding is a little bit on the slim side for what will be needed for the restructured program envisioned last year.

Mr. Chairman, I know that every effort has been made to support the program. I guess my question to the chairman is not an amendment or a suggestion to change the language or anything of that nature, but to ask whether he would be willing, if additional funds should become available within this bill in the conference committee, to do his best to see that especially university-based fusion research and basic research might be the beneficiary of any good news in conference.

Mr. MYERS of Indiana. Mr. Chairman, will the gentlewoman yield?

Ms. LOFGREN. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Of course, the committee is always willing to look at additional funds if we can find them, Mr. Chairman. Unfortunately, we were not able to find them before we came to the floor today. But when we do go to conference with the other body we will have to wait and see what they may have. We appreciate the interest the gentlewoman has. This committee has always supported fusion.

Ms. LOFGREN. I know the gentleman has, Mr. Chairman, and I know he will do his very best in conference should something occur that is happier than we now know.

I would note also that the gentleman from California [Mr. FAZIO] joins in this good wish, and thanks the chairman of the subcommittee also for his efforts.

Mr. FAZIO of California. Mr. Chairman, the Fusion Energy Program is one of the most exciting and important programs at the Department of Energy. It is also very important to my State.

California is host to the U.S. home team of the International Thermonuclear Experimental Reactor [ITER].

Several campuses of the University of California have fusion research programs.

Lawrence Livermore and Lawrence Berkeley Labs have programs and sev-

eral California companies are heavily involved in fusion research and development.

Unfortunately, for both the Nation and my State, at the same time the fusion program is making tremendous progress, it has suffered heavy cuts at the hands of this Congress. Last year, as many of my colleagues are aware, the fusion program was cut \$130 million—33 percent—and the bill before us now cuts another \$19 million from the program. Accompanying the cuts in last year's Energy and Water bill were instructions for the Department of Energy and the Fusion Energy Advisory Committee to restructure the fusion program.

This Congressional guidance set off an extensive, time consuming, and, frankly, a painful redesign of the fusion program. It also put into place a thorough peer review process. Both the redesigned program and the ongoing peer review process have been widely praised.

It is regrettable that the lack of adequate funding in this bill pits one aspect of the fusion program against another. I will work in conference to see that all of the needs of the fusion program are met. I think it is important.

However, if that does not happen, I am concerned that the language currently in the bill which tries to set priorities for the program within the limited funding constraints may conflict with the direction the program is intended to take. It could also result in substantial damage to a number of California programs, facilities and high tech jobs and divide the fusion community.

If funding constraints force us to make difficult choices in how to fund the fusion program, we should leave that decision up to the Department of Energy with the guidance of the fusion Energy Sciences Advisory Committee.

I look forward to working in conference to fully fund the fusion program and to work toward language that is less prescriptive and more consistent with the peer review process for this important program.

Mr. DUNCAN. Mr. Chairman, I ask unanimous consent to strike the last word.

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

There was no objection.

Mr. DUNCAN. Mr. Chairman, I would like to engage in a colloquy with the distinguished gentleman from Indiana [Mr. MYERS], chairman of the Subcommittee on Energy and Water Development. I have a brief colloquy that has already been approved by the chairman.

Earlier in this Congress, I introduced legislation, H.R. 28, the Freedom From Government Competition Act. It has been brought to my attention by some of my constituents that at least one

Federal agency under this bill is considering some competition with private industry. As the chairman knows, when the last White House conference on small business met here in Washington, the problem of unfair government competition and the failure of government to adequately utilize the private sector was ranked as one of the very top issues for small business.

Additionally, since the Eisenhower administration, it has been official U.S. government policy that "the Federal Government will not start or carry on any commercial activity to provide a service or a product for its own use if such product or service can be procured from private enterprise through ordinary business channels."

I would like to ask the chairman of the subcommittee if, as a general proposition, the subcommittee intended that money appropriated in this legislation be used by Federal agencies or quasi-governmental agencies for the purpose of competing with private business.

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. DUNCAN. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Mr. Chairman, I would say to the gentleman, no, not at all. Small businesses have difficult time enough staying in business in competition with the rest of the world. Being in competition with their own government is just unreasonable.

Mr. DUNCAN. That was the very point of this colloquy. I thank the gentleman from Indiana. I believe he and his colleagues on the subcommittee have done an excellent job on this legislation.

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer amendment No. 4.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. OBEY: On page 17, line 21, after the dollar amount insert the following: "(reduced by \$17,000,000)".

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Wisconsin [Mr. OBEY] and a Member opposed will each control 20 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. OBEY].

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

Mr. Chairman, this amendment is very simple. It eliminates the \$17 million in this bill for the advanced light water reactor. The arguments against this funding are many. They have been articulated on this floor in the past. Many Members have voted against it in the past. Last year we voted on this amendment. If failed by a 191 to 227 vote. This year we have a number of additional cosponsors, including the gentleman from Florida [Mr. FOLEY],

the gentleman from Minnesota [Mr. MINGE], the gentleman from California [Mr. ROYCE], the gentleman from Massachusetts [Mr. MARKEY], and the gentleman from California [Mr. ROHRBACHER]. Obviously, with a crowd like that, there ought to be some additional attention paid to the amendment above that which was paid to it last year.

In 1992, the Energy Policy Act authorized the funding of efforts to design, engineer, and obtain regulatory approval for new evolutionary nuclear reactors. Since then, through fiscal 1996, DOE has given away \$295 million to companies such as General Electric, Westinghouse, and a number of others.

The 1992 act specifically states that "No entity shall receive assistance under this subsection for a period greater than 4 years." Mr. Chairman, both Westinghouse and General Electric will have already completed 4 years of funding in the fiscal 1996 budget. They should not get any further funding in this bill.

Let me make it clear, I have absolutely nothing against those companies. They are fine companies. That is the point. They are very healthy companies, with billions in annual revenues. They do not need the corporate welfare provided for them in this bill. They have already enjoyed 4 years of funding, as authorized. It is time to terminate the program. The authorization has expired. This is the 5 year of funding for what was supposed to be a 4-year program.

Mr. Chairman, we might wonder why there is no new authorization. I suspect it might be because no American utility has successfully ordered a nuclear power plant since 1973. Second, I suspect it might be because an overwhelming majority, 89 percent, in a recent poll of utility executives, said that their company would never consider ordering a nuclear power plant.

It also might be that the current reactors that are being funded through the program, the 600 megawatt size, are not commercially viable in this country. In fact, in February of this year GE, who received \$50 million from DOE, announced they were abandoning further design work on the SBWR reactor because it was not commercially viable.

Why does DOE continue to fund the program? I suppose on reason is that the agency seems to be generically incapable of terminating any program. The official reason seems to be that the designs could provide the basis for future commercial orders. The official reason seems to be that the agency thinks that there might some day, in the far distant future, be somebody who would change their mind and order one of these turkeys. Frankly, the likelihood is quite dim. The Secretary of Energy, in recent testimony, has said, "For the foreseeable future, we do not expect new nuclear power plants to be ordered or built in the United States."

I would point out that the Energy Policy Act stipulates that the recipient of these funds must certify that the reactors are designed for sale in the United States. The fact is, the most likely markets for these reactors are abroad; most likely Indonesia or China. There is a ban on the export of nuclear technology to China at the moment, and I do not see any circumstances under which that is going to change in the foreseeable future.

So I would simply make the point, this program was authorized under the premise of licensing nuclear power plants in the United States. That is no longer happening. No serious person expects it to happen. I would simply say that a Congress that is big enough to get tough on kids is a Congress that ought to be tough enough to say no to more corporate welfare to the nuclear power industry.

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

Mr. MYERS of Indiana. Mr. Chairman, I oppose the amendment.

The CHAIRMAN. The gentleman from Indiana [Mr. MYERS] is recognized for 20 minutes in opposition to the amendment.

Mr. MYERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Louisiana [Mr. LIVINGSTON] the chairman of the Committee on Appropriations.

Mr. LIVINGSTON. Mr. Chairman, I thank my friend and the distinguished chairman of the subcommittee for yielding time to me.

Mr. Chairman, I rise in opposition to the Obey amendment to strike the remaining funding from the light water reactor program. The fact is that the budget request from the President was \$40 million for this program. This committee has only provided about \$17 million. So we are achieving cost savings right there.

The only way the industry is going to get back into the nuclear energy business in this country is, in fact, if the Government participates in some way. In the case of this particular program, this is the last year of funding. Any funding that we provide this year completes the program. But in the case of the advanced light water reactor, total industry cost-sharing in this program is over 60 percent, which comes from the industry itself.

The industry has contributed some \$444 million of their own money to this program. The government expenditures to date total, the gentleman from Wisconsin [Mr. OBEY] has used the sum \$295 million, my own figure is \$269 million; obviously considerable sums. But what are we going to do? Just cut, run, and stop the program? Because industry itself has relied on the commitment of Government and spent, of its own money, \$444 million. The industry is committed to pay back most or all of the Federal costs if future sales are made.

This program is important because it represents a joint commitment by Government and industry to develop a new generation of standardized, advanced reactors, coupled with a one-step Nuclear Regulatory Commission licensing process.

Whether we like it or not, new nuclear energy sources will one day be needed in the United States. Nuclear energy is still safe. It does not produce greenhouse gas emissions that we hear so much about with fossil fuel usage. Nuclear energy as generated represents 20 percent of the power generation in this country, and substantially more than that, anywhere up to 50 to 70 percent, in other industrialized countries like Japan or France. We must finalize the development of a standard turn key safe design for marketing to plants overseas and for this country, if we decide to build them here.

Again, Mr. Chairman, this is the last year of funding. This project is authorized under the general authorization of the Atomic Energy Act of 1954. No Federal funds have been or will be used to subsidize any construction. That is left up to the industry. So I urge my colleagues to vote against this ill-considered amendment.

Mr. OBEY. Mr. Chairman, I yield 30 seconds.

Mr. Chairman, the gentleman from Louisiana said they have already cut the program because they have only provided \$17 million out of the \$40 million. The fact is the Senate has already funded the other two portions of the program. The game plan in conference is to fund all three pieces, and, smackaroo, you have \$40 million bucks right back in the bill again. Do not kid yourself, this program is not going to be cut one dime without this amendment.

Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Florida [Mr. FOLEY].

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

Mr. Chairman, I want to rise in strong support of this amendment to strike the \$17 million. The supporters of corporate welfare for the advanced light water reactor program are playing fast and loose with the facts. We hope Members will take the opportunity to separate real fact from the fiction they have been spreading.

Our amendment to strike the advanced light water reactor funding is not part of some anti-nuclear agenda. Moving past its authorized limits, this program has become a subsidy to a wealthy industry capable of supporting its own projects. Congress should abandon wasteful funding for this giveaway. Again, clearly, first-of-a-kind engineering, the Energy Policy Act strictly states, item B, "No entity shall receive assistance under this subsection for a period greater than 4 years."

Mr. Chairman, we talk about this nuclear reactor and suggest that some

day, somehow, somewhere, we will recapture some of the dollars our great taxpayers have invested in this project. Why has Westinghouse canceled construction of its own reactors? They are not using the technology. The only places we are able to find any utilization of this technology is in China, is in areas that we are critically concerned about nuclear proliferation, and these reactors could in some way benefit a program of expanding those nuclear reactors.

Mr. Chairman, sure, \$17 million is small if you are a corporation in an industry with annual revenues in excess of \$100 billion. However, the last time we checked, it was an enormous amount to American taxpayers. The nuclear industry has dominated energy research and development over the last 50 years, receiving more than \$47 million.

□ 2215

Now they are clamoring for another 17 million for this reactor without a future. Just how many taxpayers does the Department of Energy want to work their entire lives to pay for this corporate giveaway?

They will tell you the termination costs are going to cost the government millions of dollars. Folks, clearly in the contract: Item number C, reimbursement for costs specified in termination above shall be subject to the availability of appropriated funds.

Much like every government contract that is written, the government protects itself and has a hold-harmless clause that, if you do not appropriate the moneys, it in fact will not be tendered as cancellation fees. I have heard it before when we cancelled gas turbine last year, we would have to pay all of these millions of dollars in termination fees. Clearly not the case.

What are broad groups like Citizens Against Government Waste, CATO Institute, Competitive Enterprise Institute, Friends of the Earth, Heritage Foundation, Progressive Policy Institute, Public Citizen, Safe Energy Communication Council, Taxpayers for Common Sense and U.S. Public Interest Research Group in one group together advancing against this project. It does not make any sense to spend the hard-earned tax dollars of the American public to support projects that do not work.

Mr. Chairman, I would like to read some editorials from newspapers around the country later in the debate.

Mr. MYERS of Indiana. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. DOYLE].

Mr. DOYLE. Mr. Chairman, I rise in opposition to the amendment offered by my colleagues from Wisconsin and Florida. In the Energy Policy Act of 1992, Congress reaffirmed its commitment to the nuclear option by author-

izing a program for research and development of standardized inherently safe reactor designs.

At that time, Congress recognized the artificially high cost of developing and certifying new reactor designs to meet the government's extremely stringent requirements. EPACT proceeded with this program precisely to ensure that new passively safe reactor designs would be readily available when U.S. utilities were prepared to order new baseload generating plants.

The authors of this amendment would like to say that this is funding for the sixth year of a 5-year program. They know this is not true. EPACT was authorizing legislation and was passed in 1992, but this program did not have funds appropriated for it until fiscal year 1993, which means that this will be the fifth year of a 5-year program. Thus, DOE is fully authorized to fund the advanced light water reactor program in fiscal year 1997.

No taxpayers' dollars have been used to pay NRC fees. NRC's increased review and testing requirements forced the program to perform additional technical work. While most of the extra work was funded by industry, part of the added cost was supported by the DOE advanced light water reactor program. The additional technical work expanded the work scope for the program but was clearly authorized by EPACT.

Mr. Chairman, this would be a very entertaining debate if it were not for the fact that we are talking about a major component of U.S. energy security, as well as the certification of a technology that holds the potential for the creation of thousands of high-paying jobs here in the United States. The construction of one AP-600 employs 5,000 people for 5 years. Now let us look at how much money we are going to save if we terminate this program.

I have a letter here from the Department of Energy which I will submit for the RECORD that shows that terminating this program would cost the taxpayer more than it would to complete this program.

Mr. Chairman, this is an ill-advised amendment, and I urge that we defeat it.

Mr. Chairman, I submit the letter referred to earlier for the RECORD:

DEPARTMENT OF ENERGY,
Washington, DC, July 24, 1996.

Hon. MICHAEL DOYLE,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN DOYLE: The Department of Energy opposes the amendment to eliminate funding for the Department's Advanced Light Water Reactor (ALWR) program from the FY 1997 Energy and Water Development Appropriations Bill. We strongly urge the House of Representatives to reject this amendment and support FY 1997 funding for the ALWR program.

This program is nearing a successful conclusion. The First-of-a-Kind Engineering program, for example, was authorized by

Congress in FY 1993 to be conducted for five years. FY 1997 is the last year that the Department plans to request funds for this effort, and one of the two plant designs in the program—the Advanced Boiling Water Reactor (ABWR)—is scheduled to be completed by the end of the year. In addition, we expect that Nuclear Regulatory Commission (NRC) design certification of the ABWR and the System 80+ will be granted in FY 1997. Design Certification for the AP600—an advanced, modular plant with passive safety features—is scheduled for completion in the following fiscal year.

Taxpayers have invested about \$300 million in ALWR research and development since 1986 and U.S. industry, led by electric utilities from across the country, has contributed an additional \$500 million. Much of this investment could be wasted if the goals of the program—Nuclear Regulatory Commission design certification and completion of First-of-a-Kind-Engineering were not met because of a decision to terminate funding in FY 1997 when the program is so close to conclusion.

LWR PROGRAM TERMINATION COSTS

The Department has requested \$40 million to conduct its Advanced Light Water Reactor (ALWR) program in FY 1997. These funds would allow the Department to complete its First-of-a-Kind Engineering (FOAKE) program for the AP-600 and Advanced Boiling Water Reactor and accomplish Nuclear Regulatory Commission design certification of two of three ALWRs.

Since 1986, U.S. industry has contributed approximately \$500 million to the federal ALWR program, with taxpayers contributing another \$300 million. This program is nearly completed and most of the benefit of this \$800 million public/private investment could be lost if it is terminated in its final stages. The Department believes that this effort should be allowed to conclude successfully, providing the United States with a viable, safe, and economic nuclear energy option that will be available before the end of the decade.

If these programs are terminated at the end of FY 1996, the federal government will have to plan for the following impacts:

Tens of millions of dollars in other termination costs would be sought from the Department by program contractors and other participants. Westinghouse, for example, estimates that the termination of their portion of the design certification program would cost about \$28 million. Westinghouse also estimates that its FOAKE termination costs would be approximately \$10 million. Other contractors would be expected to seek lesser amounts, as their participation in the program is nearly complete. The Advanced Reactor Corporation, which manages the FOAKE program, has indicated that its termination costs could be as much as \$24 million if the program is terminated at this stage.

The Department would seek to negotiate these costs, but legal action on the part of program participants to recover termination costs can be expected.

A maximum of \$125 million in lost potential cost-recovery from industry. Termination of the program at this late stage would mean that the federal government would lose the right to collect funds from industry based on future plant sales. Westinghouse, for example, has agreed to pay \$25 million to the government with the sale of its first AP-600 to repay design certification funding and an additional \$4 million for each reactor sold to repay federal FOAKE contributions. General Electric recently sold

two reactors to Taiwan; the federal government expects to collect \$3 million from this transaction. All of these cost recoupments would be forfeited if the ALWR program is terminated now.

Unless new work assignments are found for federal and national lab staffs working on the program, DOE will require about \$1.5 million to terminate personnel at DOE headquarters in Germantown, MD; at the field offices in Oakland, CA and Chicago, IL; and at the Idaho National Engineering Laboratory and the Sandia National Laboratories.

The ALWR program is essential in order to maintain the nuclear energy option in the United States. Without FY 1997 funding, we will not achieve the design certifications that we have worked toward for years, and a huge public/private investment will have been largely wasted. We will also be forced to terminate our contracts with the program's industry participants, and risk a potentially expensive legal response.

Further, termination of the program at this late stage would mean that the federal government would lose the right to collect funds from industry based on future plant sales. Westinghouse, for example, has agreed to pay \$25 million to the government with the sale of its first AP600 to repay design certification funding, and an additional \$4 million for each reactor sold to repay the Department's contributions. Taiwan recently awarded General Electric a contract to build two new reactors, and the U.S. government expects to collect \$3 million from this transaction. All of these cost recoupments would be forfeited if the ALWR program is terminated now.

For a modest sum in FY 1997, the program can be brought to a logical and successful conclusion, and the taxpayer and industry investments in these technologies will result in the form of detailed, certified designs of next-generation nuclear power plants.

Sincerely,

RAY A. HUNTER

(For Terry R. Lash,
Director, Office of
Nuclear Energy,
Science and Tech-
nology).

Mr. OBEY. Mr. Chairman, I yield myself 30 seconds.

The gentleman is leaving a wrong impression with the House. First of a kind funding is limited to 4 years. The gentleman is talking about other pieces of the Energy Act. The first of a kind funding, which is the subject of this amendment, is limited to 4 years. If we do not pass this amendment, we are providing it for a fifth year without authorization.

Mr. MYERS of Indiana. Mr. Speaker, I yield myself 1 minute.

Mr. Chairman, as to the statement just made, I have in my possession here a letter today from the Department of Energy saying the first of a kind engineering program, for example, is authorized by Congress in fiscal year 1993 to be conducted for 5 years. This 1997 fiscal year is the fifth year in 5 years, according to the Department of Energy.

Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. BROWN], a very distinguished member of the Committee on Science and the former Chairman who is now ranking member.

Mr. BROWN of California. I thank the gentleman very much for yielding me this time.

Mr. Chairman, I am not at all sure that I have anything new to contribute. I used to believe that I knew as much about the nuclear energy program as anyone in Congress, but I see from the remarks of the gentleman from Pennsylvania [Mr. DOYLE] and the gentleman from Louisiana [Mr. LIVINGSTON] that they have been doing a lot of boning up on the subject. I think probably they know more than I do at this particular time.

