HOUSE OF REPRESENTATIVES—*Tuesday, September 17, 1996*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore [Mr. HANCOCK].

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
September 17, 1996.

I hereby designate the Honorable MEL HANCOCK to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of May 12, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leaders limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Texas [Mr. DELAY] for 5 minutes.

THE CHOICE THIS NOVEMBER

Mr. DELAY. Mr. Speaker, as the November elections edge ever closer, the American people will be presented with a historic choice: They can choose to move forward with commonsense change or they can fall back to the old ways of doing business in the Congress.

The Republican Congress has worked very hard to enact commonsense change. It has passed the first balanced budget in a generation, while cutting taxes for working families. It has cut wasteful Washington spending, passed historic health care reform, brought commonsense changes to our legal system, and reformed the welfare state.

We still have a lot of work to do. The President vetoed our balanced budget. He vetoed tax cuts for working families. And he has consistently pushed for more wasteful, Washington spending.

Democrats in Congress are leading the reaction against common sense. I respect many Members of this body for standing up for their liberal philosophy. For instance, the gentleman from New York [Mr. RANGEL], who is poised to become the chairman of the committee that oversees taxes in the Congress should the Democrats regain control of the House, has become the chief defender of the Internal Revenue Service. He says, and I quote: "We have the best and fairest tax collection system in the world."

In other words, if Democrats regain control of the Congress, we can just forget about tax relief for working families.

Liberals are also thinking of ways to cut defense spending to pay for social welfare programs. The gentleman from California, Mr. GEORGE MILLER, has asked and I quote: "Do we really have to be prepared to fight two wars simultaneously," rather than pay for social welfare spending?

In other words, if Democrats regain control, we can count on them to slash defense spending to pay for wasteful Washington spending.

It is no secret that Democrats in the Congress will repeal our efforts at tort reform. They will work with their friends, the trial lawyers, as they have over the years, to try to repeal tort reform. And according to the Washington Post, if the gentleman from Michigan, Mr. JOHN DINGELL, becomes chairman of the Committee on Commerce, he will, "reexamine GOP legislation capping awards in civil damage suits and limiting investor suits."

In other words, if Democrats get control of Congress again, we can just forget about any commonsense legal reform.

The Democrats in Congress are also making plans to repeal the welfare reform bill signed by the President, and they have not given up on the idea of having the Government take over our health care system. The Democrat agenda remains, as always, to put the Government first. They want more Government spending, more Government control, more Government influence over the lives of the American people.

Mr. Speaker, if the Democrats regain control of the Congress, they will reverse the great progress we made over the last 2 years to make the Federal Government work better for working Americans.

I urge my colleagues and the American people to take notice. When they vote this November, they have a choice of moving forward with an agenda of commonsense change or moving backward to the old days of higher taxes, more wasteful Washington spending, and a bigger, more intrusive Federal Government.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. DELAY. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Speaker, does the gentleman think the Democrats have a chance of taking over? I find this exciting.

Mr. DELAY. Not at all.

Mrs. SCHROEDER. I am sitting on this side of the aisle saying, wow, this is wonderful.

Mr. DELAY. Mr. Speaker, reclaiming my time, not at all. I am just reporting what has been reported by those that wish that they could take over. But, no, worse case scenario we will gain 8 to 10 seats.

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

GUAM'S ROLE IN OPERATIONS IN THE MIDDLE EAST

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

Mr. UNDERWOOD. Mr. Speaker, yesterday on Guam, the first of some 2,500 Kurdish refugees arrived as part of Operation Pacific Haven. The movement of these Kurdish refugees who have been associated with United States Government activities is timely and necessary and makes good on an implicit American commitment to their safety.

As was the case 2 weeks ago with the B–52 strikes on Iraq, the role of Guam in the events unfolding in the Middle East is of enormous importance and consequence to our country's actions. Although any map will clearly show that the utilization of Guam might not make geographic sense for Operation Pacific Haven, any understanding of today's world shows that Guam is one of the few reliable places which this country can use in a moment's notice. Without Guam, a reliable United States base, American military flexibility is reduced. For the military planners managing the Mideast crisis, Guam is between Iraq and a hard place.