I do want to just recite for historical purposes the fact that I have lived through and been actively involved in the development of the civilian power reactor program ever since it began 20-odd years ago. I have seen it grow with unrealistic hopes that it represented the solution to all of the world's energy problems and seen those hopes dashed as we found that there were problems with nuclear industry and with the development of nuclear power plants.

As a result of our failures to anticipate these problems, we placed a very large burden on the U.S. nuclear industry, and no new plants have been built in recent years and no new plants are on order.

What was the reason for that? The reason basically was that we overinvested in plants that had the diverse designs that were subject to different and changing safety regulations, and many energy companies went broke as a result of this. It became clear that we needed to remedy that situation. This Advanced Light Water Program was an effort to remedy that situation. It was to focus on a single design that could be precertified as to safety, that you could build repetitively and cut the costs as a result of that, and then you could become competitive again in terms of world markets, if that is what you were interested in, or in terms of competing with other forms of energy here in the United States.

That was our goal. It was a very realistic goal. This program was aimed at achieving it. It is about to complete it; it is very near to completion. If it is successfully completed, it will again put us in a position, if we are forced to do so, and I think we will be, to build more nuclear plants as a way of avoiding some of the environmental problems of fossil, for example, or as merely a way of competing in the world market where other countries which do not have the energy resources that we do, have to rely upon nuclear energy. We should be competing for that market.

Mr. Chairman, if we refuse to do this, I think we are putting our heads in the sand. I think that this is a program which, as has been pointed out already, is heavily cost-shared by industry. I fully believe that we are authorized to

continue it. As has been argued here, even if it is not authorized, we have a waiver of points of order against authorization, so it really does not make that much difference.

So I would urge that this amendment be defeated and we spend the \$17 million which will once again make us competitive in world markets.

Mr. OBEY. Mr. Chairman, I yield myself 30 seconds to again correct a statement made by the gentleman from Indiana.

It is true that there is a \$100 million cap on this program for a 5-year period, but under the authorization no corporation is supposed to receive funding for a period longer than 4 years and under this bill without this amendment would have a 5-year provision to Westinghouse, which is in opposition to the authorization statute.

Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Chairman, I say to my colleagues, Adam Smith is spinning in his grave as he listens to this debate tonight. This is the wealthiest industry in the United States. How in the world can we subsidize General Electric and Westinghouse to develop an incremental advancement on a 50-year-old technology? Either it works in the marketplace or it does not work in the marketplace. If we cannot cut this subsidy out of the budget, we cannot cut any subsidy out of the budget.

This is like conducting a French revolution and not attacking the Bastille. If there is going to be a revolution out here, we got to cut out unneeded programs. And if we cannot cut out a subsidy to an industry which has received \$50 billion worth of subsidies over the last 40 years in this country, we are not cutting out subsidies for anyone.

By the way, the technology is not being built commercially because it does not work in the marketplace. It is 6 cents a kilowatt hour. Coal is cheaper, natural gas is cheaper, wind is cheaper. It is losing in the marketplace.

I say to my colleagues, we cannot stand out here on the floor of Congress and interject Federal taxpayers' dollars into industries that they are already paying too high rates in their electricity bills already because the electric utility executives in the areas invested in the wrong technologies.

If they in fact want these next generation of technologies, and by the way, not one new nuclear power plant has been ordered in the United States since 1973, and I will predict right now and guarantee you that there will not be a new nuclear power plant ordered as long as any person in this room is alive, how in the world can we justify this kind of investment?

As we move to wholesale and retail wheeling of electricity, the marketplace is going to ruthlessly demand the

lowest priced energy. Nuclear power is not that energy. We must demand the Obey amendment be adopted here this evening.

Mr. MYERS of Indiana. Mr. Chairman, I yield myself 1 minute.

I think the gentleman from Massachusetts is in good health, and I thought I would live a little while.

But I might add that it is true that the United States is not building. What other major developing country in the world is not moving fast toward more nuclear power? Japan had the worst experience with nuclear of any country in the world, yet they are buying boiling water reactors, looking at advanced light water reactors. This committee was over there last August. They are looking.

We wonder where the jobs went; we have run them out. Every other country in the world subsidizes and helps their industry to be competitive in the world. And we talk about corporate welfare? Wait until we hear tomorrow or later tonight about solar. How many people are buying solar reactors today? Would we want more money spent on solar?

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

Mr. MYERS of Indiana. I yield to the gentleman from Massachusetts.

Mr. MARKEY. Mr. Chairman, if the gentleman is willing to cut this subsidy out, I will vote to cut out all subsidies for solar. It is everyone gets a subsidy or no one gets a subsidy. But let us give the same subsidies to both technologies, not 10 times more.

Mr. MYERS of Indiana. Mr. Chairman, percentage-wise it is a bigger cut than we have on solar.

Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. WALKER], chairman of the subcommittee.

Mr. WALKER. Mr. Chairman, shouting about this amendment does not make it any smarter. It is too dumb to start with.

Just as we are going to get the payoff from this program, some are prepared to kiss off the program. Now, that makes no sense whatsoever. First of all, it makes no sense because what we are going to actually do is end up increasing spending here. I realize people cavalierly toss off the idea that there might have to be termination costs in all of this. Sure, it takes appropriations, but if the court orders us to make the payments, we are going to have to make the payments. It is about \$40 million compared to what would otherwise be a \$17 million expenditure.

Mr. Chairman, this is not about corporate subsidy as much as it is about nuclear safety. This is an advanced light water reactor program that is a government-mandated program to design a new passively safe reactor to replace existing ones. It is a safety program. If we are going to abandon the

government's involvement in safety, it seems to me that what we are pursuing is rather ludicrous.

Now, the fact also remains that we have a legal commitment in the authorization, in Public Law 102-486 to pursue this program. We ought to meet that commitment.

It also does not make any business sense. The gentleman stood up here and talked to us about Adam Smith. General Electric just sold two nuclear reactors to Taiwan. The Federal Government plans to get about \$3 million from that transaction. One of the reasons why we are recovering money from these programs is because we have a provision of recoupment that is in the program.

If in fact tonight we decide to abandon this program, we do not get any recoupment. We lose the money. We lose the \$3 million in the AP-600. We could lose \$4 million for every reactor they sell. It makes no sense.

□ 2230

This is empty symbolism. It is dumb to do. It would be an act of extreme stupidity for the House to do this amendment tonight for the sake of some empty symbolism.

Mr. OBEY. Mr. Chairman, I yield 2½ minutes to the gentleman from California [Mr. ROHRBACHER].

Mr. ROHRBACHER. Mr. Chairman, this is further proof of the existence of God. OBEY and ROHRBACHER on the same side talking in disagreement with the gentleman from Pennsylvania, Mr. WALKER. Let me say that I want to commend the gentleman from Wisconsin [Mr. OBEY] and the gentleman from Florida [Mr. FOLEY] for the great leadership they have taken on this issue.

They call this program the light water reactor, but it is mighty heavy on the taxpayers, basically to the tune so far of \$200 million; \$50 million of that went down the drain this year when General Electric decided to pull out of the program. Although this company makes \$4 billion a year in after-tax profits, the Department of Energy could not tell us at our authorization hearing of how they expect to get back that \$50 million that we gave to this giant company already.

Now Westinghouse, which makes \$1 billion a year in after-tax profits, says this program will just disappear unless they get another \$40 million. If Government subsidies serve any purpose, it should be to help small companies develop technology. It strains anyone's belief that Westinghouse, which has just purchased a TV network for \$4 billion and makes millions of dollars off existing contracts with the Department of Energy, would not pay for its own certification if they believed that this was going to make them a profit, that this was a profitable operation and they could actually sell this product and make a profit from it.

Mr. Chairman, I believe that nuclear power is clean, safe, and is a positive alternative source of energy for the people of the United States of America. But supporting nuclear power does not mean that we should be supporting wasteful corporate welfare. If these products are as good as advertised, these big corporations will not need all of this money. They will not need a taxpayer subsidy to be successful.

Basically we are being told that we must give more money to a huge corporation that can afford to do it on their own or the project will disappear. That shows how much confidence this corporation has. We should not be putting more taxpayers' money down a rathole.

Again, Mr. Chairman, I would suggest to my colleagues to vote yes for fiscal responsibility, yes on the Obey-Foley amendment.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. MINGE].

Mr. MINGE. Mr. Chairman, I would first like to commend the distinguished chairman and ranking member of the subcommittee for their many years of dedicated work and bipartisan cooperation. I wish them both the very best in their future endeavors. They are a distinguished pair and a credit to this institution.

Mr. Chairman, I rise in strong support of the common sense amendment to terminate the funding of the advanced light water reactor. I join with my colleagues in cosponsoring this important effort to cut wasteful spending and to save the taxpayers \$17 million.

There are many reasons why this egregious corporate handout should be stopped, but as co-chair of the Porkbusters Coalition, I am most interested in the fact that this \$17 million appropriation for nuclear engineering is no longer authorized. As the Chair may know, there was funding authorized for the commercialization of advanced light water technology under the Energy Policy Act of 1992, but that authorization has expired and clearly does not apply to this appropriation.

To be sure, I brought with me the authorizing statute for the advanced light water reactor program so we can see why this appropriation is not authorized. First, note in the highlighted language here that it must be technology that would be used in the United States, commercialized and used in the United States. This is not the case with this particular program.

The intent of the advanced light water reactor program was to provide the taxpayers with new domestic sources of energy in return for their investment, not provide corporate giants with pork subsidies to finance profitable overseas business ventures.

Finally and most importantly, this statute established strict funding limitations for corporate participants. It

clearly states that there is a life of 4 years, and here is the statutory language, a life of 4 years.

Mr. Chairman, in summary, this program ought to be stopped. This amendment ought to be adopted.

Mr. MYERS of Indiana. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. KLINK].

Mr. KLINK. I thank the gentleman for yielding this time to me.

Mr. Chairman, we have got a problem in this country with not making the kind of investment in industry that creates jobs. While Great Britain and France and Japan and Germany go with their industrial leaders around the world and see that they have an opportunity to create job markets, the United States just sits here, not doing anything.

Mr. Chairman, Energy Secretary Hazel O'Leary has made some mistakes. They have been well documented. But it was because she was trying to do something that was right. Industry has understood this. They have come before our Subcommittee on Oversight and Investigations and have said, "We are getting business because of this." The Advanced Light Water Reactor Program is indeed an example of something right that this country is doing.

In the Energy Policy Act of 1992, Congress determined that in order to ensure that nuclear power was maintained as a viable energy option for our Nation as we approached the 21st century that there needed to be a partnership between private industry and the Federal Government. Because we had uncertainties and complexities that dealt with the risks of nuclear licensing processes, the importance of the program's future demanded, in fact, that the Government would play a role.

Congress authorized a two-phase program: Design certification to cover the NRC regulatory process, and first-of-a-kind engineering. The Advanced Light Water Reactor Program is an effective program. It is recognized as a world-class development. Both General Electric and ABB Combustion Engineering presented reactor designs in the program that are going to be completed by the end of fiscal year 1996. The AP 600 design is 88 percent complete and there is a payback to the Federal Government. Westinghouse is competing with France, by the way, for every unit they sell, for every AP 600 they sell. Over in the Far East these developing countries where there is \$1 trillion worth of energy development, these developing countries are going to be building their energy production while we have about built our limit. For every AP 600 that is built, there will be 5 years worth of work for 5,000 people. If those jobs are not created here, they will be created in France or somewhere else. The very first unit that is sold, \$25 million goes right back to the Federal Government.

With each additional unit, there will be \$4 million more, for each unit, going back to the Federal Government.

I believe if the Obey amendment passes that we give up all chance for recoupment. We have gone this far. There is going to be a payoff. Someone is going to manufacture this. I want it to be American workers. I want those jobs to be created in this country. I think the Obey amendment will see that that work goes overseas and not here in this country.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. ROYCE].

Mr. ROYCE. Mr. Chairman, I rise to express my strong support for this amendment. Authorization for Federal subsidies to develop the advanced light water reactor was established by the Energy Policy Act of 1992, which was enacted into law on October 24 of that year, and I am just going to quote from that law. It states that "The Secretary" of Energy "shall conduct a 5-year program of technical and financial assistance to encourage the development of advanced light water reactor designs which" shall be "no later than the end of fiscal year 1996." That is the law that was passed.

Last year we went through this. On July 12, the distinguished chairman of the House Appropriations Subcommittee on Energy and Water defended continued Federal funding of this program, and he said at that time, " * * * this is the fifth year of a 5-year program for the advanced light water reactor." That was a year ago. Now we have the Department of Energy concurring with the assessment in a March 28, 1996 memo.

Mr. Chairman, I urge my colleagues to support this amendment.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Arizona [Mr. SALMON].

Mr. SALMON. Mr. Chairman, last year during floor consideration of an amendment to eliminate the advanced light water reactor program, I supported continued funding for the program. I did it because I was assured that fiscal 1996 would be the final year of the program. To my surprise, tonight is *deja vu* all over again.

I thought it was important to support the program throughout its completion in order to recoup some of the \$340 million of taxpayer money we have invested in the program to date. But it is becoming increasingly apparent that this technology, once certified, may not even have a market.

General Electric canceled development of a similar reactor because they believe that the market for smaller advanced light water reactors is nonexistent. If this reactor is really worth the investment, can a corporate giant like Westinghouse not come up with the \$17 million to complete the program? We can save \$17 million for the

taxpayers tonight if we vote for discontinuing this program, or we can be back here next year, same program, same debate, *deja vu* again.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. FOLEY].

Mr. FOLEY. Mr. Chairman, let me sum it up.

We have got \$378 million invested. I just heard a minute ago we are going to get \$3 million back on the sale of a reactor somewhere. With that kind of math we have almost 120 or 140 reactors yet to sell to break even. What a great investment.

San Francisco Chronicle:

If there's a lucrative export market, let them finance their own development programs.

The Oregonian:

Let's face it, nuclear power in the United States, no matter how you feel about it, is a dead issue.

The Charleston Gazette:

Why on earth is Congress giving taxpayers' money to billion-dollar companies?

The Courier-Journal of Kentucky:

Given the new competitive pressures in the utility industry, no manager with any concern for his company's financial stability would even think of going nuclear.

Kennebec Journal in Maine:

The project is a classic government boondoggle, all the more egregious since it squanders taxpayers' money.

The Morning Sentinel in Maine:

Funding continues despite the fact that no utility has built a nuclear plant in 23 years and that 89 percent of utility executives claim they will never order another nuclear plant.

Mr. Chairman, clearly the editorial boards from around the Nation are against this. Clearly CATO and all the other groups that have weighed in are against this. The gentleman from Wisconsin [Mr. OBEY] has led the fight for years. I give him credit. This year we are going to win it and win it for the taxpayers.

□ 2245

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

Mr. Chairman, I have just one comment for my friends on the majority side of the aisle: Two years ago, when you took over this House, you indicated that you wanted to see an end to business as usual. You indicated that you wanted to eliminate the Department of Energy.

I would point out that if you cannot tonight or tomorrow, when this vote takes place, at least vote to eliminate this tiny program, then indeed your revolutionary trumpet has turned into a piccolo. I urge Members to vote for the amendment. This is one of the wealthiest industries in the country. It does not need this subsidy.

This program was supposed to be helping develop nuclear reactors in this country, not in Taiwan. I urge Mem-

bers to vote for the amendment in the interest of saving the taxpayer a dime. This investment is something that has outlived its usefulness a long time ago.

Mr. MYERS of Indiana. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think all of us understand the issue here. The taxpayers of our country have invested about \$300 million in the technology of the light water advanced reactor.

It is true that we are not building reactors for our own consumption in this country. I think that is a sad commentary on our industry. I do not think it is because our American industry would not like to, but we have built too many impediments, through the Nuclear Regulatory Commission and others, discouraging now a CEO from buying a nuclear reactor. But the rest of the world is willing to buy. They are buying and they are building.

They are advancing their light water reactors. They have a boiling water reactor in Japan. They are advancing. They are moving forward. We can be part of the sales or we can sit back and let everyone else in the world.

The gentleman from Pennsylvania, [Mr. KLINK] made a very, I think, compelling reason why if we have got \$300 million already invested, the utilities and the heavy companies that are producing, like General Electric and Westinghouse, have more than \$500 million invested, for another \$17 million this year, to show not only that maybe the money is not near as significant but to indicate that America is standing behind its own industry.

We have a product that will do the job, that we are in the market to sell reactors to the rest of the world who are willing to buy and are expanding.

In closing, we do have a letter from the Department of Energy. All of us are not wanting to see the demise of the Department of Energy. Some of us would like to see it improved somewhat, be more realistic for today's needs, but some of us are not in favor of doing away with the Department of Energy.

I am quoting now. They say the program is nearing a successful conclusion; much of the investment could be wasted if the goals of the program, Nuclear Regulatory Commission design certification and completion of first-of-a-kind engineering, which is to complete the first-of-a-kind engineering, if that is not completed we will have lost the money we have invested.

I respect my colleagues from Wisconsin. He is very sincere and others, but it is the argument we have heard before. Stick with your committee. Vote to reject this amendment.

Mr. ROEMER. Mr. Chairman, the Advanced Light Water Reactor is the last nuclear option left in the federal budget. I rise today to give my support to this project and to oppose the Obey amendment to kill this project.

We must cut spending, but we must also invest. The ALWR program is an investment that will be repaid: it leverages public dollars to allow U.S. industry to move into a newer, more efficient and safer nuclear age. Pursuit of common interests is a valid use for federal investment in energy research and development. Eliminating the last commercial nuclear energy program is not in our best interest. Without this investment, we might well find ourselves again overly dependent on foreign energy sources and technology. We could lose, for many years, the ability to build affordable nuclear technology for our nation's energy needs.

This is the fifth year of a five-year program. It was born of competitive bidding, and is a partnership with our nation's utilities. We must not sit idly by, watching other nations develop advanced technologies which they will almost certainly use as an unfair competitive advantage against our nation in the world market.

Like fusion, this is a technology that most advanced nations are pursuing. And also like fusion, should our nation fail to invest in our own share of this important research, our ability to produce affordable energy and compete in an increasingly competitive global market could be seriously weakened.

I urge my colleagues to support the ALWR and oppose this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. OBEY].

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

Mr. OBEY. Mr. Chairman, I demand a recorded vote and, pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 483, further proceedings on the amendment offered by gentleman from Wisconsin [Mr. OBEY] will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT OFFERED BY MR. SCHAEFER

Mr. SCHAEFER. 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. SCHAEFER: Page 17, line 21, strike "to" and insert in lieu thereof "(reduced by \$11,930,200) (increased by \$42,103,200), to".

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Colorado [Mr. SCHAEFER] and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Colorado [Mr. SCHAEFER].

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

Mr. Chairman, I am introducing an amendment which I feel is very, very important, not just for the current generations that we have in this country but for the future generations that we have in this country.

The aim of the amendment is really very simple: to ensure the future generations that they can enjoy energy security. This means that our children and our grandchildren and their children should be able to have stable, dependable and relatively inexpensive sources of power for their homes, cars, businesses and factories.

As chairman of the Committee on Commerce's Subcommittee on Energy and Power, I have seen first hand how vital it is to have a vibrant and diverse energy production base. Solar, wind, geothermal, biofuels, hydrogen, hydro power and other renewable sources are increasingly viable for energy production in this country. We must ensure continued research and development.

This is why I, along with Representatives KLUG and THURMAN and MINGE and SALMON and FAZIO would like to help keep funding at the renewable source and not reduce it. Over a period of time the funding has been cut in the last 3 years. Over a period of time, still renewables are getting cheaper, less expensive. And if we look to the future generations, we know darn well that this is going to happen and we are going to run out of fossil fuels one day. We are going to run out of coal one day, and it is very important to continue this funding for renewables.

What we have done is went across the board and now are cutting only 0.4 percent of the total budget of 26 billion, which is about \$11 million out of that and taking money that now has been given back to us from the Central Arizona Project and the DOE field labs.

The SAFE [Securing America's Future Energy] amendment, which I am sponsoring together with my colleagues, Representatives KLUG, THURMAN, MINGE, SALMON, and FAZIO, would help keep funding for renewable energy research and development programs at viable levels. Without this funding, many important renewable energy programs would be forced to close down, leaving our country dangerously unprepared for future which could include steep energy price hikes or supply interruptions due to any number of reasons, ranging from instability abroad to trade boycotts.

Mr. Speaker, the programs in this bill are not "corporate welfare." Renewable energy programs have the highest cost-sharing of all the programs in the Department of Energy. If there appear to be unusually high unspent balances in this program area, it is because the Department is dealing with many small businesses from around the country.

Far from being "Corporate Welfare," in fact, these programs benefit the general welfare of the entire country, and especially of future generations of Americans. Specifically, my amendment would increase funding by the following levels for these programs which were cut in committee:

	Million
Solar building technology research ...	\$1.0
Photovoltaic energy systems	7.0
Solar thermal energy systems	2.0
Biofuels energy systems	1.0
Wind energy systems	22.5
Solar international-correct	2.0

	Million
Resource assessment	2.1032
Hydropower .....	.5
Energy storage systems	2.0
In-house energy management	1.0
Renewable energy production incentive .....	.5
Utility climate challenge .....	.5

It is my intent that the reduction of \$11.93 million, or approximately .4 percent, in the energy supply research and development account be spread evenly across all programs under this account with the exception of those programs funded under the solar and renewable energy account. This includes all mandatory and optional programs administered at all levels under this account.

It is not the intent of this amendment to eliminate any program or project that is currently funded in this account. It is my intent that the funding reductions from the Kolbe and Roemer amendments be combined with the \$11.93 million general reduction in the energy supply research and development account to fund the renewable energy programs I have listed.

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

The CHAIRMAN. Is there a Member seeking time in opposition to the amendment?

Mr. MYERS of Indiana. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Indiana [Mr. MYERS] is recognized for 15 minutes.

Mr. MYERS of Indiana. Mr. Chairman, I yield 4 minutes to the gentleman from Michigan [Mr. KNOLLENBERG] a very valuable member of our committee.

Mr. KNOLLENBERG. Mr. Chairman, I thank the gentleman for yielding the time.

Mr. Chairman, I rise in opposition to this amendment. I recognize the time and the effort and extraordinary commitment that the gentleman from Colorado has, but I would just say to him that there is a lot of talk in this body about cuts for solar and renewable energy programs. I know that there are a lot of Members that are fascinated with the whole idea of renewables. I happen to be to some extent, too, in fact, to a great extent. But we also know during the next few years, next few decades that we expect the depletion of our supplies of fossil fuels. But that time has not come. And at some point we will have to be prepared for that, but it is not here yet.

I think it is critically important that my colleagues understand that all Federal programs designed to further the cause of solar and renewable energy are not created equal. We have basic research programs that are designed to remove the technological barriers to cheap plentiful sources of renewable energy.

It seems to me that the widespread use of solar and renewable technologies will not make economic sense, some say, for another 40 to 60 years. If that

is the case, we should devote most of our research developing new technologies rather than pumping up current technologies that have not proven economically competitive.

This amendment moves in the opposite direction. In fact, I would say also that this amendment does nothing, absolutely nothing to change the law on its face. The amendment is dependent upon the legislative intent we expressed here in this debate.

I believe we should take the 9.6 million that was saved in the Roemer amendment to reduce the DOE's field management account and the 20.6 million that was saved with the Kolbe amendment to reduce the Central Arizona Project, I believe this money, both of these moneys should go to deficit reduction.

We can still do that. However, if we are so inclined to take this savings that the American taxpayers have enjoyed for less than an hour and a half, maybe, how long has it been, and just turn around, I think we ought to take the savings and put it somewhere into research and development and energy supply.

I will just tell Members that the solar and renewable accounts are already overflowing with cash. Listen to this, these are unspent balances and the proponents of the Schaefer amendment want to increase funding for programs that have huge unspent balances: solar building technology research, 3.3 million; that is 163 percent of last year's appropriation. Electric energy systems, 42.8 million; that is 141 percent of last year's appropriation. Here is one, wind energy systems, 55.6 million; that is 171 percent of last year's appropriation, and solar technology transfer, 24.3 million; that is 566 percent of last year's appropriation.

What does this all mean? It means that some of these accounts could go on for five years at the current level of funding and longer without needing another dime.

I think it is time that we look at precisely the situation that we are doing here. We are trying to subsidize a program that frankly has not reached viability commercially. It truly has not. I have got a project in my home state of Michigan where they have subsidized, the individual subsidies make it work, but that comes out of their pocket. It does not cost DOE a penny.

I am suggesting that in this time of limited fiscal resources, basic research, not corporate welfare, is what we need now. I urge Members to vote "no" on the Schaefer amendment.

Mr. SCHAEFER. I yield 2½ minutes to the gentleman from California [Mr. FAZIO].

Mr. FAZIO of California. Mr. Chairman, I thank the gentleman for his leadership on this issue.

I rise in strong support of the gentleman's amendment to keep the solar renewable industry viable. We are talking about a renewable energy technology account which amounts to our only domestic contribution to an industry which is growing by leaps and bounds, projected to grow by 70 percent in 5 years. Renewable energy technologies, when you look back, have made up 10 percent of our domestic energy production, more than doubling their contribution since 1973.

Wind energy is now a \$4 billion industry in the United States. Biomass has increased fivefold over the past two decades. The solar industry boasts over a half billion dollars in annual sales.

What has merely been a downpayment on what is needed has begun to be eroded in drastic terms. The renewable account took a 29-percent cut last year. Another 20 percent was going to be cut this year with a number of program terminations.

The enactment of this amendment, I think, will reverse what is an ominous trend. It is shortsighted to perpetuate our dependence on foreign oil, when we have the potential here at home to promote technologies we can depend on. Whether you cite the bombing in Saudi Arabia or simply the price at the pump that we experience early this year, Americans continue to understand just how vulnerable we are to the reality of an increasing amount of imported energy.

We need to acknowledge that this is not the time to be scaling back our commitment to renewable energy. We are moving beyond research to achieve numerous technological breakthroughs from which commercial applications are currently being realized.

What are we facing around the world as we look at our competition? Denmark is spending more for wind research and development than the United States. Japan is spending twice what the United States is on photovoltaic research and development and an additional 150 million on PV procurement. Germany is spending 50 percent more than the United States on photovoltaic R&D and a tremendous amount of money at the local level, \$100 million, for their program through local governments. Spain is investing in an equal amount on solar thermal power as the United States of America.

They see this market growing. If we turn our back on it, we will regret it in the loss of jobs and a cleaner environment.

Mr. Chairman, I rise in support of this effort to keep the solar and renewable industry viable.

I have long been an advocate for this industry for many reasons. Renewable energy technologies account for about 10 percent of the Nation's domestic energy production and have more than doubled their contribution since 1973.

Combined, they now provide almost seven quadrillion BTU (quads) of energy annually.

Biomass and hydropower account for over 45 percent each, with the balance of the mix of geothermal, wind and solar resources.

Wind energy is now a \$4 billion industry in the United States. Geothermal is America's second largest renewable energy source creating energy through electric transmission.

Biomass has increased fivefold over the past two decades. An innovative example is a plant in my district which will turn rice straw into ethanol.

The solar industry boasts over a half billion dollars in annual sales.

The Renewable Energy Production Incentive Program, which I helped initiate under the Energy Policy Act, has helped public power agencies develop a wide array of renewable energy technology and move toward greater competition.

The validity of these programs is why I offered an amendment in committee to provide \$10 million for 3 programs which were zeroed out—wind, solar buildings, and REPI.

That was merely a downpayment on what is needed. This account took a 29 percent cut last year. Another 20 percent was going to be cut this year with a number of program terminations.

It is shortsighted to perpetuate our dependence on foreign oil when we have the potential here at home to promote technologies that we can depend on.

This amendment increases the solar and renewable account close to 1996 levels.

It calls for offsets across-the-board in the Energy Supply, Research and Development account, including solar and renewables.

I regret that an offset is required at all because this increase should not take away from other programs within the Department of Energy of equal importance.

The difficulty stems from the insufficient amount allocated to energy and water in this appropriations cycle. I hope that the House will recede to the higher Senate numbers thereby giving us the needed flexibility to restore energy supply, R&D to their original levels. This should be a priority in conference.

For now, we need to acknowledge that this is not the time to be scaling back our commitment to renewable energy.

We are moving beyond research to achieve numerous technological breakthroughs from which commercial applications are currently being realized.

There is great industry interest and financial support for taking these applications into the marketplace.

Budget tightening forces us to make choices. Investing in solar and renewables is an investment in the future—this should be our priority if we intend to become less oil dependent and more self-reliant on our energy resources.

I urge my colleagues to support this amendment.

Mr. MYERS of Indiana. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Pennsylvania [Mr. WALKER], chairman of the Committee on Science.

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

First of all, I would just like to figure out on the amendment, Mr. Chair-

man, as I understand it, this amendment which purports to be one that is for wind energy, photovoltaic energy, solar thermal energy, solar international, so on, he way the amendment is drafted, you could actually spend it on hydrogen, on light water reactors, on superconductivity, on basic energy sciences, and a number of those kinds of things; is that not true?

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Mr. Chairman, that is right. Biomass, which is probably a better way to spend it.

Mr. WALKER. In other words, the way in which the amendment is drafted, the other thing we ought to know about the amendment is that the way in which the amendment is drafted also increases spending now by \$30 million. Because the House earlier this evening cut money back, and so now we are going to respend the money. This is actually, in the way in which this amendment is drafted at the present time, an amendment that can spend money in all kinds of areas other than what is being purported out here. But it also increases spending by about \$30 million.

I think it is important to understand where this money has gone before, because you might say that, well, wind energy and all these things are good things to do.

We ought to examine where we have been spending this money. Has it really gone for solar energy and wind energy? Let me give Members a couple of examples of where this money goes.

Back in 1993, the money from these accounts went to pay the Solar Energy Industries Association of Washington, DC, for the Soltech Conference and Earth Day. Lobbyists loved it. The lobbyists got good money out of this and so on. That is what it went to pay for.

We have got a couple of dandies here. In fiscal 1995 just passed, in a non-competitive award to the American Wind Energy Association of Washington, DC, what did we get out of this, we got a grant to study avian activities associated with wind power. In case my colleagues do not know, what that means is what they studied and found was that if birds fly into windmills, it kills them.

□ 2300

Now, as my colleagues know, I am not so certain that we are getting a lot of wind energy out of that kind of thing. Then, in 1995, we also gave \$864,000 in a noncompetitive award to Castles and Associates, Incorporated, noncompetitive, of Arlington, VA, for a communications plan for the Olympics. In addition, in fiscal year 1995, we awarded a \$234,000 noncompetitive award to Wal-Mart. To do what? To implement PVs in environmental demo

stores to power electric powered shopping carts.

Now, I am suggesting to my colleagues that this is not doing what the people here are telling us it is doing. This is not money being spent to get us the kind of basic research that this country needs in order to fund the future energy of this country. In fact what is happening in this amendment, whatever money is being taken out is being taken out of basic research in favor of giving money to people to study whether or not birds that fly into windmills get killed. They do, and we do not need to study it anymore.

Mr. SCHAEFER. Mr. Chairman, I yield 2 minutes and 40 seconds to the gentleman from Wisconsin [Mr. KLUG].

Mr. KLUG. Mr. Chairman, when I, years ago now unfortunately, it seems, went through my MBA program in school, one of the first principles I learned in investment is the idea of diversifying one's portfolio. If someone puts all their eggs in one basket, they have the high potential to lose them.

I suggest to my colleagues tonight that that is what this amendment in many ways is all about.

Today, several years after the end of the gulf war, we import more than 50 percent of our energy needs in the form of oil from the Middle East. In fact, crude oil and petroleum imports are responsible for \$51 billion or nearly one-third of the Nation's trade deficit in 1994.

What this amendment really reflects is to look at this Nation's energy portfolio and to make an intelligent decision about where we think those scarce dollars should go.

Now, let us make it very clear that under the appropriations bill the last several years the renewable accounts have taken a hit. That is fine with me. I mean, I think every program that this Congress evaluates and spends money on should be capable of taking a hit. But we have got to be awfully careful in terms of limiting our ability to balance that energy portfolio if we do this much too aggressively and not particularly intelligently.

Under the amendment tonight sponsored by the gentleman from Colorado [Mr. SCHAEFER] on a bipartisan coalition, renewables will still sustain a 2-percent cut, and we are asking other energy programs to take a cut by only 1½ percent. So even under our plan to restore funding to renewables, to slow down this decline in the trend line we still take a 2-percent decrease. So let us make that very clear.

Now, the one major reason that I think we need to continue this funding is because it is just finally beginning to pay off. In the next several years, nations across this world will spend \$1 trillion to meet their new energy needs. In fact, at this point, the global market for energy efficiency technologies and services, including renew-

ables, is \$84 billion a year. And look at what the investment by the Federal Government is beginning to do, which is to show the cost of solar, the cost of wind, the cost of biomass, and the cost of geothermal are beginning to decline precipitously, so we have a competitive advantage in this country to take advantage of a market that is approaching \$100 billion a year.

And what is the bottom line that we get for all of this? Not only do we begin to decline, reduce America's dependence on foreign oil imports, we begin to keep many of those resources right here at home.

I urge my colleagues to support this amendment and to continue our investment in renewables to diversify this Nation's energy portfolio. That is what this amendment is all about.

Mr. SCHAEFER. Mr. Chairman, I yield 2½ minutes to the gentleman from Minnesota [Mr. MINGE].

Mr. MINGE. Mr. Chairman, I have a prepared statement, but I would like to depart from that prepared statement to join in the debate that we have had this evening here on the floor about this very important amendment, and there are three points that I would like to make.

First, it is interesting to note that this amendment is juxtaposed with an amendment that was previously considered regarding nuclear energy. Now, many of us are interested, if not fascinated, with nuclear energy. In fact we have invested hundreds of millions of dollars in this country in this technology. But it is also very clear to us that this country is no longer interested in developing nuclear plants. We cannot dispose of the fuel that has been generated, and as a consequence, we have an industry that is almost a white elephant domestically. Yet we continue to invest in this industry.

By comparison, we have tremendous interest in renewable energy, biomass production. It is an emerging industry, and we ought to invest in this new technology.

Second, there has been some discussion about unallocated balances and whether or not the Department of Energy is sitting on funds that it has not been able to use, and is it not foolhardy to allocate yet more money in an appropriations bill?

I think it is important to recognize, and the Members of this body ought to realize that the Department of Energy has, in fact, used and allocated over 90 percent of the balances. They have been obligated to multiyear contracts so that these funds indeed have been used; they are not languishing in the Department of Energy.

Third, there has been some reference to silly expenditures, and I will take at face value the comments by the distinguished gentleman from Pennsylvania that indeed the Department of Energy has made some foolish expenditures.

But I would like to remind this body that we have an oversight obligation, and I trust that the Committee on Science will faithfully fulfill that obligation and that we will prevent this type of silly expenditure in the future.

We have an obligation not to let the anecdotal evidence of a handful of expenditures deter us from doing our job, forthrightly moving ahead and supporting this important emerging industry.

Mr. Chairman, I rise in strong support of the SAFE, or Securing America's Future Energy amendment that I have introduced with Representatives SCHAEFER, KLUG, THURMAN, SALMON, and FAZIO. Our amendment will increase Department of Energy renewable energy research and development funding by \$42 million. This amount will partially restore funding for wind, biomass, solar, and geothermal to their fiscal year 1996 levels. The amendment is budget neutral and is paid for by a .47 percent across-the-board cut to all energy supply, research and development programs. Even with our amendment, renewables will still be cut by \$6 million from fiscal year 1996. This represents a 20-percent cut for renewables, which is larger than the .47-percent we are asking the other programs to sustain. The purpose is to establish a viable funding level for renewables.

Unfortunately, renewable R&D funding in this bill sustained a \$44 million cut from a fiscal year 1996, a 16-percent cut. This is a substantially larger cut than any other civilian DOE program. If we add this to last year's cut of 29 percent, we get a total of 40 percent reduction in renewables over the last 2 years.

We need only look to the Middle East to see how our energy security and national security are intimately related. We fought the Persian Gulf war, in large part, over the threat to our oil supply. I would remind the body that earlier this month 19 American soldiers tragically lost their lives in Saudi Arabia defending our access to Middle East oil. We simply cannot afford to rely on such an unstable supply. The Department of Energy is forecasting that we will become even more dependent on this volatile source of energy during the next 20 years.

Our best insurance policy against future energy security problems, more gas price hikes, further pollution and degradation in the environment is renewable energy research and development.

The majority must believe that the American public will not notice that Congress is cutting solar and renewable R&D. Perhaps they think that the American public will not care. However, poll after poll shows that the American people not only know about these programs but overwhelmingly support them. According to a recent poll done by Republican pollster Vincent Breglio, 59 percent of Americans said that a congressional candidate's support for energy funding will affect how they vote.

With each new breakthrough in renewable fuels, this country moves closer to the day when we can significantly reduce our dependence on imported oil and become more self-sufficient in all forms of energy. It will also ease our chronic trade deficit problem. Roughly 50 percent of our trade deficit is caused by

imports of foreign oil. It also augers well for our national security, enabling us to become less vulnerable to interruptions in supply from foreign oil sources and less necessary to send our troops to defend these supplies.

Expanding the development of renewable energy is also beneficial to our national economy. Exports of these new energy technologies on the world market are a significant opportunity. American entrepreneurs and national labs in our country represent the cutting edge of this industry. We must not pull the plug on these small businesses and lose out on this untapped potential. Already, our European and Japanese competitors are capitalizing on these technologies and investing far more than we in this area. Do we really want another technology giveaway like we had with VCR's?

Renewable energy technologies provide a boost in economic benefits to our rural communities. Farmer-owned ethanol plants have already brought new jobs to many declining rural communities who depend on corn production, not to mention the benefit of displacing imported oil. Biomass R&D will further improve the efficiency of ethanol production from biomass sources. Biomass R&D will also develop electricity generation. Wind energy is another cutting edge energy technology that holds promise throughout the windy Plains States. Yet wind R&D takes the biggest hit in the committee's budget—a cut of 82 percent from last year. This does not make any sense when the industry is on the verge of production cost competitiveness.

We must not overlook the environmental benefits that renewable energy technologies provide. As clean technologies like wind, biomass, solar, geothermal, and hydro continue to displace coal and oil, and the air we breathe will improve.

The American public understands that we have too much at stake in energy security, in curbing pollution, and creating and capturing high-technology markets. Let's show the American people that Congress has gotten the message. I urge my colleagues to support the Schaefer-Klug-Thurman-Minge amendment to restore renewable energy R&D.

Mr. SCHAEFER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida [Mrs. THURMAN].

Mrs. THURMAN. Mr. Chairman, the amendment we offer today is about what America wants. Americans want bipartisan answers to our Nation's problems, and I am pleased that I have had the opportunity to work with Members from both sides of the aisle to try to provide some of those solutions.

But, Mr. Chairman, our amendment is also about what Americans do not want. Americans do not want to continue to send their sons and daughters to war because of our addiction to foreign oil. The one sure way to reduce that possibility is to increase our commitment to alternative energy sources.

But this is not what the bill before us today does. The committee measure cuts renewable energy programs 16 percent below fiscal year 1996 funding.

I worked very closely with researchers at the University of Florida solar

energy labs. While the U.S. commitment to renewables is eroding, the researchers at U.F. watch their colleagues around the world capitalizing on the growing market for renewable technologies.

Of course, people will argue that renewable funding is somehow corporate welfare, or pork. These folks think that we should only spend money on basic research and forget about applying this work to marketable technology. In fact there was a Dear Colleague that crossed my desk yesterday that said solar energy would not be economically competitive for 40 to 60 years.

The truth is that just last month the Financial Times reported that solar power is increasingly being seen as a viable energy option with vast commercial potential.

As we ignore the potential market for renewables, the British Department of Trade and Industry just helped finance the UK's first solar powered office building block. They know that photovoltaics allow for power generation at the point of use. When we add the savings to be gained by avoiding transition and distribution costs to the benefit of not being dependent on foreign oil, we can begin to see the many advantages solar development has in the United States.

Finally, there is a tremendous world market for these products. At any rate, American know-how should mean American jobs and American profits.

Mr. SCHAEFER. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. BROWN].

Mr. BROWN of California. Mr. Chairman, I thank the gentleman very much for yielding this time to me.