Given the cumbersome need for flyover rights as well as the need to seek prior approval of allies, our Nation's mobility and capacity for independent action must increasingly rely on mobile forces, friendly faces, and dependable bases. Guam fits this bill and is proud to play a key role in both the strikes against Iraq and the on-going humanitarian mission for providing safe haven in the Pacific for the Kurdish refugees.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

I am grateful for the advance notice and consultation which the White House gave to my office for the latest operation and I hope this level of consultation will continue for any future and sudden change in military activity on Guam. I also urge the Department of Defense to take all necessary steps to ensure the safety of the refugees as well as the community of Guam during the time that it takes to process the refugees for resettlement in the continental United States.

But Mr. Speaker, while Guam remains a cornerstone of America's strategic reach in the world, we on Guam are at times concerned that we are ignored in calmer times, at those times when we craft policy for the territories and for Guam specifically.

Guam has had a long relationship with the United States military—in fact, Guam's relationship with the United States in issues of land, immigration, political status change is always evaluated with an eye to the consequences for America's power projection and strategic reach.

We are proud to play a part in the security of the world, but we should be rewarded for our role rather than penalized or ignored. Guam should be given additional consideration rather than less consideration and Guam should be treated according to its contribution rather than utilized on the basis of its value.

Mr. Speaker, we have some legislation on the return of land to the Government of Guam once the military no longer needs it and declares it excess. The lands in question have been identified as potentially releasable. The lands in question were condemned by military officials and adjudicated in military courts on Guam in the period from 1945 to 1949, before civil government was re-established.

The legislation which we seek simply puts Guam at the head of the line over other Federal agencies when the Department of Defense decides that they no longer need the land. We are not asking the DOD to release land they need to conduct these operations; we are asking them to release land which their own planners have indicated they no longer need. We are not asking to go beyond Federal laws in how the land is to be handled; we are only asking that given Guam's unique history and given Guam's unique contribution, that Guam be placed at the head of the line for releasable property.

This is a good deal for Guam, but it is more than that. It is a fair deal for all concerned. I urge the members of this institution to support this legislation and I hope that the administration will now support this legislation.

DRUG ABUSE AND MISUSE UNDER THE CLINTON ADMINISTRATION

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

Mr. MICA. Mr. Speaker, I come to the floor again today, I was here last week, I was here last year, I was here every year since I was elected in 1992, to talk about the problem of drug abuse and drug misuse in our country.

I am here, sadly, 3½ years later again talking about what has taken place with this administration. We see across our great land and in my district the results of what has taken place. Mr. Speaker, let me recap what has taken place with this administration on the question of drug use and drug abuse.

First, this President came in, and what did he do? He cut. He gutted, in fact, the White House drug czar's office from 140 to just a handful of people.

The next thing he did, he employed as the chief health officer of our Nation Joycelyn Elders. Joycelyn Elders began the campaign of just say maybe, kids. Just try it, kids. Maybe we should legalize it, kids. Sending out that message, there was such an uproar that she finally was dismissed.

Then the President took the step of dismantling the drug interdiction program. He dismantled it piece by piece, stopping drugs at their source. We know that cocaine, 100 percent of it is grown in Bolivia, Peru, and Colombia. We know its transit points, and we can stop it inexpensively at its source. Yet, he dismantled, he gutted this program.

Then finally the ultimate insult to the American people and to the Congress and to the high office of the Presidency, the White House, which is supposed to set the standard for Americans, to set the highest level of performance of acceptability in our society and our Government. What did they do? Things got so bad in the folks that they were employing, and I sat on the committee that heard this testimony and was appalled. The Secret Service was so alarmed that folks were being hired with recent and past drug use histories, and we are not talking about marijuana here folks, we are talking about hallucinogenic drugs. We are talking about crack, about cocaine. We are talking about hard drugs being acceptable, used in the past, recent past in some cases for employment in the White House.

Mr. Speaker, this is not acceptable. And this is what has been done by this administration, what has been done by this President, and this is the result. This is the result in my community. Look at this headline: Long Out of Sight, Heroin Is Back Killing Teens. In the past year central Florida has had more teenage heroin deaths than all the rest of the State.

It is epidemic among our children. This is the result. Look at this: With Reagan and Bush, drug use and abuse went down in this country among our teenagers. And in 1992 it starts to shoot off the charts. Look at how it has affected our children with heroin, with crack, with marijuana, with hallucinogenic drugs. It is epidemic.