Mr. Chairman, I again have found it extremely interesting to listen to the debate on this subject because of my long involvement in the efforts to develop these alternative energy sources. We are on hard times today with regard to developing the promise of alternative energy, and in part it stems from opposition from a variety of sources. Of course, the opposition that stems from a desire to cut the budget the kind of opposition reflected by the gentleman from Pennsylvania [Mr. WALKER] in his remarks who feel that it is not appropriate and wise from a policy standpoint to fund what he would describe as applied research, which is what a great deal of his alternative energy is.

I do not happen to agree with this point of view. I have seen our investments in alternative energy over the last 20 years produce a continuing decline in the cost of the energy coming from these and a continuing increase in the market and particularly in the overseas market which is going to do so much for us in terms of creating jobs for American workers.

I would say that the indication of this last 20 years of history is that we

have an extremely good thing which we developed in this country, alternative energy, and this is not the time to give it up by making these drastic cuts that we have in the program.

Now, I know the problems of the subcommittee in terms of finding money for all these programs. I respect those problems very much. I was worried about supporting this amendment initially because I feared that the offsets might require cuts in other programs of equally high priority.

I think the situation is somewhat better now, and I urge very strongly a "yes" vote on this amendment.

Mr. SCHAEFER. Mr. Chairman I yield 1 minute to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Chairman, the reason that we should support the Schaefer amendment here this evening is that we will be helping to distort favorably the marketplace to compensate for the huge financial distortion which has been created by the Federal Government in giving huge subsidies to the nuclear industry over the last 40 and 50 years. Even since 1973, the last year nuclear power plant was in our country, \$27 billion has been voted on this floor to subsidize nuclear energy. If we were going to list, as the gentleman from Pennsylvania did, all of the investments in nuclear energy that has been wasted in the last 20 years, it would be every single dollar. We have not seen a single benefit from it in new nuclear power generation in our country.

A solar energy investment is the investment in the technology of the 21st century. That is what a "yes" vote on Schaefer represents here this evening.

Mr. MYERS of Indiana. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. KNOLLENBERG].

Mr. KNOLLENBERG. Mr. Chairman, I just happened to hear some things I thought I should respond to because some folks have the impression that nothing is really happening here; we just slide these numbers around, everything is cool, everything is kind of like nice.

Let me just tell my colleagues a little bit about what is happening here. Some think we are not taking away; we are just squeezing out of nowhere. We are not.

Let me tell my colleagues the Schaefer-Klug amendment adds wind energy, \$22½ million; photovoltaic energy, \$7 million; solar energy, \$2 million; solar international, \$2 million; resources assessment, \$2 million; energy storage systems, \$2 million; solar building technology, \$1 million; the wrecking program which, by the way, was blown out by last year's committee entirely. And what does it take away? These are the things it takes away: nuclear safety, domestic environmental waste

cleanup, the fusion program, environmental and biological research, including the human genome project, lab safety and improvement program, medical isotopes program which provide isotopes for hospitals, environment, safety, health and improvement activities which help ensure worker and public safety, environmental restoration, and it goes on.

□ 2315

Those are the things that are being taken away. So do not think this is just something we are slipping out of the air.

I would also remind Members, maybe they did not know that this committee provided \$10 million more than last year, this year. The President's request, by the way, was \$64 million higher than DOE's own request to OMB. The committee provided 18 percent more than fiscal year 1991.

Mr. Chairman, this is the kicker. I think it is important. Mr. Chairman, this committee this year provided \$231 million for solar and renewable technology R&D, plus out of the basic energy services, \$18 million for solar and renewable related basic research, for a grand total of \$419 million; not small potatoes.

Mr. SCHAEFER. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts [Mr. OLVER].

Mr. OLVER. Mr. Chairman, I rise in strong support of this S.A.F.E. amendment offered by the gentleman from Colorado [Mr. SCHAEFER].

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

Mr. Chairman, in closing my part of this, we are talking about a total budget here of \$2.6 billion. We are talking about a .04 percent overall cut, \$11 million out of \$2.6 billion. I think for the future of our grandchildren, as has been stated, that sooner or later we are going to run out of fossils, we are going to run out of coal, we are going to run out of everything else, and this is good, clean energy that is being developed now at less and less a cost every year.

This is not corporate welfare. Private industry is not going to go out and develop this when there is not a profit to be made. That is why we have to put the dollars in to find these good, clean, renewable sources. I would urge Members to support the Schaefer-Klug-Minge-Fazio, et al. amendment.

Mr. MYERS of Indiana. Mr. Chairman, I yield myself such time as I may consume in opposition to the amendment.

Mr. Chairman, I think everyone understands the issue here. We are readjusting dollars away from other priority items that this committee in its judgment felt were a higher priority and better spending of the taxpayers' money than more money on solar.

The gentleman from Michigan [Mr. KNOLLENBERG] has identified some of the very high priorities, such as the isotopes used not only in diagnostic work but also in treatment that would be denied. This is restoring some programs that we eliminated last year, some eliminated by the President, and others that were not even in the President's budget this year. So these new adds are denying other funds for other programs.

It is a matter of judgment whether we want to go along with this. But let us take a look. We have not cut to the bare bone. We started in 1991, and from 1991 to 1995 we increased solar research by 98 percent, almost doubling funding. Last year, we realized that we were not getting a bang for the buck from our investment, so we started cutting back.

Photovoltaics was mentioned. There are 100 industries today producing photovoltaics; hardly a destitute industry needing help.

We talked about helping the utility industry a while ago. We have more than 300 companies now that are selling solar-related products. So, Mr. Chairman, the technology is here today. Does it need more funding?

Mr. Chairman, we have put money in this year and there is money from prior years. Last year, we asked the department for an analysis of remaining funds that are unspent. Solar building technology from last year, and this was taken as of May 31, two-thirds of the way through the year, they had an unspent balance of \$3.3 million. They still had 163 percent of what we appropriated last year for solar building technology.

Wind energy systems. My gosh, what is new about that? I am 70 years old and as a kid we had a wind energy system. The wind program has \$56.5 million unspent, 174 percent of the amount we appropriated last year for wind energy.

Solar technology transfer. Do we need that? We are selling solar. They always tell us how valuable it is; \$23.3 million unspent—566 percent, 5 times more money than we appropriated last year was left unspent.

International solar energy systems, \$7.8 million unspent, 194 percent still left on May 31. For all the solar renewable programs, including those, there was an unspent balance of \$336 million. Do they need more money?

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

Mr. MYERS of Indiana. I yield to the gentleman from Alabama.

Mr. BEVILL. Mr. Chairman, rise in opposition to the amendment, and in support of the committee and the chairman.

Mr. MYERS of Indiana. I thank the gentleman. I yield myself such time as I may consume, Mr. Chairman.

In closing, Mr. Chairman, we have a letter from SURA, the Southeastern

University Research Association, from its president, Mr. Barnes. At the proper time I will ask that it be included in the RECORD. I urge us not to go along with this. We are denying some very important research programs. He represents 41 southeastern universities. He says, do not do this; you are hurting some valuable programs in research and you are putting money in some places, I am paraphrasing here, that will not get the bang from the buck.

So go along with your committee. They have not been able to spend the money we have put in for prior years. We just are not getting the benefit of the dollars for this investment. We are continuing to have research on other renewable, but wind and solar just have not produced for the dollars we have spent.

Mr. Chairman, I include for the RECORD the letter from Mr. Dennis Barnes.

The letter referred to is as follows:

SOUTHEASTERN UNIVERSITIES
RESEARCH ASSOCIATION, INC.,
Washington, DC, July 24, 1996.

Hon. JOHN T. MYERS,
Chairman, House Appropriations Subcommittee
for Energy and Water, Rayburn House Office
Building, Washington, DC.

DEAR CHAIRMAN MYERS: The purpose of this letter is to express the opposition of the Southern Universities Research Association (SURA) to the amendment to be offered by Mr. Schaefer to the Energy and Water appropriations bill, H.R. 3816. It is my understanding that the amendment would add \$42.1 million to renewable energy research—which the Committee has already increased by \$10 million—while cutting an identical amount from energy supply, research and development programs.

SURA—which represents 41 universities in the Southeast—fully supports the Committee bill and is particularly pleased with the recognition the Committee gives to the importance of the General Science programs of the Department of Energy which funds nuclear and high energy physics. However, SURA strongly opposes the amendment's offset which would cut basic energy science research.

As you know, the basic science programs funded by the Office of Energy Research over the past several decades have led to a wealth of technological advances that have dramatically improved the energy security of our country and the welfare of its citizens. For more than a half century, every Congress and every President has recognized the unique role of basic science in sustaining the nation's world power status.

Sincerely,

DENNIS W. BARNES,
President.

I urge a no vote, and I yield back the balance of my time, Mr. Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado [Mr. SCHAEFER].

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

Mr. MYERS of Indiana. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 483, further proceedings on

the amendment offered by the gentleman from Colorado [Mr. SCHAEFER] will be postponed.

AMENDMENTS EN BLOC OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Chairman, I offer amendments en bloc.

The CHAIRMAN. The Clerk will designate the amendments en bloc.

The text of the amendments en bloc is as follows:

Amendments en bloc offered by Mr. MARKEY: Page 17, line 21, insert "(reduced by \$5,000,000)" after "\$2,648,000,000".

Page 22, line 22, insert "(reduced by \$15,000,000)" after "\$5,409,310,000".

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Massachusetts [Mr. MARKEY] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

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

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

Mr. Chairman, I am pleased that the gentleman from Ohio [Mr. KASICH], the gentleman from Wisconsin [Mr. OBEY], and the gentleman from Massachusetts [Mr. TORKILDSEN] have joined me today in offering two bipartisan amendments, dealt with en bloc, dealing with pyroprocessing, a program that has important budget, nonproliferation, and environmental consequences for our country.

Friends, colleagues, countrymen, lend me your ears. We come to bury pyroprocessing, not to praise it. The evil that dead government programs do lives after them, while the good is oft interred with their bones.

So it is with pyroprocessing. Pyroprocessing is the last living remnant of one of the biggest budget-busting boondoggles in congressional history, the failed breeder reactor program. Pyroprocessing is not exactly a household name instantly recognized by citizens across the country. In fact, if you are not a nuclear physicist, like the gentleman from Michigan [Mr. EHLERS], then you probably never heard of pyroprocessing, which is a chemical procedure used to separate plutonium and uranium, the building blocks of a nuclear bomb from radioactive waste. Its secondary definition in the dictionary is, it is also a fancy name for burning money, taxpayers' money, at very rapid rates, getting almost nothing in return.

Mr. Chairman, nonetheless, you do not have to be a Ph.D. to understand that pyroprocessing is a budget-busting boondoggle that is bad for the environment and bad for American efforts to stop the spread of nuclear weapons.

Mr. Chairman, before any pyroprocessing pyrotechnics erupt on the floor over whether pyroprocessing at the Argonne National Lab is the same thing as a procedure called reprocessing, let me start by simply saying that

a radioactive rose by any other name is a radioactive rose, nonetheless.

According to James Warf, a group leader for the Manhattan project and a holder of several patents on reprocessing, he says, "There is no question that the projects proposed to be conducted at the Argonne National Lab West is reprocessing."

Prof. Albert Wohlstetter, who over the last 45 years has served as a science and security adviser at the White House, National Security Council, and Departments of Defense, State, and Energy, for every Democrat and Republican President for the last 40 years, stated in a recent court case: "Whatever the name, what DOE proposes is clearly reprocessing."

The top three reasons why the Markey-Kasich-Obey-Torkildsen amendments should be adopted. First, our amendment is good budget policy. Pyroprocessing is a radioactive relic from a bygone era when specialized nuclear reactors called breeders were touted as the answer to our energy needs.

After pouring billions of dollars into the breeder program, Congress killed the breeders by terminating the infamous Clinch River reactor in 1983, and the advanced liquid metal reactor in 1994. Costs of a breeder program are astronomical. Former chairman of the Nuclear Regulatory Commission, Ivan Selin, estimated that it would cost \$82 billion to build and operate a full-scale breeder program.

But like a vampire that just refuses to die, a money-sucking program, the pyroprocessing part of the breeder program continues to haunt us, sucking money from taxpayers by draining millions of dollars for a program that should have been buried along with the breeder program.

Taxpayers for Common Sense and Citizens for a Sound Economy support the Markey-Kasich amendment to cut funding for pyroprocessing as a way of putting an end to the wasteful breeder program once and for all.

Pyroprocessing also raises serious nuclear proliferation issues. According to national security experts like former assistant director of national security policy in the White House, Frank von Hippel, pyroprocessing could undermine the long-standing U.S. policy of discouraging reprocessing in other countries. This policy began in the Ford administration and has been in place ever since.

Changing course now would be a radical departure from our 20-year position and would send a contradictory and potentially dangerous message abroad. Pyroprocessing would make it easier for rogue states to use a civilian nuclear program as a cover for a nuclear weapons program, like India did and like North Korea did.

Peter Johnson, the project director of the 1994 Office of Technology Assess-

ment study on the advanced liquid metal reactor, has stated that the pyroprocessing project should not be encouraged in other countries, and it should be protected from use by countries that may wish to protect weapons materials.

Our amendments are supported by major arms control groups, including Physicians for Social Responsibility, the Union of Concerned Scientists, the Nuclear Control Institute, and Greenpeace.

Finally, pyroprocessing is bad for the environment. Everyone agrees that we must find a way to handle our nuclear waste safely and efficiently. However, while the backers of pyroprocessing promote it as an environmentally friendly method of handling nuclear waste, the reality is quite different. Pyroprocessing actually creates a variety of new waste materials. This waste has not been evaluated to determine its stability over the long term.

As the National Academy of Sciences points out, rather than solving the waste problem, pyroprocessing only makes it worse by generating more waste, including wastes that have not been analyzed to ensure they are stable enough for long-term storage.

□ 2330

This amendment is endorsed by the Friends of the Earth and the League of Conservation Voters. I urge my colleagues to support the Markey-Kasich-Obey amendment. It cuts out \$20 million not needed. The amendments are supported by budget watchdog groups, Citizens for a Sound Economy and Taxpayers for Common Sense. Our amendments are supported by arms control groups, Physicians for Social Responsibility, the Union of Concerned Scientists and Nuclear Control Institute. Our amendments are supported by environmental groups, the Friends of the Earth and the League of Conservation Voters. Bad budget policy. Bad energy policy, bad environmental policy, bad nonproliferation policy.

A "yes" vote tonight helps to preserve this Congress investing in each one of those dangerous avenues for the American people.

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

Mr. MEYERS of Indiana. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Indiana [Mr. MYERS] is recognized for 10 minutes.

Mr. MYERS of Indiana. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. Mr. Chairman, I have heard a lot of noise there and an awful lot of misinformation beginning with the fact that I do not think it is the Kasich amendment at all. He signed a "Dear Colleague," but I think he has some afterthoughts about having even done that.

Mr. Chairman, I certainly rise in opposition to this Markey amendment. The amendment would zero out an appropriation of \$20 million for what I believe is an extremely important ongoing environmental nuclear waste reduction research program being conducted by the Department of Energy in Illinois and in Idaho.

The program is known as the electrometallurgical treatment program. It shows, I believe, promise as a method to greatly reduce, reduce, not increase, the volume and toxicity of over 2,700 metric tons or more than 150 different types of spent nuclear fuel which is supported at various DOE sites throughout this Nation.

It is a new and exciting treatment of spent fuel which also locks up and makes inaccessible plutonium that spent fuel contains. There is no proliferation here of plutonium. And that is what, when we talk about reprocessing, I think the gentleman must know; when we talk about reprocessing of nuclear waste, we are talking about the creation of pure plutonium. That alone is weapons grade plutonium. When we take that plutonium and we bind it with the actinides and the transuranic wastes, then you have no problem in that regard. And that is what this new process does. It is not reprocessing.

This technology can also potentially be applied to commercial spent fuel as well. This process also is not an enrichment technology, as has been erroneously contended, and it cannot become such. If, however, the fuel that is treated contains highly enriched uranium, it is blended down with a depleted uranium to make low enriched uranium. And it is not a breeder reactor, it is not the IFR, it is not the old breeder reactor. It is a research program designed to take spent nuclear fuel and make it less threatening to the environment.

It is obviously environmentally sound, and it is endorsed by the administration. It is endorsed by the Department of Energy. It is endorsed by the National Academy of Sciences, the National Academy of Engineering, the Institute of Medicine, who have looked into this and evaluated them very closely.

Mr. MYERS of Indiana. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. BROWN].

Mr. BROWN of California. Mr. Chairman, I thank the chairman of the subcommittee for yielding me this 2 minutes. I am not an expert on this process, but I have been led to examine it at some length, and particularly to looking at the National Academy of Sciences review of the program. I have become convinced that the program is technically viable and desirable as giving us another option for the control of high-level nuclear waste.

I was vastly entertained by the description of the program by the gen-

tleman from Massachusetts [Mr. MARKEY]. The gentleman could follow another career with great profit as an entertainer based upon his performance here. I am particularly interested in his trying to relate this to the breeder reactor program or the development of a plutonium society. I actually led the fight at the time that he mentioned to end the Ventura breeder reactor at the request of President Carter, and I am not a fan of breeders.

I do not want to see an economy based upon breeders, an energy economy or any other kind. From everything that I can see about this technology, it has no real relationship to the development of a breeder program. It is intended instead to be a safe way of disposing of the waste from what is known as the EBR-2, the experimental breeder reactor 2, which we are building at the present time, merely as a small experimental breeder.

It is intended to be a technology for disposing of a major part of the waste stream from that reactor. I therefore urge defeat of the Markey amendment.

Mr. MYERS of Indiana. Mr. Chairman, I yield 1 minute to the gentleman from Idaho [Mr. CRAPO] who has been a very valuable member of this committee.

Mr. CRAPO. Mr. Chairman, I too rise in opposition to the amendment. I think that several things need to be restated. First, this is not a debate over the breeder reactor. Those who oppose this technology have consistently tried to make that connection and falsely so.

The argument has been made that this is a budget issue. The fact is that the D.C. Superior Court recently ruled that by 1998 the Department of Energy must take possession of and manage the spent fuel in this country. This is a technology that will help us reduce the volume of the spent fuel and reduce the toxicity of the spent fuel and better manage it.

The argument has been made that it is a nonproliferation risk. I do not know whether we are talking about the same technology here, because this does not increase the plutonium, it binds the plutonium so that it cannot be used for weapons grade material, and it makes it ready for storage in safe manners.

In fact, as I listened to the debate of the gentleman from Massachusetts, I was convinced that we were literally talking about different technologies. As has been indicated, there are major different scientific groups that support this. I encourage my colleagues to look to those scientists and oppose this amendment.

Mr. MYERS of Indiana. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER].

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

What we are talking about here is electrometallurgical treatment. It seems to me that maybe Shakespearean scholars do not want to listen to what scientists have to say about this, but it is, it seems to me, somewhat relevant that the National Academy of Sciences supports this kind of research. Shakespearean scholars may not care about what scientists think, but it does seem to me that the fact that the National Research Council supports this process makes some sense.

Shakespearean scholars may not care what scientists think, but it is true that the National Academy of Engineering supports this kind of process. It is also true that scientists at the Institute of Medicine in looking at this think that it is worthwhile to do.

Now, we can quote a whole bunch of people who have an agenda who are opposed to this kind of research, but let us understand what that agenda is. That agenda is to try to kill nuclear power. And so when they are given the kind of research that is critical to the solution of the Nation's spent nuclear fuel problem, obviously they are opposed to continuing that research. When they are given research that reduces the volume and the toxicity of the spent fuel and better prepares it for safe storage, they are opposed to that because their agenda is to kill nuclear energy. It is not to do good science.

Good science is supported by the National Academy of Science, by the National Research Council, by the National Academy of Engineering and by the Institute of Medicine. They all say we ought to go forward with this. I think we should too. Stop the Markey amendment. Defeat it tomorrow.