We now have 1.6 million Americans in our prisons across this country, and 70 percent of the people that are in our prisons are there because of drug use and abuse. So we have set a bad example from this White House and this administration, and we can see the bad results here, crime and death.

□ 1245

The wrong Americans, too, are behind bars. Our elderly and senior citizens across this Nation are afraid to go out at night because of the crime that this has created. And we know, again, that nearly 70 percent of those incarcerated and convicted of crime are drug-related incidents.

But there is hope. This Congress, under the leadership of the gentleman from Pennsylvania, Chairman CLINGER, under the leadership of the gentleman from New Hampshire, Chairman ZELIFF, we are restoring the funds for the drug czar's office and the positions that were cut by this administration. We are bringing back together interdiction. We are going to use the military. We are going to use the coast guard. We are going to stop drugs at their source.

Mr. Speaker, we are not going to just spend all the money on treatment. Spending all the money on treatment like Clinton wants us to do is, in fact, like treating only the wounded in a battle. We have to fight this with education, interdiction, enforcement, and treatment; all four. The leadership must start in this Congress, and it must start at 1600 Pennsylvania Avenue or we will see these results continue.

So, Mr. Speaker, it is not acceptable. It is not acceptable in my community. I ask for assistance to help us make a positive change.

DOLE TAX BREAKS FOR THE RICH NOT FULLY EXPLAINED

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

Mr. BROWN of Ohio. Mr. Speaker, former Senator Bob Dole has unveiled his new economic plan to the American people. He has outlined a $550 billion tax break, mostly for the wealthy, but he had not told us how he is going to pay for that $550 billion tax break.

One of Bob Dole's advisers said, "He has no plans to describe specifically what Federal programs he will cut until after the election."

Former Senator Dole, Citizen Dole, is going around the country speaking to organizations promising each of them:

I will not cut your programs. In fact, maybe I will increase your programs, one group after another.

Yesterday, talking to some people about crime, he said: You want more prisons? I will double the amount of appropriations for Federal prisons.

So at the same time Senator Dole has said he will increase military spending to the tune of perhaps $30 or $40 or $50 billion a year over the next 5 years, he wants to build star wars. He wants to give this major tax break, increase military spending, increase money for prisons, increase this, increase that, but he will not tell us how he is going to pay for these hundreds and hundreds of billions of dollars in tax breaks that he says he will give the American people.

I think it is important then, Mr. Speaker, to look at where in fact this money will come from. I think we only have to turn the calendar back about 1 year to figure out where Senator Dole will get the $550 billion to pay for the tax break, some couple hundred billion over 4 or 5 years, to pay for military spending increases; the tens of billions to pay for more prison construction; the other billions of dollars that Senator Dole has promised.

Mr. Speaker, I think we need to look back 1 year, turn the calendar back 1 year to figure out how he is going to pay for it. All of us remember about 14 months ago Speaker GINGRICH unveiled the Republican plan to give a $200-and-some billion tax break mostly for the rich, and to pay for it with $270 billion in Medicare cuts, a tax break mostly for the rich paid for by $270 billion in Medicare cuts.

At the same time in this legislation were major cuts in student loans for middle-class families, major cuts for environmental protection, to pay for inspectors, to pay for enforcement, to pay for environmental cleanup. All of that was in order to pay for the tax break to go mostly to the wealthiest Americans.

Mr. Speaker, it got so bad, as we recall, several months ago that Speaker GINGRICH and Senator Dole shut the Government down because President Clinton vetoed their tax break, mostly for the wealthy paid for with Medicare cuts. President Clinton said: I will not give that kind of a tax break mostly to the rich. I will not give the rich a tax break paid by Medicaid and Medicare and student loan cuts and cuts in environmental protection. It simply did not make sense.

Mr. Speaker, the President was right. Those of us who stuck by the President on this side of the aisle were right, and clearly that is what the American people reiterated over and over and over again. We do not give tax breaks for the rich and cut Medicare and cut Medicaid and cut student loans and cut environmental protection to pay for them.

The same folks who brought us the Government shutdown, the same folks who tried last year for a major cut in Medicare are back this year. Last year the tax break was about $250 billion for the wealthy. This year the Dole tax cut is twice that, and he is not telling us how he is going to pay for it. So it is clear the way that Senator Dole is going to pay for this major tax break is to go right at the heart of Medicare and right at the heart of Medicaid and right at the heart of student loans and also right at the heart of environmental protection. That is clearly not what the American people want.