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

Let me say quite clearly that the gentleman who was just in the well unfortunately has such a commitment to these corporate welfare programs that is impossible to break the addiction. This amendment is opposed by Citizens for a Sound Economy and Taxpayers for Common Sense. Those of us who are committed to balancing the Federal budget by the year 2002 have to be informed by these taxpayer groups that are looking, scouring the Federal budget, looking for the pork barrel projects that cannot be justified any longer. And under the guise of the red herrings, making this sound like some kind of antinuclear amendment, when the primary reason we should be opposing it is that the Citizens for a Sound Economy, Taxpayers for Common Sense, oppose it.

I am feeling right now that we should put an aquarium down in the well to contain all of the red herrings that the gentleman from Pennsylvania and others have injected into this debate. In fact, the reality here is that without question not only does this not solve the problems that have been pointed

out by the opponents of this amendment, but it creates new ones.

The scientists, well, I have scientists. And my scientists, Albert Walstetler, perhaps the most respected, by the way, of any in the United States, he says quite clearly, whatever the name, what DOE proposes is clearly reprocessing. It is the separation of fissile, of fertile material from nuclear waste in the special case of EBR-2 spent fuel reprocessing may or may not make it easier to dispose of the waste, but it does not alter proliferation dangers. Vote "yes" on the Markey amendment.

Mr. MYERS of Indiana. Mr. Chairman, I will present a letter from the PIRG opposing this amendment. Mr. Chairman, I yield the remainder of my time to the gentleman from Michigan [Mr. EHLERS], the only scientist, I think, in Congress who knows what he is talking about.

Mr. EHLERS. Mr. Chairman, I thank the gentleman for yielding me this time. After that introduction, I am almost afraid to hear what I am going to say. It reminds me of a little medal which a friend presented to me a few days ago which I do not have the courage to wear on the floor. But it says, why, yes, I am a rocket scientist, which might be appropriate at this point.

I would note that the gentleman from Massachusetts referred to red herrings, which reminded me that you need boats in order to catch red herrings or other-colored herrings. And I come from Michigan where we have a great many boats, and we define a boat as a hole in the water into which you pour money. And that is unfortunately true.

But in our nuclear waste program in this Nation, nuclear waste repository is a hole in the ground into which you pour money. If we are serious about budget problems, we should worry about how we can reduce the costs of burying nuclear waste. We have spent billions and billions of dollars on the nuclear waste repository in Nevada. Frankly, anything we can do to reduce the volume of nuclear waste is going to be a moneysaver, not an expenditure out the Federal budget. I support anything that is likely to reduce the amount of waste.

It seems to me the supporter of the amendment makes a comment that it is reprocessing, and therefore it is bad. Of course it is reprocessing. That does not necessarily make it bad. If in fact it is able to reduce the problem, increase the safety of disposal of the waste, I think it is a good project.

The National Research Council has evaluated it and has come up with a statement that this is the methodology that should be pursued. Is it in fact going to be a positive response to our nuclear waste problems? We cannot guarantee that, but it certainly looks promising to the Research Council and

National Academy of Sciences and others. Based on that, I think we should pursue the research further and determine whether or not it is going to be effective. Based on that, I urge the defeat of the Markey amendment.

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Mr. TORKILDSEN. Mr. Chairman, I rise in strong opposition of this amendment to cut funding for pyroprocessing in the fiscal year 1997 energy and water appropriations bill.

Pyroprocessing is a chemical procedure used to separate plutonium and uranium from fuel that has been run through a nuclear reactor. The Department of Energy planned to use pyroprocessing as part of its program to develop the breeder reactor, similar, though not identical to the advanced liquid metal reactor which Congress killed in 1994.

This process is extremely hazardous to our environment because it creates additional radioactive wastes so toxic they may not be suitable for geologic storage. Pyroprocessing just doesn't make sense, especially when it is funded out of the DOE's waste management account which seeks to clean up hazardous material.

Furthermore, the funds this amendment seeks to eliminate were not authorized by the National Security Committee and will cut programs that will do more to clean up Department of Energy sites.

This amendment is endorsed by Citizens for a Sound Economy, the League of Conservation Voters, Taxpayers for Common Sense, and other environmental and public interest groups. It's not every day that the distinguished chairman of the Budget Committee, and the ranking minority member on Appropriations agree, but when they do we should listen.

Congress already had a similar debate when we voted to kill the advanced liquid metal reactor in 1994. Although the original program for which pyroprocessing was intended is long gone, the Department of Energy still receives funding for this program. Somehow this technology has taken on a life of its own and here we are again fighting for the environment and to eliminate this wasteful spending once and for all.

I urge my colleagues to protect the environment, balance the budget, and support the Markey-Kasich-Obey-Torkildsen amendment.

The CHAIRMAN. The question is on the amendments en bloc offered by the gentleman from Massachusetts [Mr. MARKEY].

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

Mr. MARKEY. Mr. Chairman, I demand a recorded vote, and pending that I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 483, further proceedings on the amendments en bloc offered by the gentleman from Massachusetts [Mr. MARKEY] will be postponed.

The point of no quorum is considered withdrawn.

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. 5 offered by Mr. GUTKNECHT: Page 36, after line 10, insert the following new section:

SEC. 506. 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 today, the gentleman from Minnesota [Mr. GUTKNECHT] and a Member opposed each will control 10 minutes.

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

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

Mr. Chairman, the hour is late and we have had plenty of debate. This is the ninth time that I have offered this same amendment. This is a 1.9 percent across-the-board reduction.

Again, just for the benefit of those who may be keeping score at home, what we are really trying to do is recover the \$4.1 billion which we increased in spending above and beyond what this House said we were going to spend, causing a spike in the proposed deficit for next year.

Mr. Chairman, I am again offering this amendment in good faith. Even though I know that the chairman, the gentleman from Indiana [Mr. MYERS] and his subcommittee have done an excellent job in controlling spending, I really believe if we are serious about balancing the budget we have got to find a way to recover that \$4.1 billion. Otherwise, I am afraid we cannot face our kids in good conscience and say that in 3 years we will be able to save \$47 billion.

Mr. Chairman, I do not have that much to say about this amendment other than that it would ultimately reduce total expenditures in this bill by about \$376 million. We would still be spending \$19.4 billion.

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

The CHAIRMAN. Is the gentleman from Indiana in opposition to the amendment?

Mr. MYERS of Indiana. Mr. Chairman, I do rise in opposition.

The CHAIRMAN. The gentleman from Indiana [Mr. MYERS] will be recognized for 10 minutes.

Mr. MYERS of Indiana. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think everyone who has been here this evening has heard the desperation some Members have wanting more money added in the bill. We have cut this bill just about every category right down to the bare bone. I am in sympathy with what the gentleman from Minnesota [Mr. GUTKNECHT] is trying to do. Through the

years I think I have certainly supported my share of across-the-board cuts. Back years ago, Frank Bow, former ranking member of this Committee on Appropriations, used to offer a 10-percent amendment. I often supported that. We used to have Clarence Miller of Ohio offer a 5-percent amendment. We have had various deviations from this. But this bill has already been cut right down to the bare bones. As an example, we now are just barely meeting the maintenance requirements for the Corps of Engineers to operate 50-year-old locks and dams. There is a safety factor. We have a danger. We had one dam in California collapse because we were not properly maintaining it. We can not just start cutting things that we just simply cannot afford to cut any further.

I am concerned about balancing the budget by 2002. In fact, I would like to make it by the year 2000. But these are all investments in our future. Much of the funding has already been cut. I ask a "no" vote on this amendment.

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

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

Mr. Chairman, essentially we are talking about two pennies, two pennies out of every dollar allocated to Federal spending that can keep us from increasing this deficit. Is it too much to expect Washington to live within its means? Is it extreme to expect Washington to balance the people's budget?

Millions of hard-working American families are forced to balance their budgets every month. We are talking about balancing the budget in 7 years. We are talking about cutting domestic discretionary spending by 1.9 percent, simply 1.9 percent, so that we can get back on that path that we said we would stay on. We promised that we would go on a diet but now we are saying, well, we are going to have one more milkshake.

I do respect what the committees have done, as the chairman says, and I believe he is speaking in good faith that we have cut this budget down to the bone, but frankly, Mr. Chairman, we are going to have to cut even further as we go along toward that 2002 goal. So if we are down to the bone now, how will we ever possibly balance the people's books?

This is not about a mean-spirited accounting exercise. I am not trying to demagogue this issue. What I am really saying on behalf of the children of America is that we have got to make the tough choices, we have got to eliminate more of the waste in the Federal Government, we have got to cut Federal spending. Otherwise, we will ensure that our kids are going to enjoy a lower standard of living than we enjoyed.

The CHAIRMAN. The question is on the amendment offered by the gen-

tleman from Minnesota [Mr. GUTKNECHT].

The amendment was rejected.

Mr. RIGGS. Mr. Chairman, I ask unanimous consent to strike the last word for the purposes of engaging in a colloquy with the subcommittee chairman.

The CHAIRMAN. Without objection, the gentleman from CA is recognized for 5 minutes.

There was no objection.

Mr. RIGGS. Mr. Chairman, as the subcommittee chairman well knows, vernal pools are seasonal wetlands which form in poorly drained swales or depressions in the earth. A number of plant species are indigenous to these pools and they sometimes serve as temporary waterfowl habitat. Because they are defined as jurisdictional wetlands of the United States, vernal pools are regulated by the Army Corps of Engineers under existing Federal law.

These vernal pools can be found in various parts of northern California, including my congressional district. In the 102d Congress, I convened a so-called vernal pools task force for the purpose of trying to streamline the regulatory process dealing with vernal pools.

As our committee's report points out, the goal of the vernal pools task force, which has been in existence and continued their work since the 102d Congress, is to develop a general permit application that will identify a finite area of high grade vernal pools suitable for protection.

Funding for the vernal pools task force has been provided through the annual energy and Water Development appropriations. As a member of this subcommittee and as a convenor and initiator of the task force, I am pleased to have a role in overseeing the task force funding.

However, as we proceed to consider funding for the vernal pools task force in the future, I am concerned that the task force is diverting from its original objectives. If this effort is to receive further support from the Congress, then the Santa Rosa plain vernal pool ecosystem plan and the general permit issued by the Corps of Engineers to implement this plan should be designed to further the following principles:

First, the regulatory burden on landowners should be reduced wherever and whenever feasible.

Second, the regulatory process should be streamlined by simplifying the rules, eliminating unnecessary or duplicative rules and processes and reducing the number of agencies reviewing and approving the activities of landowners.

Third, local control of land use should be promoted by confirming that the primary responsibility for such matters resides with local government.

Fourth, the plan and the implementing general permit from the Army

Corps of Engineers should recognize the interest of landowners and society in the uses of land for a variety of purposes, such as housing, transportation, agriculture and business as well as conservation of natural resources.

Fifth, the plan and the implementing general permit should be based on accurate information and sound science.

Sixth, the plan and the implementing general permit should be developed in a manner that encourages public participation and affords an opportunity to achieve as much consensus as possible.

Seventh, individual landowners should be directly notified by the Corps of Engineers of actions that might impact on their properties.

In summary, Mr. Chairman, the vernal pools plan and the implementing permit should mirror nationwide permit 26. There should be sites where activities are authorized without an individualized review or approval by any Federal agency provided that such sites do not contain habitat for any threatened or endangered species. Such sites should include: any parcel of land less than 1 acre in size; any parcel of land where 90 percent or more of the land has been improved with structures, infrastructure, landscaping or related facilities; and any parcel of land containing less than 1 acre of these wetlands.

I ask the chairman to respond to my comments and acknowledge my concerns regarding the ongoing work of this vernal pools task force.

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. RIGGS. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. I thank the gentleman for his observations here. This committee has heard about vernal pools and has been concerned, but no one knew what to do about them. We congratulate him for establishing this task force to conduct an investigation and hopefully come up with some good recommendations.

I am sure the committee will continue to be concerned about the issue that the gentleman has identified here. It is a real problem, I know, for the gentleman and for Californians. We will continue to support and watch the accomplishments the gentleman makes with his task force.

Mr. RIGGS. Mr. Chairman, I appreciate that very much. I know the gentleman is moving on and will not have to worry or concern himself with matters such as the vernal pools, but I do appreciate his support for the concerns that I have expressed in this colloquy and again wish him best wishes.

Mr. MYERS of Indiana. Maybe I will come out and fish in those pools sometime.

Mr. RIGGS. The gentleman would be most welcome.

AMENDMENT OFFERED BY MR. FILNER

Mr. FILNER. 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. FILNER: Page 2, after line 23, insert the following: "Tijuana River Basin, California, \$600,000;"

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from California [Mr. FILNER] and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California [Mr. FILNER].

Mr. FILNER. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise to offer an amendment that would allow the Army Corps of Engineers to conduct critically needed studies to begin addressing and remedying serious flooding in the Tijuana River Valley in San Diego.

Back in 1979 the Army Corps built a flood control project in the river valley but conditions have changed and it no longer works. It needs to be reevaluated, and this study can be fit entirely within the General Investigations account of the Army Corps.

The International Boundary and Water Commission which has the responsibility to maintain this project recently informed me that the situation within the Tijuana River Valley requires an immediate reevaluation of the hydraulic conditions.

As they said, the area downstream of the project has changed considerably within the last 25 years and has changed the hydraulic characteristics. Because of this change the project can no longer function as originally designed.

In fact, serious flooding has occurred in the valley in 1983, 1985 and again in 1993. Furthermore, a couple of months ago there was a bomb scare at the Rodriguez Dam in Mexico. If this dam were to break, it would devastate the areas downstream of the reservoir, in this case the whole southern portion of San Diego County. It literally would imperil hundreds of thousands of American citizens. During this apparent terrorist episode the city of San Diego and the county water district discovered that there was no emergency response plan to deal with the failure of this dam.

My amendment would appropriate \$600,000 and direct the Army Corps, in consultation with the International Boundary and Water Commission, to conduct a study to provide an update of the hydrology in the Tijuana River Valley and prepare an emergency dam break response plan.

Mr. Chairman, the Tijuana River Valley deserves protection from floods and from terrorists. I urge my colleagues to approve this request.

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. FILNER. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Mr. Chairman, the gentleman has discussed this problem, which is an international problem now, with the committee and the committee is very much aware of the situation. But, unfortunately, as we have discussed, we do not have the funds to do everything. But we are very much aware of it and we have worked very closely with the gentleman from California.

Mr. FILNER. Mr. Chairman, I yield the balance of my time to the gentleman from California [Mr. BILBRAY]. I thank him profusely for staying with us late in the evening and for his support.

The CHAIRMAN. The gentleman from California is recognized for 3 minutes.

Mr. BILBRAY. Mr. Chairman, it has been an interesting evening.

Mr. Chairman, I stand in support of the amendment. It is actually not in my district but it is adjoining my district. To be really blunt about it, the people in my district along the coast are really kind of tired of seeing the damage and the carnage occurring in Mr. FILNER's district through floods caused by an international agreement and actually the damage flushing down into my district.

Frankly, I will say this, though it is not my district, I personally rescued drowning livestock and drowning illegal aliens who have been stranded in this situation that has been cruel and with a great loss of life because of this situation.

Mr. Chairman, this is not a local problem and it is not a natural problem that Mr. FILNER is speaking about here. This is a problem that has been created through the actions of the United States Government in conjunction with the Mexican Government. Both the treaty of Guadalupe Hidalgo which created the International Boundary and Water Commission and the cooperative efforts on projects that have related to that treaty are directly related to this flooding.

The flooding that has occurred has been a direct product of the channelization on the Mexican side with the support and the subsidy of the United States Government. The dam at Rodriguez is a dam that was built in the 1930's and the 1940's with the subsidies and the treaty of the U.S. Government.

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The problem that Mr. FILNER's district is incurring at this time is a direct responsibility of the U.S. Government. It is one that we can not walk away from. It is one that is not just a responsibility to Mr. FILNER's district but it is also a responsibility that we bear signing treaties with a foreign government, the Republic of Mexico, that we would address the flooding problems that occurred because of

their channelization and the improvements on their side of the border.

I would just ask both sides of the aisle to recognize that this is not a situation of nature flooding Mr. FILNER's district. This is an issue of a breakdown along international boundaries, of Federal intervention without completing a project.

There has been problems that have occurred in this area, Mr. Chairman, that were unforeseen. We all accept that. But I just ask you that, because they were unforeseen, you do not treat them as if they are nonexistent.

I ask this body to address this problem. It does not rely only on Mr. FILNER's people to address this problem. They did not have the authority to make the decision for these treaties or to build these projects. That responsibility and that right rests with us in the Federal Government. Thus, the problems that have occurred because of those problems rest with us today. I ask for support of the amendment.

Mr. MYERS of Indiana. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Indiana [Mr. MYERS] is recognized for 5 minutes.

Mr. MYERS of Indiana. Mr. Chairman, I yield myself such time as I may consume.

As I previously stated, we just do not have the money to do this project. We understand the problem.

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

Mr. MYERS of Indiana. I yield to the gentleman from California.

Mr. FILNER. Mr. Chairman, I appreciate the understanding of the chairman and the understanding of the ranking member. I understand that because of the international nature of this request and the urgency of it, that they will be working with us to try to deal with it in the future.

Mr. FILNER. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. HILLEARY

Mr. HILLEARY. 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. HILLEARY: At the appropriate place in the bill, insert the following:

SEC. . None of the funds made available to the Tennessee Valley Authority by this Act may be appropriated when it is made known to the Federal official having authority to obligate or expend such funds that the Tennessee Valley Authority is imposing a performance deposit on persons constructing docks or making other residential shoreline alterations.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Tennessee [Mr. HILLEARY]

and a Member opposed, each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee [Mr. HILLEARY].

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

Mr. Chairman, I urge my colleagues to support this amendment to protect the private property rights of thousands of dock owners on lakes in the Tennessee Valley.

TVA is currently developing new regulations known as the Shoreline Management Initiative. The proposed regulations call for imposing a \$1,000 deposit on all persons who own docks on TVA lakes. Under the proposal, the deposit would be returned to the owner, with interest, upon the sale of the property. Therefore, my amendment will have no impact on the budget.

My objection is that this new charge will have a significant impact on the property values of the lakeshore residents.

TVA has 11,000 miles of shoreline along its lakes. More than 47,000 permits have been issued for structures on the lakes. This new deposit will affect every one of those property owners when they attempt to sell their property. New owners will have to bring an additional \$1,000 to the table at closing. That's an awful lot of extra money needed at closing.

This means that either the owner will have to reduce his selling price or agree to pay the deposit for the buyer. Either way, the homeowner has lost value in his property.

Mr. Chairman, there have been many problems in the development of these new regulations as well.

I, like my constituents, just learned of the impact of these new draft regulations about 2 weeks ago when TVA began holding public hearings to explain the new 300-page document which contains the draft regulations. Further, many of my constituents have been outraged that they only learned about the meetings after they occurred.

Many of my constituents have contacted me complaining that they were not informed of the development of the Shoreline Management Initiative or the public hearings in their area. Only 6,500 people received an invitation in the mail to these hearings out of millions who live in the Tennessee Valley.

Clearly, the citizens impacted by the Shoreline Management Initiative were not well informed of the process.

In a recent letter I sent to the Chairman of TVA, I encouraged TVA to schedule additional meetings and to extend the public comment period beyond August 31.

I am pleased to announce that late this afternoon TVA agreed to my request and extended the comment period through the end of September.

There is an urgent need for us to adopt this amendment because if we do

nothing, TVA could implement these new regulations as soon as December of this year. My constituents need the opportunity to be clearly heard on the proposed regulations which will have such a major impact on the property rights and property values of lakeside residents.

Mr. Chairman. I urge my colleagues to support this amendment.

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. HILLEARY. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Mr. Chairman, the gentleman has discussed this amendment with the committee. We understand the problem, and we are willing to accept the amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. HILLEARY].

The amendment was agreed to.

Mr. MYERS of Indiana. Mr. Chairman, I ask unanimous consent to strike the last word.

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

There was no objection.

Mr. MYERS of Indiana. Mr. Chairman, the committee has completed its work this evening on the bill. All amendments have been taken care of. We will have three votes tomorrow ordered on amendments and the possibility of any votes on any amendments that might have been passed when they come back in the full House. Then we will have a vote on final passage.

Mr. Chairman, we thank everybody for their patience and understanding.

Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. RIGGS) having assumed the chair, Mr. OXLEY, 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. 3816) making appropriations for energy and water development of the fiscal year ending September 30, 1997, and for other purposes, had come to no resolution thereon.

REPORT OF ACTIVITIES OF UNITED STATES GOVERNMENT IN THE UNITED NATIONS—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:

I am pleased to transmit herewith a report of the activities of the United States Government in the United Nations and its affiliated agencies during calendar year 1995. The report is required by the United Nations Participation Act (Public Law 264, 79th Congress; 22 U.S.C. 287b).

WILLIAM J. CLINTON.
THE WHITE HOUSE, July 24, 1996.

APPOINTMENT AS MEMBER OF BOARD OF VISITORS TO U.S. NAVAL ACADEMY

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of section 6968(a) of title 10, United States Code, the Chair announces the Speaker's appointment of the following Member of the House as a member of the Board of Visitors to the U.S. Naval Academy to fill the existing vacancy thereon: Mr. MCHALE of Pennsylvania.

There was no objection.

SUPPORT H.R. 3849, LEGISLATION AMENDING THE CLEAN AIR ACT AMENDMENTS OF 1990

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

Mr. BURR. Mr. Speaker, sometimes the Federal Government makes a mistake. The test of truly effective government is how quickly an institution can correct those errors. Today I stand here on the House floor to remedy such a mistake.

In 1990 the EPA listed a chemical called ethylene glycol monobutyl ether, or EGBE, on its hazardous air pollutants list under the Clean Air Act amendments. This chemical is considered not harmful to the stratosphere and according to scientific studies does not harm the environment. This is in fact a case of mistaken identity.

Although the listing of chemicals seems like an insignificant blunder, the incorrect listing of this material has far-reaching effects. The mislabeling of this chemical has the potential to cost the can manufacturing industry hundreds of millions of dollars and threatens jobs across the country. In my district alone over 450 citizens hold jobs in the can industry.

Last week I and 22 of my colleagues introduced a commonsense piece of legislation that will remedy this situation. I urge my colleagues to support H.R. 3849.

Mr. Speaker, I have introduced legislation, with 22 bipartisan colleagues, that would remedy a regulatory situation that I believe mistakenly identifies and regulates a chemical used in the can manufacturing process as hazardous. The mislabeling of this chemical seems technical on its face, but this technicality has the potential to cost the can manufacturing industry hundreds of millions of dollars and

threatens the job of can workers. It is up to Congress to take corrective action.

The chemical (ethylene glycol monobutyl ether—EGBE) is listed on the EPA's list of Hazardous Air Pollutants[HAP's] as established under the Clean Air Act amendments of 1990. While most chemicals are listed separately, Congress created a situation in which whole families of some chemicals are listed as pollutants under a "unique chemical substances" category, even when certain members of the families are not hazardous when used in a specific manufacturing process. This is the case with EGBE when used as a can coating.

I am not arguing that we should back away from our regulation of known hazardous air pollutants. Those elements are, and should continue to be, regulated under HAP's. EGBE, however, is not a hazardous air pollutant. It was included on the HAP's list because it belongs to a large family of widely-varying "unique chemical substances" known as glycol ethers. This legislation simply stipulates that the glycol ether category does not include EGBE when used as part of the can manufacturing process.

As you are aware, Mr. Speaker, inclusion on the EPA's list of HAP's triggers a series of regulations often requiring the installation of expensive emissions control equipment. That is the case with the listing of EGBE as a hazardous air pollutant. Unless corrected, this listing will force the installation of emissions control equipment at each can manufacturing facility, at a cost of compliance estimated to be about \$4 million per plant. Nationally, the cost may reach a quarter of billion dollars for all plants to comply. That financial burden will likely mean an increase in the cost of cans, lower productivity, an international trade disadvantage, and most importantly, potential job losses for the thousands of workers in these plants.

I am proud to represent the 467 employees at the American National Can Co. beverage can plant in Winston-Salem and the Reynolds Metals Co. beverage can plant in Reidsville. That may not sound like a large number of workers to many of you, but they are important to me and to the economic vitality of my district. And I am not alone in this body. There are can manufacturing facilities in 34 States and in more than 180 districts across the Nation. These are some 45,000 highly paid, skilled workers in these plants. They should not be placed at risk of job loss because of what I believe is a technical error Congress helped to create and Congress must correct.

We need to protect the environment. We will continue to do so. Substances that are legitimately classified as hazardous air pollutants will continue to be regulated by their listing as a Hazardous Air Pollutant under the Clean Air Act amendments of 1990. When we find, however, that broad policy decisions result in specific regulatory mistakes, then we should fix what we broke. That is precisely what this legislation does.

There is overwhelming scientific evidence that EGBE should not be considered a hazardous air pollutant when used in the can manufacturing process. The Environmental Protection Agency itself has consistently told the industry that they believe the can industry's

use of EGBE is not harmful to the stratosphere and does not harm the environment. The EPA, however, does not have a process for delisting a single circumstance like this under the Clean Air Act amendments. They have worked with the industry, but may not be able to remedy this situation administratively. Delisting must, therefore, be achieved through the legislative process.

By approving this legislation, we can help maintain the vitality of the industry and save jobs without jeopardizing the integrity of our environmental laws. I urge my colleagues to join me in making this correction to the clean air amendments of 1990.

TRIBUTE TO DAVID J. TOSCANO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. PAYNE] is recognized for 5 minutes.

Mr. PAYNE of Virginia. Mr. Speaker, I rise today to recognize a citizen whose passion for public service has benefited his community for over a decade.

On July 1, 1996 David J. Toscano stepped down as mayor of Charlottesville, VA after presiding in that office for 2 years. During his tenure as mayor, as well as his previous political career, David has squarely focused his efforts on making sustainability a reality for the city of Charlottesville.

He has worked with developers and other community leaders to rebuild the city's tax base and placed new emphasis on creating and improving affordable housing and social programs in priority neighborhoods. He works tirelessly to raise education standards and has shown unfaltering commitment to improving race relations.

In 1984, after only 3 years in Charlottesville, David was appointed to the city's Social Development Commission. Four years later he became the Chair of that commission. Since being elected to city council in 1990 he has served as Chair of the Charlottesville Redevelopment and Housing Authority, co-chair of the West Main Street Task Force, and as a member of the Regional Housing Task Force. He has also chaired the Charlottesville Social Development Commission and the Charlottesville Committee on Race Relations and Public Sector.

As a member of the city council, David devotes himself to serving the best interest of the city and its residents. He has used everything from the Internet to open houses and has attended hundreds of public events to remain accessible and keep in touch with the wants and needs of his constituents.

A firm believer in empowering government at the local level, David confronts each issue with an enlightened blend of prudence and vigor. He delves to the heart of every matter, often taking the job home with him. And, he has never been afraid to weather controversy and opposition in doing what he felt was best for Charlottesville.

As Charlottesville enters the 21st century, its citizens are fortunate to have a public servant with such uncommon devotion to his calling. And, with David remaining on city council, they can rest assured that he will continue to work tirelessly with their general welfare and Charlottesville's future in mind.

Mr. Speaker, I consider myself privileged to have worked with David Toscano and I am proud to take this milestone in the man's career as an opportunity to honor his outstanding service and continued dedication.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. YATES (at the request of Mr. GEPHARDT) for today after 7 p.m., on account of personal business.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(Mr. FRANK of Massachusetts, and to include extraneous material on the Frank of Massachusetts amendment No. 6 on H.R. 3814 in the Committee of the Whole today.)

(The following Members (at the request of Mr. BEVILL) and to include extraneous matter:)

Mr. STOKES.
Mr. HINCHEY.
Mr. MANTON.
Mr. CARDIN.
Mr. DURBIN.
Mr. FAZIO.
Mr. MCNULTY.
Mr. ACKERMAN.
Mr. HAMILTON.
Mr. ENGEL.

(The following Members (at the request of Mr. HILLEARY) and to include extraneous matter:)

Mr. YOUNG of Alaska.
Mr. HOKE.
Mr. SOLOMON.
Mr. LATOURETTE.
Mr. GINGRICH, in three instances.
Mr. OXLEY.
Mr. FIELDS of Texas.
Mr. SCHIFF.
Mr. FOX of Pennsylvania.
Mr. THOMAS.

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. BEVILL) to revise and extend their remarks and include extraneous material:)

Mr. PAYNE of Virginia, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

(The following Members (at the request of Mr. HILLEARY) to revise and extend their remarks and include extraneous material:)

Mr. JONES, for 5 minutes, on July 25.

Mr. COBURN, for 5 minutes, on July 25.

Mr. STOCKMAN, for 5 minutes, on July 25.

BILLS PRESENTED TO THE
PRESIDENT

Mr. THOMAS, from the Committee on House Oversight reported that that committee did on the following date present to the President, for his approval, bills of the House of the following titles:

On July 23, 1996:

H.R. 497. An act to create the National Gambling Impact and Policy Commission.

H.R. 3161. An act to authorize the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of Romania.

ADJOURNMENT

Mr. MYERS of Indiana. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly at 12 o'clock and 8 minutes 1 a.m.), the House adjourned until today, Thursday, July 25, 1996, at 10 a.m.

EXECUTIVE COMMUNICATIONS,
ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4293. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Tobacco Inspection; Growers' Referendum Results [Docket No. TB-95-18] received July 23, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4294. A letter from the Secretary of Transportation, transmitting a report of a violation of the Anti-Deficiency Act—Aviation Insurance Program, Federal Aviation Administration [FAA], appropriation symbol 69X4120, for fiscal year 1994, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

4295. A letter from the Assistant Chief Counsel, Office of Thrift Supervision, transmitting the Office's final rule—Management Official Interlocks [Docket No. 96-62] received July 24, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4296. A letter from the Administrator, Energy Information Administration, transmitting the Administration's report entitled "Voluntary Reporting of Greenhouse Gases 1995," the first in a series of annual reports, pursuant to Public Law 102-486, section 1605(b) (106 Stat. 3002); to the Committee on Commerce.

4297. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Final Authorization of State Hazardous Waste Management Program: Kansas [FRL-5542-7] received July 23, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4298. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation to State Implementation Plan; Michigan [FRL-5541-1] received July 23, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4299. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmit-

ting the Agency's final rule—Clean Air Act Final Interim Approval of Operating Permits Program; State of Tennessee and Memphis-Shelby County, Tennessee [FRL-5542-4] received July 23, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4300. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutant Emission: Group I Polymers and Resins [FRL-5543-1] received July 23, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4301. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Interconnection and Resale Obligations Pertaining to Commercial Mobile Radio Services, First Report and Order [FCC 96-263] received July 23, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4302. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations (Green River, Wyoming) [MM Docket No. 96-63] received July 23, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4303. A communication from the President of the United States, transmitting the bi-monthly report on progress toward a negotiated settlement of the Cyprus question, including any relevant reports from the Secretary General of the United Nations, pursuant to 22 U.S.C. 2373(c); to the Committee on International Relations.

4304. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Removal of Chapter 201, Federal Information Resources Management Regulation, from Title 41—Public Contracts and Property Management (RIN: 3090-AG04) received July 23, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

4305. A letter from the Commissioner, Bureau of Reclamation, Department of the Interior, transmitting a report on the necessity to construct modifications to Bradbury Dam, Cachuma project, CA, in order to preserve its structural safety, pursuant to 43 U.S.C. 509; to the Committee on Resources.

4306. A letter from the Assistant Secretary for Policy, Management and Budget, Department of the Interior transmitting the Department's final rule—Administrative and Audit Requirements and Cost Principles for Assistance Programs (RIN: 1090-AA58) received July 23, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4307. A letter from the Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service, transmitting the Service's final rule—Atlantic Swordfish Fishery; Drift Gillnet Closure Postponement (50 CFR Part 630) received July 23, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4308. A letter from the Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service, transmitting the Service's final rule—Groundfish of Alaska; Pacific Ocean Perch in the Central Gulf of Alaska [Docket No. 960129018-6018-01; I.D. 071596A] received July 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4309. 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; Sablefish in the Central Regulatory Area [Docket No. 960129018-6018-01; I.D. 071596B] received July 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4310. A letter from the Director, Federal Bureau of Prisons, transmitting the Bureau's final rule—Release Preparation Program [BOP-1055-F] (RIN: 1120-AA51) received July 23, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4311. A letter from the Director, Federal Bureau of Prisons, transmitting the Bureau's final rule—Hostage Situation Management [BOP-1061-F] (RIN: 1120-AA55) received July 23, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4312. A letter from the Regulatory Policy Officer, Bureau of Alcohol, Tobacco and Firearms, transmitting the Bureau's final rule—Manufacturers Excise Taxes-Firearms and Ammunition (Notice No. 831) (RIN: 1512-AB42) received July 23, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4313. A letter from the Chief of Staff, Social Security Administration, transmitting the Administration's final rule—Miscellaneous Coverage Provisions of the Social Security Independence and Program Improvements Act of 1994; Coverage Provisions of the Social Security Domestic Employment Reform Act of 1994 (RIN: 0960-AE00) received July 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4314. A letter from the Chief of Staff, Social Security Administration, transmitting the Administration's final rule—When You Are A Full-Time Elementary Or Secondary School Student (RIN: 0960-AE21) received July 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4315. A letter from the Administrator, Health Care Financing Administration, transmitting the Administration's final rule—Medicare Program; Reporting of Interest From Zero Coupon Bonds [BDP-647-F] (RIN: 0938-AH11) received July 23, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); jointly, to the Committees on Ways and Means and Commerce.

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. SMITH of Texas: Committee on the Judiciary. H.R. 3680. A bill to amend title 18, United States Code, to carry out the international obligations of the United States under the Geneva Conventions to provide criminal penalties for certain war crimes (Rept. 104-698). Referred to the Committee of the Whole House on the State of the Union.

Mr. CANADY: Committee on the Judiciary. H.R. 3435. A bill to make technical amendments to the Lobbying Disclosure Act of 1995; with an amendment (Rept. 104-699). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3287. A bill to direct the Secretary of the Interior to convey the Crawford National Fish Hatchery to the city of Crawford, NE; with an amendment (Rept. 104-700). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3546. A bill to direct the Secretary of the Interior to convey the Waihalla National Fish Hatchery to the State of South Carolina; with an amendment (Rept. 104-701). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3557. A bill to direct the Secretary of the Interior to convey the Marion National Fish Hatchery to the State of Alabama; with an amendment (Rept. 104-702). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3660. A bill to make amendments to the Reclamation Wastewater and Groundwater Study and Facilities Act, and for other purposes; with amendments (Rept. 104-703). Referred to the Committee of the Whole House on the State of the Union.

Ms. GREENE of Utah: Committee on Rules. House Resolution 488. Resolution providing for consideration of the bill (H.R. 2391) to amend the Fair Labor Standards Act of 1938 to provide compensatory time for all employees (Rept. 104-704). Referred to the House Calendar.

Mr. GEKAS: Committee on the Judiciary. House Joint Resolution 166. Resolution granting the consent of Congress to the Mutual Aid Agreement between the city of Bristol, VA, and the city of Bristol, TN (Rept. 104-705). Referred to the Committee of the Whole House on the State of the Union.

Mr. GEKAS: Committee on the Judiciary. House Joint Resolution 113. Resolution granting the consent of Congress to the compact to provide for joint natural resource management and enforcement of laws and regulations pertaining to natural resources and boating at the Jennings Randolph Lake Project lying in Garrett County, MD, and Mineral County, WV, entered into between the States of West Virginia and Maryland (Rept. 104-706). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FOX (for himself, Mr. CLINGER, and Mr. MICA):

H.R. 3884. A bill to amend title 39, United States Code, to require that traditional equitable principles be applied by the U.S. Postal Service in determining whether or not to exercise its temporary detention authority with respect to mail alleged to be deceptive or misleading; to the Committee on Government Reform and Oversight.

By Mrs. MALONEY (for herself, Mr. HORN, and Mr. TATE):

H.R. 3885. A bill to amend section 552 of title 5, United States Code, commonly known as the Freedom of Information Act, to provide for greater efficiency in providing public access to information and to provide for public access to information in an electronic format; to the Committee on Government Reform and Oversight.

By Mr. DOOLITTLE:

H.R. 3886. A bill to clarify the intent of the Congress in Public Law 93-632 to require the Secretary of Agriculture to continue to provide for the maintenance of 18 concrete dams and weirs that were located in the Emigrant Wilderness at the time the wilderness area was designated as wilderness in that Public Law; to the Committee on Resources.

By Mr. GEJDENSON:

H.R. 3887. A bill to repeal the provision of chapter 83 of title 5, United States Code, under which certain Members of Congress are eligible for immediate retirement after serving in nine Congresses; to the Committee on House Oversight, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RICHARDSON:

H.R. 3888. A bill to amend the Housing and Community Development Act of 1974 to allow small communities to use limited space in public facilities acquired, constructed, or rehabilitated using community development block grant funds for local government offices; to the Committee on Banking and Financial Services.

By Mr. RIGGS:

H.R. 3889. A bill to amend the Internal Revenue Code of 1986 to reduce the taxes on wine to their pre-1991 rates; to the Committee on Ways and Means.

By Mr. SCARBOROUGH (for himself, Mr. SOLOMON, Mr. PORTER, Ms PELOSI, Mr. CUNNINGHAM, and Mr. LIPINSKI):

H.R. 3890. A bill to provide for the withdrawal of most favored nation status from Iran, Iraq, Libya, and Syria, and to provide for the restoration of such status with respect to Syria if the President determines that Syria is participating in the Middle East peace process in good faith; to the Committee on Ways and Means.

By Mr. SCHUMER:

H.R. 3891. A bill to amend the Commodity Exchange Act to provide for the regulation of contracts for the purchase or sale of a commodity for future delivery, which are made on or subject to the rules of a board of trade, exchange, or market located outside the United States, when the commodity is deliverable in the United States; to the Committee on Agriculture.

By Mr. TORKILDSEN:

H.R. 3892. A bill to clarify treatment of certain claims and defenses against an insured depository institution under receivership by the Federal Deposit Insurance Corporation, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. TOWNS:

H.R. 3893. A bill to amend the Solid Waste Disposal Act to prohibit the international export and import of certain solid waste; to the Committee on Commerce.

By Mr. SANDERS (for himself and Mrs. MORELLA)

H. Con. Res. 199. Concurrent resolution expressing the sense of the Congress that a national summit of sports, political, and community leaders should be promptly convened to develop a multifaceted action plan to promote citizenship through sports, emphasizing the aspects of sports culture that promote self-respect and respect for others, and that deter acts of violence, including domestic violence and sexual assault; to the Committee on Economic and Educational Opportunities.

By Mr. SCARBOROUGH:

H. Con. Res. 200. Concurrent resolution expressing the sense of the Congress regarding the bombing in Dhahran, Saudi Arabia; to the Committee on National Security.

Mr. BILIRAKIS introduced a bill (H.R. 3894) for the relief of Margarito Domantay; 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. 218: Mr. SPENCE.

H.R. 1462: Mr. CHAMBLISS, Mr. MCKEON, Mr. DE LA GARZA, Mr. GREEN of Texas, Mr. ROSE, Mr. SKAGGS, and Mr. JEFFERSON.

H.R. 1797: Mr. ACKERMAN and Mr. WATT of North Carolina.

H.R. 1846: Mr. HORN and Mr. SANDERS.

H.R. 2019: Mr. MONTGOMERY.

H.R. 2152: Mr. CHRYSLER.

H.R. 2320: Mr. BUYER.

H.R. 2416: Mr. JACKSON.

H.R. 2462: Mrs. KELLY.

H.R. 2470: Mr. BARTLETT of Maryland, Mr. HAYES, and Mr. WAMP.

H.R. 2625: Mr. PALLONE.

H.R. 2716: Mr. GUTIERREZ.

H.R. 2976: Mr. GEJDENSON, Mr. LANTOS, Mr. STOCKMAN, Mr. THORNBERRY, and Mr. VIS-CLOSKY.

H.R. 3006: Ms. ROYBAL-ALLARD.

H.R. 3102: Mr. LAFALCE.

H.R. 3142: Mr. COSTELLO, Ms. RIVERS, and Mr. COLEMAN.

H.R. 3192: Mr. SANDERS.

H.R. 3202: Mr. BLUMENAUER and Mr. WATT of North Carolina.

H.R. 3207: Mr. OLVER.

H.R. 3340: Mr. EVANS, Mrs. THURMAN, Mr. SKEEN, Mr. DOOLEY, and Mr. BAKER of Louisiana.

H.R. 3447: Mr. SANFORD.

H.R. 3514: Mr. PACKARD, Mr. CALVERT, Mr. STEARNS, Mr. HAYWORTH, Mr. BUNNING of Kentucky, and Mr. THORNBERRY.

H.R. 3621: Ms. SLAUGHTER, Mr. SCHUMER, and Mr. FATTAH.

H.R. 3647: Mr. DEUTSCH.

H.R. 3677: Mrs. KENNELLY.

H.R. 3700: Mr. ZIMMER and Ms. WOOLSEY.

H.R. 3710: Mr. BEVILL, Mr. ARCHER, Mr. PICKETT, Mr. WATT of North Carolina, and Mr. PASTOR.

H.R. 3729: Mr. BROWDER and Mr. TORRES.

H.R. 3733: Mr. BALDACCI.

H.R. 3735: Mr. EHLERS.

H.R. 3738: Mr. EHLERS.

H.R. 3745: Mr. HAYWORTH, Mr. HAMILTON, and Mr. CRANE.

H.R. 3748: Mr. EVANS.

H.R. 3779: Mr. GREEN of Texas.

H.R. 3783: Mr. EHLERS, Mr. BROWN of California, Mr. CRAPO, Mr. BURTON of Indiana, and Mr. METCALF.

H.R. 3797: Mr. BALLENGER.

H.R. 3807: Mr. FILNER, Mr. FRANK of Massachusetts, and Mr. EVANS.

H.R. 3831: Mr. BORSKI.

H.R. 3849: Mrs. KELLY.

H.R. 3862: Mr. LARGENT, Mr. KOLBE, Mr. BONILLA, Mr. HAYES, and Mr. BONO.

H.R. 3867: Mr. KLUG, Mr. MARKEY, Mr. GORDON, and Ms. FURSE.

H. Con. Res. 63: Mr. EHRLICH and Mr. HUTCHINSON.

H. Con. Res. 175: Mr. LATOURETTE.

H. Con. Res. 179: Mr. BROWN of California and Mr. ROHRBACHER.

H. Con. Res. 190: Ms. SLAUGHTER, Ms. DELAUNO, Mr. GENE GREEN of Texas, and Mr. MENENDEZ.

H. Res. 452: Mr. HALL of Texas.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

H.R. 2823

OFFERED BY: MR. YOUNG OF ALASKA

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 1: Strike all after the enacting clause and insert:

SECTION 1. SHORT TITLE; REFERENCES.

(a) **SHORT TITLE.**—This Act may be cited as the "International Dolphin Conservation Program Act".

(b) **REFERENCES TO MARINE MAMMAL PROTECTION 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 the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.).

SEC. 2. PURPOSE AND FINDINGS.

(a) **PURPOSE.**—The purposes of this Act are—

(1) to give effect to the Declaration of Panama, signed October 4, 1995, by the Governments of Belize, Colombia, Costa Rica, Ecuador, France, Honduras, Mexico, Panama, Spain, the United States of America, Vanuatu, and Venezuela, including the establishment of the International Dolphin Conservation Program, relating to the protection of dolphins and other species, and the conservation and management of tuna in the eastern tropical Pacific Ocean;

(2) to recognize that nations fishing for tuna in the eastern tropical Pacific Ocean have achieved significant reductions in dolphin mortality associated with that fishery; and

(3) to eliminate the ban on imports of tuna from those nations that are in compliance with the International Dolphin Conservation Program.

(b) **FINDINGS.**—The Congress finds the following:

(1) The nations that fish for tuna in the eastern tropical Pacific Ocean have achieved significant reductions in dolphin mortalities associated with the purse seine fishery from hundreds of thousands annually to fewer than 5,000 annually.

(2) The provisions of the Marine Mammal Protection Act of 1972 that impose a ban on imports from nations that fish for tuna in the eastern tropical Pacific Ocean have served as an incentive to reduce dolphin mortalities.

(3) Tuna canners and processors of the United States have led the canning and processing industry in promoting a dolphin-safe tuna market.

(4) 12 signatory nations to the Declaration of Panama, including the United States, agreed under that Declaration to require that the total annual dolphin mortality in the purse seine fishery for yellowfin tuna in the eastern tropical Pacific Ocean not exceed 5,000, with a commitment and objective to progressively reduce dolphin mortality to a level approaching zero through the setting of annual limits.

SEC. 3. DEFINITIONS.

Section 3 (16 U.S.C. 1362) is amended by adding at the end the following new paragraphs:

"(28) The term 'International Dolphin Conservation Program' means the international program established by the agreement signed in La Jolla, California, in June 1992, as formalized, modified, and enhanced in accordance with the Declaration of Panama, that requires—

"(A) that the total annual dolphin mortality in the purse seine fishery for yellowfin tuna in the eastern tropical Pacific Ocean

not exceed 5,000, with the commitment and objective to progressively reduce dolphin mortality to levels approaching zero through the setting of annual limits;

"(B) the establishment of a per-stock per-year mortality limit for dolphins, for each year through the year 2000, of between 0.2 percent and 0.1 percent of the minimum population estimate;

"(C) beginning with the year 2001, that the per-stock per-year mortality of dolphin not exceed 0.1 percent of the minimum population estimate;

"(D) that if the mortality limit set forth in subparagraph (A) is exceeded, all sets on dolphins shall cease for the fishing year concerned;

"(E) that if the mortality limit set forth in subparagraph (B) or (C) is exceeded sets on such stock and any mixed schools containing members of such stock shall cease for that fishing year;

"(F) in the case of subparagraph (B), to conduct a scientific review and assessment in 1998 of progress toward the year 2000 objective and consider recommendations as appropriate; and

"(G) in the case of subparagraph (C), to conduct a scientific review and assessment regarding that stock or those stocks and consider further recommendations;

"(H) the establishment of a per-vessel maximum annual dolphin mortality limit consistent with the established per-year mortality caps; and

"(I) the provision of a system of incentives to vessel captains to continue to reduce dolphin mortality, with the goal of eliminating dolphin mortality.

"(29) The term 'Declaration of Panama' means the declaration signed in Panama City, Republic of Panama, on October 4, 1995."

SEC. 4. AMENDMENTS TO TITLE I.

(a) **AUTHORIZATION FOR INCIDENTAL TAKING.**—Section 101(a)(2) (16 U.S.C. 1371(a)(2)) is amended as follows:

(1) By inserting after the first sentence "Such authorizations may also be granted under title III with respect to the yellowfin tuna fishery of the eastern tropical Pacific Ocean, subject to regulations prescribed under that title by the Secretary without regard to section 103."

(2) By striking the semicolon in the second sentence and all that follows through "practicable".

(b) **DOCUMENTARY EVIDENCE.**—Section 101(a) (16 U.S.C. 1371(a)) is amended by striking so much of paragraph (2) as follows subparagraph (A) and as precedes subparagraph (C) and inserting:

"(B) in the case of yellowfin tuna harvested with purse seine nets in the eastern tropical Pacific Ocean, and products therefrom, to be exported to the United States, shall require that the government of the exporting nation provide documentary evidence that—

"(i) the tuna or products therefrom were not banned from importation under this paragraph before the effective date of the International Dolphin Conservation Program Act;

"(ii) the tuna or products therefrom were harvested after the effective date of the International Dolphin Conservation Program Act by vessels of a nation which participates in the International Dolphin Conservation Program, such harvesting nation is either a member of the Inter-American Tropical Tuna Commission or has initiated (and within 6 months thereafter completed) all steps (in accordance with article V, paragraph 3 of

the Convention establishing the Inter-American Tropical Tuna Commission) necessary to become a member of that organization;

"(iii) such nation is meeting the obligations of the International Dolphin Conservation Program and the obligations of membership in the Inter-American Tropical Tuna Commission, including all financial obligations;

"(iv) the total dolphin mortality permitted under the International Dolphin Conservation Program will not exceed 5,000 in 1996, or in any year thereafter, consistent with the commitment and objective of progressively reducing dolphin mortality to levels approaching zero through the setting of annual limits and the goal of eliminating dolphin mortality; and

"(v) the tuna or products therefrom were harvested after the effective date of the International Dolphin Conservation Program Act by vessels of a nation which participates in the International Dolphin Conservation Program, and such harvesting nation has not vetoed the participation by any other nation in such Program."

(c) **ACCEPTANCE OF EVIDENCE COVERAGE.**—Section 101 (16 U.S.C. 1371) is amended by adding at the end the following new subsections:

"(d) **ACCEPTANCE OF DOCUMENTARY EVIDENCE.**—The Secretary shall not accept documentary evidence referred to in section 101(a)(2)(B) as satisfactory proof for purposes of section 101(a)(2) if—

"(1) the government of the harvesting nation does not provide directly or authorize the Inter-American Tropical Tuna Commission to release complete and accurate information to the Secretary to allow a determination of compliance with the International Dolphin Conservation Program;

"(2) the government of the harvesting nation does not provide directly or authorize the Inter-American Tropical Tuna Commission to release complete and accurate information to the Secretary in a timely manner for the purposes of tracking and verifying compliance with the minimum requirements established by the Secretary in regulations promulgated under subsection (f) of the Dolphin Protection Consumer Information Act (16 U.S.C. 1385(f)); or

"(3) after taking into consideration this information, findings of the Inter-American Tropical Tuna Commission, and any other relevant information, including information that a nation is consistently failing to take enforcement actions on violations which diminish the effectiveness of the International Dolphin Conservation Program, the Secretary, in consultation with the Secretary of State, finds that the harvesting nation is not in compliance with the International Dolphin Conservation Program.

"(e) **EXEMPTION.**—The provisions of this Act shall not apply to a citizen of the United States who incidentally takes any marine mammal during fishing operations outside the United States exclusive economic zone (as defined in section 3(6) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1802(6))) when employed on a foreign fishing vessel of a harvesting nation which is in compliance with the International Dolphin Conservation Program."

(d) **ANNUAL PERMITS.**—Section 104(h) is amended to read as follows:

"(h) **ANNUAL PERMITS.**—(1) Consistent with the regulations prescribed pursuant to section 103 and the requirements of section 101, the Secretary may issue an annual permit to a United States vessel for the taking of such

marine mammals, and shall issue regulations to cover the use of any such annual permits.

"(2) Annual permits described in paragraph (1) for the incidental taking of marine mammals in the course of commercial purse seine fishing for yellowfin tuna in the eastern tropical Pacific Ocean shall be governed by section 304, subject to the regulations issued pursuant to section 302."

(e) REVISIONS AND FUNDING SOURCES.—Section 108(a)(2) (16 U.S.C. 1378(a)(2)) is amended as follows:

(1) By striking "and" at the end of subparagraph (A).

(2) By adding at the end the following:

"(C) discussions to expeditiously negotiate revisions to the Convention for the Establishment of an Inter-American Tropical Tuna Commission (1 UST 230, TIAS 2044) which will incorporate conservation and management provisions agreed to by the nations which have signed the Declaration of Panama;

"(D) a revised schedule of annual contributions to the expenses of the Inter-American Tropical Tuna Commission that is equitable to participating nations; and

"(E) discussions with those countries participating or likely to participate in the International Dolphin Conservation Program, to identify alternative sources of funds to ensure that needed research and other measures benefiting effective protection of dolphins, other marine species, and the marine ecosystem;"

(f) REPEAL OF NAS REVIEW.—Section 110 (16 U.S.C. 1380) is amended as follows:

(1) By redesignating subsection (a)(1) as subsection (a).

(2) By striking subsection (a)(2).

(g) LABELING OF TUNA PRODUCTS.—Paragraph (1) of section 901(d) of the Dolphin Protection Consumer Information Act (16 U.S.C. 1385(d)(1)) is amended to read as follows:

"(1) It is a violation of section 5 of the Federal Trade Commission Act for any producer, importer, exporter, distributor, or seller of any tuna product that is exported from or offered for sale in the United States to include on the label of that product the term 'Dolphin Safe' or any other term or symbol that falsely claims or suggests that the tuna contained in the product was harvested using a method of fishing that is not harmful to dolphins if the product contains any of the following:

"(A) Tuna harvested on the high seas by a vessel engaged in driftnet fishing.

"(B) Tuna harvested in the eastern tropical Pacific Ocean by a vessel using purse seine nets unless the tuna is considered dolphin safe under paragraph (2).

"(C) Tuna harvested outside the eastern tropical Pacific Ocean by a vessel using purse seine nets unless the tuna is considered dolphin safe under paragraph (3).

"(D) Tuna harvested by a vessel engaged in any fishery identified by the Secretary pursuant to paragraph (4) as having a regular and significant incidental mortality of marine mammals."

(h) DOLPHIN SAFE TUNA.—(1) Paragraph (2) of section 901(d) of the Dolphin Protection Consumer Information Act (16 U.S.C. 1385(d)(2)) is amended to read as follows:

"(2)(A) For purposes of paragraph (1)(B), a tuna product that contains tuna harvested in the eastern tropical Pacific Ocean by a vessel using purse seine nets is dolphin safe if the vessel is of a type and size that the Secretary has determined, consistent with the International Dolphin Conservation Program, is not capable of deploying its purse

seine nets on or to encircle dolphins, or if the product meets the requirements of subparagraph (B).

"(B) For purposes of paragraph (1)(B), a tuna product that contains tuna harvested in the eastern tropical Pacific Ocean by a vessel using purse seine nets is dolphin safe if the product is accompanied by a written statement executed by the captain of the vessel which harvested the tuna certifying that no dolphins were killed during the sets in which the tuna were caught and the product is accompanied by a written statement executed by—

"(i) the Secretary or the Secretary's designee;

"(ii) a representative of the Inter-American Tropical Tuna Commission; or

"(iii) an authorized representative of a participating nation whose national program meets the requirements of the International Dolphin Conservation Program,

which states that there was an observer approved by the International Dolphin Conservation Program on board the vessel during the entire trip and documents that no dolphins were killed during the sets in which the tuna concerned were caught.

"(C) The statements referred to in clauses (i), (ii), and (iii) of subparagraph (B) shall be valid only if they are endorsed in writing by each exporter, importer, and processor of the product, and if such statements and endorsements comply with regulations promulgated by the Secretary which would provide for the verification of tuna products as dolphin safe."

(2) Subsection (d) of section 901 of the Dolphin Protection Consumer Information Act (16 U.S.C. 1385(d)) is amended by adding the following new paragraphs at the end thereof:

"(3) For purposes of paragraph (1)(C), tuna or a tuna product that contains tuna harvested outside the eastern tropical Pacific Ocean by a vessel using purse seine nets is dolphin safe if—

"(A) it is accompanied by a written statement executed by the captain of the vessel certifying that no purse seine net was intentionally deployed on or to encircle dolphins during the particular voyage on which the tuna was harvested; or

"(B) in any fishery in which the Secretary has determined that a regular and significant association occurs between marine mammals and tuna, it is accompanied by a written statement executed by the captain of the vessel and an observer, certifying that no purse seine net was intentionally deployed on or to encircle marine mammals during the particular voyage on which the tuna was harvested.

"(4) For purposes of paragraph (1)(D), tuna or a tuna product that contains tuna harvested in a fishery identified by the Secretary as having a regular and significant incidental mortality or serious injury of marine mammals is dolphin safe if it is accompanied by a written statement executed by the captain of the vessel and, where determined to be practicable by the Secretary, an observer participating in a national or international program acceptable to the Secretary certifying that no marine mammals were killed in the course of the fishing operation or operations in which the tuna were caught.

"(5) No tuna product may be labeled with any reference to dolphins, porpoises, or marine mammals, unless such product is labeled as dolphin safe in accordance with this subsection."

(i) TRACKING AND VERIFICATION.—Subsection (f) of section 901 of the Dolphin Pro-

tection Consumer Information Act (16 U.S.C. 1385(f)) is amended to read as follows:

"(f) TRACKING AND VERIFICATION.—The Secretary, in consultation with the Secretary of the Treasury, shall issue regulations to implement subsection (d) not later than 3 months after the date of enactment of the International Dolphin Conservation Program Act. In the development of these regulations, the Secretary shall establish appropriate procedures for ensuring the confidentiality of proprietary information the submission of which is voluntary or mandatory. Such regulations shall, consistent with international efforts and in coordination with the Inter-American Tropical Tuna Commission, establish a domestic and international tracking and verification program that provides for the effective tracking of tuna labeled under subsection (d), including but not limited to each of the following:

"(1) Specific regulations and provisions addressing the use of weight calculation for purposes of tracking tuna caught, landed, processed, and exported.

"(2) Additional measures to enhance observer coverage if necessary.

"(3) Well location and procedures for monitoring, certifying, and sealing holds above and below deck or other equally effective methods of tracking and verifying tuna labeled under subsection (d).

"(4) Reporting receipt of and database storage of radio and facsimile transmittals from fishing vessels containing information related to the tracking and verification of tuna, and the definition of sets.

"(5) Shore-based verification and tracking throughout the transshipment and canning process by means of Inter-American Tropical Tuna Commission trip records or otherwise.

"(6) Provisions for annual audits and spot checks for caught, landed, and processed tuna products labeled in accordance with subsection (d).

"(7) The provision of timely access to data required under this subsection by the Secretary from harvesting nations to undertake the actions required in paragraph (6) of this subsection."

SEC. 5. AMENDMENTS TO TITLE III.

(a) HEADING.—The heading of title III is amended to read as follows:

"TITLE III—INTERNATIONAL DOLPHIN CONSERVATION PROGRAM"

(b) FINDINGS.—Section 301 (16 U.S.C. 1411) is amended as follows:

(1) In subsection (a), by amending paragraph (4) to read as follows:

"(4) Nations harvesting yellowfin tuna in the eastern tropical Pacific Ocean have demonstrated their willingness to participate in appropriate multilateral agreements to reduce, with the goal of eliminating, dolphin mortality in that fishery. Recognition of the International Dolphin Conservation Program will assure that the existing trend of reduced dolphin mortality continues; that individual stocks of dolphins are adequately protected; and that the goal of eliminating all dolphin mortality continues to be a priority."

(2) In subsection (b), by amending paragraphs (2) and (3) to read as follows:

"(2) support the International Dolphin Conservation Program and efforts within the Program to reduce, with the goal of eliminating, the mortality referred to in paragraph (1);

"(3) ensure that the market of the United States does not act as an incentive to the harvest of tuna caught with driftnets or caught by purse seine vessels in the eastern tropical Pacific Ocean that are not operating in compliance with the International Dolphin Conservation Program;"

(c) INTERNATIONAL DOLPHIN CONSERVATION PROGRAM.—Section 302 (16 U.S.C. 1412) is amended to read as follows:

“SEC. 302. AUTHORITY OF THE SECRETARY.

“(a) REGULATIONS TO IMPLEMENT PROGRAM REGULATIONS.—(1) The Secretary shall issue regulations to implement the International Dolphin Conservation Program.

“(2)(A) Not later than 3 months after the date of enactment of this section, the Secretary shall issue regulations to authorize and govern the incidental taking of marine mammals in the eastern tropical Pacific Ocean, including any species of marine mammal designated as depleted under this Act but not listed as endangered or threatened under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), by vessels of the United States participating in the International Dolphin Conservation Program.

“(B) Regulations issued under this section shall include provisions—

“(i) requiring observers on each vessel;

“(ii) requiring use of the backdown procedure or other procedures equally or more effective in avoiding mortality of marine mammals in fishing operations;

“(iii) prohibiting intentional deployment of nets on, or encirclement of, dolphins in violation of the International Dolphin Conservation Program;

“(iv) requiring the use of special equipment, including dolphin safety panels in nets, monitoring devices as identified by the International Dolphin Conservation Program, as practicable, to detect unsafe fishing conditions before nets are deployed by a tuna vessel, operable rafts, speedboats with towing bridles, floodlights in operable condition, and diving masks and snorkels;

“(v) ensuring that the backdown procedure during the deployment of nets on, or encirclement of, dolphins is completed and rolling of the net to sack up has begun no later than 30 minutes after sundown;

“(vi) banning the use of explosive devices in all purse seine operations;

“(vii) establishing per vessel maximum annual dolphin mortality limits, total dolphin mortality limits and per-stock per-year mortality limits, in accordance with the International Dolphin Conservation Program;

“(viii) preventing the intentional deployment of nets on, or encirclement of, dolphins after reaching either the vessel maximum annual dolphin mortality limits, total dolphin mortality limits, or per-stock per-year mortality limits;

“(ix) preventing the fishing on dolphins by a vessel without an assigned vessel dolphin mortality limit;

“(x) allowing for the authorization and conduct of experimental fishing operations, under such terms and conditions as the Secretary may prescribe, for the purpose of testing proposed improvements in fishing techniques and equipment (including new technology for detecting unsafe fishing conditions before nets are deployed by a tuna vessel) that may reduce or eliminate dolphin mortality or do not require the encirclement of dolphins in the course of commercial yellowfin tuna fishing;

“(xi) authorizing fishing within the area covered by the International Dolphin Conservation Program by vessels of the United States without the use of special equipment or nets if the vessel takes an observer and does not intentionally deploy nets on, or encircle, dolphins, under such terms and conditions as the Secretary may prescribe; and

“(xii) containing such other restrictions and requirements as the Secretary determines are necessary to implement the Inter-

national Dolphin Conservation Program with respect to vessels of the United States.

“(C) The Secretary may make such adjustments as may be appropriate to the requirements of subparagraph (B) that pertain to fishing gear, vessel equipment, and fishing practices to the extent the adjustments are consistent with the International Dolphin Conservation Program.

“(b) CONSULTATION.—In developing regulations under this section, the Secretary shall consult with the Secretary of State, the Marine Mammal Commission and the United States Commissioners to the Inter-American Tropical Tuna Commission appointed under section 3 of the Tuna Conventions Act of 1950 (16 U.S.C. 952).

“(c) EMERGENCY REGULATIONS.—(1) If the Secretary determines, on the basis of the best scientific information available (including that obtained under the International Dolphin Conservation Program) that the incidental mortality and serious injury of marine mammals authorized under this title is having, or is likely to have, a significant adverse effect on a marine mammal stock or species, the Secretary shall take actions as follows—

“(A) notify the Inter-American Tropical Tuna Commission of the Secretary's findings, along with recommendations to the Commission as to actions necessary to reduce incidental mortality and serious injury and mitigate such adverse impact; and

“(B) prescribe emergency regulations to reduce incidental mortality and serious injury and mitigate such adverse impact.

“(2) Prior to taking action under paragraph (1) (A) or (B), the Secretary shall consult with the Secretary of State, the Marine Mammal Commission, and the United States Commissioners to the Inter-American Tropical Tuna Commission.

“(3) Emergency regulations prescribed under this subsection—

“(A) shall be published in the Federal Register, together with an explanation thereof; and

“(B) shall remain in effect for the duration of the applicable fishing year; and The Secretary may terminate such emergency regulations at a date earlier than that required by subparagraph (B) by publication in the Federal Register of a notice of termination, if the Secretary determines that the reasons for the emergency action no longer exist.

“(4) If the Secretary finds that the incidental mortality and serious injury of marine mammals in the yellowfin tuna fishery in the eastern tropical Pacific Ocean is continuing to have a significant adverse impact on a stock or species, the Secretary may extend the emergency regulations for such additional periods as may be necessary.

“(d) RESEARCH.—The Secretary shall, in cooperation with the nations participating in the International Dolphin Conservation Program and with the Inter-American Tropical Tuna Commission, undertake or support appropriate scientific research to further the goals of the International Dolphin Conservation Program. Such research may include but shall not be limited to any of the following:

“(1) Devising cost-effective fishing methods and gear so as to reduce, with the goal of eliminating, the incidental mortality and serious injury of marine mammals in connection with commercial purse seine fishing in the eastern tropical Pacific Ocean.

“(2) Developing cost-effective methods of fishing for mature yellowfin tuna without deployment of nets on, or encirclement of, dolphins or other marine mammals.

“(3) Carrying out stock assessments for those marine mammal species and marine mammal stocks taken in the purse seine fishery for yellowfin tuna in the eastern tropical Pacific Ocean, including species or stocks not within waters under the jurisdiction of the United States.

“(4) Studying the effects of chase and encirclement on the health and biology of dolphin and individual dolphin populations incidentally taken in the course of purse seine fishing for yellowfin tuna in the eastern tropical Pacific Ocean. There are authorized to be appropriated to the Department of Commerce \$1,000,000 to be used by the Secretary, acting through the National Marine Fisheries Service, to carry out this paragraph. Upon completion of the study, the Secretary shall submit a report containing the results of the study, together with recommendations, to the Congress and to the Inter-American Tropical Tuna Commission.

“(5) Determining the extent to which the incidental take of nontarget species, including juvenile tuna, occurs in the course of purse seine fishing for yellowfin tuna in the eastern tropical Pacific Ocean, the geographic location of the incidental take, and the impact of that incidental take on tuna stocks, and nontarget species. The Secretary shall include a description of the annual results of research carried out under this subsection in the report required under section 303.”

(d) REPORTS.—Section 303 (16 U.S.C. 1414) is amended to read as follows:

“SEC. 303. REPORTS BY THE SECRETARY.

“Notwithstanding section 103(f), the Secretary shall submit an annual report to the Congress which includes each of the following:

“(1) The results of research conducted pursuant to section 302.

“(2) A description of the status and trends of stocks of tuna.

“(3) A description of the efforts to assess, avoid, reduce, and minimize the bycatch of juvenile yellowfin tuna and other nontarget species.

“(4) A description of the activities of the International Dolphin Conservation Program and of the efforts of the United States in support of the Program's goals and objectives, including the protection of dolphin populations in the eastern tropical Pacific Ocean, and an assessment of the effectiveness of the Program.

“(5) Actions taken by the Secretary under subsections (a)(2)(B) and (d) of section 101.

“(6) Copies of any relevant resolutions and decisions of the Inter-American Tropical Tuna Commission, and any regulations promulgated by the Secretary under this title.

“(7) Any other information deemed relevant by the Secretary.”

(e) PERMITS.—Section 304 (16 U.S.C. 1416) is amended to read as follows:

“SEC. 304. PERMITS.

“(a) IN GENERAL.—(1) Consistent with section 302, the Secretary is authorized to issue a permit to a vessel of the United States authorizing participation in the International Dolphin Conservation Program and may require a permit for the person actually in charge of and controlling the fishing operation of the vessel. The Secretary shall prescribe such procedures as are necessary to carry out this subsection, including, but not limited to, requiring the submission of—

“(A) the name and official number or other identification of each fishing vessel for which a permit is sought, together with the name and address of the owner thereof; and

“(B) the tonnage, hold capacity, speed, processing equipment, and type and quantity

of gear, including an inventory of special equipment required under section 302, with respect to each vessel.

"(2) The Secretary is authorized to charge a fee for issuing a permit under this section. The level of fees charged under this paragraph may not exceed the administrative cost incurred in granting an authorization and issuing a permit. Fees collected under this paragraph shall be available, subject to appropriations, to the Under Secretary of Commerce for Oceans and Atmosphere for expenses incurred in issuing permits under this section.

"(3) After the effective date of the International Dolphin Conservation Program Act, no vessel of the United States shall operate in the yellowfin tuna fishery in the eastern tropical Pacific Ocean without a valid permit issued under this section.

"(b) PERMIT SANCTIONS.—(1) In any case in which—

"(A) a vessel for which a permit has been issued under this section has been used in the commission of an act prohibited under section 305;

"(B) the owner or operator of any such vessel or any other person who has applied for or been issued a permit under this section has acted in violation of section 305; or

"(C) any civil penalty or criminal fine imposed on a vessel, owner or operator of a vessel, or other person who has applied for or been issued a permit under this section has not been paid or is overdue, the Secretary may—

"(i) revoke any permit with respect to such vessel, with or without prejudice to the issuance of subsequent permits;

"(ii) suspend such permit for a period of time considered by the Secretary to be appropriate;

"(iii) deny such permit; or

"(iv) impose additional conditions or restrictions on any permit issued to, or applied for by, any such vessel or person under this section.

"(2) In imposing a sanction under this subsection, the Secretary shall take into account—

"(A) the nature, circumstances, extent, and gravity of the prohibited acts for which the sanction is imposed; and

"(B) with respect to the violator, the degree of culpability, any history of prior offenses, and other such matters as justice requires.

"(3) Transfer of ownership of a vessel, by sale or otherwise, shall not extinguish any permit sanction that is in effect or is pending at the time of transfer of ownership. Before executing the transfer of ownership of a vessel, by sale or otherwise, the owner shall disclose in writing to the prospective transferee the existence of any permit sanction that will be in effect or pending with respect to the vessel at the time of transfer.

"(4) In the case of any permit that is suspended for the failure to pay a civil penalty or criminal fine, the Secretary shall reinstate the permit upon payment of the penalty or fine and interest thereon at the prevailing rate.

"(5) No sanctions shall be imposed under this section unless there has been a prior opportunity for a hearing on the facts underlying the violation for which the sanction is imposed, either in conjunction with a civil penalty proceeding under this title or otherwise."

(f) PROHIBITIONS.—Section 305 is repealed and section 307 (16 U.S.C. 1417) is redesignated as section 305, and amended as follows:

(1) In subsection (a):

(A) By amending paragraph (1) to read as follows:

"(1) for any person to sell, purchase, offer for sale, transport, or ship, in the United States, any tuna or tuna product unless the tuna or tuna product is either dolphin safe or has been harvested in compliance with the International Dolphin Conservation Program by a country that is a member of the Inter-American Tropical Tuna Commission or has initiated steps, in accordance with Article V, paragraph 3 of the Convention establishing the Inter-American Tropical Tuna Commission, to become a member of that organization;"

(B) By amending paragraph (2) to read as follows:

"(2) except in accordance with this title and regulations issued pursuant to this title as provided for in subsection 101(e), for any person or vessel subject to the jurisdiction of the United States intentionally to set a purse seine net on or to encircle any marine mammal in the course of tuna fishing operations in the eastern tropical Pacific Ocean; or"

(C) By amending paragraph (3) to read as follows:

"(3) for any person to import any yellowfin tuna or yellowfin tuna product or any other fish or fish product in violation of a ban on importation imposed under section 101(a)(2);"

(2) In subsection (b)(2), by inserting "(a)(5) and" before "(a)(6)".

(3) By striking subsection (d).

(g) REPEAL.—Section 306 is repealed and section 308 (16 U.S.C. 1418) is redesignated as section 306, and amended by striking "303" and inserting in lieu thereof "302(d)".

(h) CLERICAL AMENDMENTS.—The table of contents in the first section of the Marine Mammal Protection Act of 1972 is amended by striking the items relating to title III and inserting in lieu thereof the following:

"TITLE III—INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

"Sec. 301. Findings and policy.

"Sec. 302. Authority of the Secretary.

"Sec. 303. Reports by the Secretary.

"Sec. 304. Permits.

"Sec. 305. Prohibitions.

"Sec. 306. Authorization of appropriations."

SEC. 6. AMENDMENTS TO THE TUNA CONVENTIONS ACT.

(a) MEMBERSHIP.—Section 3(c) of the Tuna Conventions Act of 1950 (16 U.S.C. 952(c)) is amended to read as follows:

"(c) at least one shall be either the Director, or an appropriate regional director, of the National Marine Fisheries Service; and"

(b) ADVISORY COMMITTEE AND SCIENTIFIC ADVISORY SUBCOMMITTEE.—Section 4 of the Tuna Conventions Act of 1950 (16 U.S.C. 953) is amended to read as follows:

"SEC. 4. GENERAL ADVISORY COMMITTEE AND SCIENTIFIC ADVISORY SUBCOMMITTEE.

"The Secretary, in consultation with the United States Commissioners, shall:

"(1) Appoint a General Advisory Committee which shall be composed of not less than 5 nor more than 15 persons with balanced representation from the various groups participating in the fisheries included under the conventions, and from nongovernmental conservation organizations. The General Advisory Committee shall be invited to have representatives attend all nonexecutive meetings of the United States sections and shall be given full opportunity to examine and to be heard on all proposed programs of investigations, reports, recommendations, and

regulations of the commission. The General Advisory Committee may attend all meetings of the international commissions to which they are invited by such commissions.

"(2) Appoint a Scientific Advisory Subcommittee which shall be composed of not less than 5 nor more than 15 qualified scientists with balanced representation from the public and private sectors, including nongovernmental conservation organizations. The Scientific Advisory Subcommittee shall advise the General Advisory Committee and the Commissioners on matters including the conservation of ecosystems; the sustainable uses of living marine resources related to the tuna fishery in the eastern Pacific Ocean; and the long-term conservation and management of stocks of living marine resources in the eastern tropical Pacific Ocean. In addition, the Scientific Advisory Subcommittee shall, as requested by the General Advisory Committee, the United States Commissioners or the Secretary, perform functions and provide assistance required by formal agreements entered into by the United States for this fishery, including the International Dolphin Conservation Program. These functions may include each of the following:

"(A) The review of data from the Program, including data received from the Inter-American Tropical Tuna Commission.

"(B) Recommendations on research needs, including ecosystems, fishing practices, and gear technology research, including the development and use of selective, environmentally safe and cost-effective fishing gear, and on the coordination and facilitation of such research.

"(C) Recommendations concerning scientific reviews and assessments required under the Program and engaging, as appropriate, in such reviews and assessments.

"(D) Consulting with other experts as needed.

"(E) Recommending measures to assure the regular and timely full exchange of data among the parties to the Program and each nation's National Scientific Advisory Committee (or equivalent).

"(3) Establish procedures to provide for appropriate public participation and public meetings and to provide for the confidentiality of confidential business data. The Scientific Advisory Subcommittee shall be invited to have representatives attend all non-executive meetings of the United States sections and the General Advisory Subcommittee and shall be given full opportunity to examine and to be heard on all proposed programs of scientific investigation, scientific reports, and scientific recommendations of the commission. Representatives of the Scientific Advisory Subcommittee may attend meetings of the Inter-American Tropical Tuna Commission in accordance with the rules of such Commission.

"(4) Fix the terms of office of the members of the General Advisory Committee and Scientific Advisory Subcommittee, who shall receive no compensation for their services as such members."

SEC. 7. EQUITABLE FINANCIAL CONTRIBUTIONS.

It is the sense of the Congress that each nation participating in the International Dolphin Conservation Program should contribute an equitable amount to the expenses of the Inter-American Tropical Tuna Commission. Such contributions shall take into account the number of vessels from that nation fishing for tuna in the eastern tropical Pacific Ocean, the consumption of tuna and tuna products from the eastern tropical Pacific Ocean and other relevant factors as determined by the Secretary.

SEC. 8. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect upon certification by the Secretary of State to the Congress that a binding resolution of the Inter-American Tropical Tuna Commission, or another legally binding instrument, establishing the International Dolphin Conservation Program has been adopted and is in effect.

H.R. 3816

OFFERED BY: MR. PICKETT

AMENDMENT NO. 21: Page 6, line 5, strike "and".

Page 6, after line 5, insert the following: Sandbridge Beach, Virginia Beach, Virginia, Beach Erosion Control and Hurricane Protection, \$283,000; and

H.R. 3816

OFFERED BY: MR. SCHAEFER

AMENDMENT NO. 22: Page 17, line 21, strike ", to" and insert in lieu thereof "(reduced by \$42,103,200) (increased by \$42,103,200), to".

H.R. 3820

OFFERED BY: MR. THOMAS

(Page and Line Nos. Refer to H.R. 3820, as Introduced on July 16, 1996)

AMENDMENT NO. 1: Amend section 102 to read as follows (and conform the table of contents accordingly):

SEC. 102. REDUCTION IN ALLOWABLE CONTRIBUTION AMOUNTS FOR POLITICAL ACTION COMMITTEES; REVISION OF LIMITATIONS ON AMOUNTS OF OTHER CONTRIBUTIONS.

(a) REVISION OF CURRENT LIMITATIONS.—

(1) CONTRIBUTIONS BY MULTICANDIDATE POLITICAL COMMITTEES.—Section 315(a)(2) of such Act (2 U.S.C. 441a(a)(2)) is amended—

(A) in subparagraphs (A) and (C), by striking "\$5,000" and inserting "\$2,500"; and

(B) in subparagraph (B), by striking "\$15,000" and inserting "\$40,000".

(2) CONTRIBUTIONS BY INDIVIDUALS.—Section 315(a)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1)) is amended—

(A) in subparagraph (C), by striking "\$5,000" and inserting "\$2,500"; and

(B) in subparagraph (B), by striking "\$20,000" and inserting "\$40,000".

(3) AGGREGATE ANNUAL CONTRIBUTION BY INDIVIDUALS.—Section 315(a)(3) of such Act (2

U.S.C. 441a(a)(3)) is amended by striking "25,000" and inserting "\$50,000".

(b) LIMITATIONS ON CONTRIBUTIONS BY POLITICAL PARTY COMMITTEES.—

(1) IN GENERAL.—Section 315(a) of such Act (2 U.S.C. 441a(a)) is amended—

(A) by redesignating paragraphs (3) through (8) as paragraphs (4) through (9); and

(B) by inserting after paragraph (2) the following new paragraph:

"(3) No political party committee may make contributions—

"(A) to any candidate or the candidate's authorized political committees with respect to any election for Federal office which, in the aggregate, exceed \$10,000; or

"(B) to any other political committee other than a political party committee in any calendar year which, in the aggregate, exceed \$10,000.".

(2) CONFORMING AMENDMENTS.—Section 315(a) of such Act (2 U.S.C. 441a(a)) is amended—

(A) in paragraph (5) (as redesignated by paragraph (1)(A)), by striking "paragraphs (1) and (2)" and inserting "paragraphs (1), (2), and (3)";

(B) in paragraph (6) (as redesignated by paragraph (1)(A)), by striking "paragraph (1) and paragraph (2)" each place it appears and inserting "paragraphs (1), (2), and (3)"; and

(C) in paragraph (7) (as redesignated by paragraph (1)(A)), by striking "paragraphs (1) and (2)" and inserting "paragraphs (1), (2), and (3)".

(c) POLITICAL PARTY COMMITTEE DEFINED.—

Section 315(a)(5) of such Act (2 U.S.C. 441a(a)(4)) (as redesignated by subsection (b)(1)(A)) is amended by adding at the end the following sentence: "For purposes of this section, the term 'political party committee' means a political committee which is a national, State, district, or local political party committee (including any subordinate committee thereof)."

(d) OTHER CONFORMING AMENDMENTS.—Section 311(a)(6) of such Act (2 U.S.C. 438(a)(6)) is amended—

(1) in subparagraph (B), by inserting after "multi-candidate committees" the first place it appears the following: "and political committees which are not authorized committees of candidates or political party committees";

(2) in subparagraph (B), by striking "multi-candidate committees" the second place it appears and inserting "such committees"; and

(3) in subparagraph (C), by striking "multi-candidate committees" and inserting "committees described in subparagraph (B)".

Page 12, line 20, strike "subsections (a)(1) and (a)(2)" and insert "subsections (a)(1), (a)(2), and (a)(3)".

Page 12, line 22, insert after "individuals" the following: ", and to other political committees to the extent that the amount contributed does not exceed 10 times the amount of the limitation otherwise applicable under such subsection".

Page 13, line 10, strike "subsection (a)(1)" and insert "subsections (a)(1) and (a)(2)".

Page 13, line 10, insert after "individuals" the following: "and to political committees other than political party committees to the extent that the amount contributed does not exceed 10 times the amount of the limitation otherwise applicable under such subsection".

Page 16, line 1, strike "1997" and insert "1999".

Page 16, line 6, strike "each year after 1976 and before 1998" and insert "1997 and 1998".

Page 16, line 7, strike "1999" and insert "2001".

Page 16, line 16, strike "nearest lowest multiple" and insert "nearest highest multiple".

Amend section 201 to read as follows (and conform the table of contents accordingly):

SEC. 201. LIMITATION AMOUNT FOR CONTRIBUTIONS TO STATE POLITICAL PARTIES.

Paragraphs (1)(B) and (2)(B) of section 315(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)) are each amended by inserting after "national" the following: "or State".

Page 47, line 6, strike "Section 315(a)(3)" and all that follows through "is amended" and insert the following: "Section 315(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(4)) (as redesignated by section 102(b)(1)(A)) is amended".