Mr. Speaker, the American people last fall, early this winter, blamed Speaker GINGRICH and Senator Dole for the Government shutdown because they did not want to see these major cuts in Medicaid and Medicare and student loans and the environment. Here we go again. Senator Dole wants to give tax breaks of twice that size, but Senator Dole has learned something from his mistake because this year in this campaign, at least before the election, he will not tell us that that in fact is what is going to happen; that it is going to be cuts in Medicare, cuts in Medicaid, cuts in student loans, and cuts in environmental protection.

Mr. Speaker, it is important that we understand Senator Dole's and Speaker GINGRICH's attitude toward the Government program that has probably been the best program Government has ever put together, and that has been the Medicare Program. Thirty years ago in 1965, when Lyndon Johnson signed Medicare, only 46 percent of America's elderly had health care insurance; only 46 percent 30 years ago. Today, 99 percent of America's elderly have health care insurance.

Mr. Speaker, Medicare has worked, but we would not know it from listening to Speaker GINGRICH and Senator Dole. Senator Dole and Mr. GINGRICH have made it clear that they oppose these programs. They want to give tax breaks for the wealthy and pay for it with Medicare cuts.

AGAIN, CLINTON IS PROPOSING SOCIALIZED HEALTH CARE

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

Mr. STEARNS. Mr. Speaker, those who ignore history are doomed to repeat it, so goes the saying, a careful reminder to all of us that history teaches us valuable lessons and that, if we learn from the past, we can avoid repeating the mistakes in the future.

Yet despite this very warning, President Clinton and congressional Democrats are plotting a course plagued by controversy and opposition.

The past few weeks have been strikingly reminiscent of President Clinton's first try at a nationalized Government-run health care system. The newspaper headlines of late are uncomfortably familiar. In fact, it is deja vu all over again. Recently in Florida, my home State, President Clinton announced the formation of a comprehensive commission charged with reviewing the health care system and making recommendations on how to improve the quality of care provided to patients and how to put in place more consumer protections. Does that sound familiar?

Then he endorsed the notion of mandating what types of benefits health plans should provide and cover. Perhaps that sounds familiar.

He then endorsed the notion that the Federal Government should get in the middle of the contract negotiations between private health care plans and private physicians. Of course that sounds familiar.

The President is clearly headed down a road we have all traveled together before. Under the guise of consumer protection, he is very boldly unveiling the many pieces of his plan that was very familiar and soundly rejected by Congress and the American people only 2 years ago.

Mr. Speaker, we remember President Clinton's Health Security Act. This was an aggressive plan developed by him behind closed doors by his experts. His experts, of course, knew what was best for the American people.

We remember after months of secret discussion the experts had developed the ultimate answer to the rising health care costs. And of course, we remember, despite polls indicating that what the American people wanted most from health care reform was portability of coverage and protection for preexisting conditions, which Republicans passed. The President instead proposed a complex federally controlled health care system complete with guarantees, comprehensive coverage, Federal price controls and other proscriptive rules regarding how employers and health care providers should all behave in the marketplace. This of course would mean waiting lines for all Americans, one-size-fits-all, dictated by bureaucrats.

Remarkably, the President again is talking about commissions, entitlements, and government mandates which of course can only lead to price controls.

First, entitlements. Mr. Speaker, Congress passed some very important legislation recently which gives the portability and preexisting conditions that we needed. And while the President proudly signed this piece of legislation, his campaign was eager to propose an additional initiative under which children and young adults would all be mandated with comprehensive health care by the government.

While all agree that children are a most valuable resource, the President's

proposal is merely the first installment towards a nationalized socialized health care system under which the government pays for all and provides health care to all Americans.

A proposal has already been submitted to Congress to mandate that employers provide coverage to workers between the ages of 55 and 65, just prior to eligibility for Medicare. From here, it would only take a few steps to create an entitlement for the rest of the population. We should not be surprised that Senator KENNEDY argues that socialized national health care system is the ultimate goal.

Again, although the notion of federally mandated benefits was rejected during the Clinton health care reform debate, the President has already endorsed mandating a minimum length of stays in hospitals. Mandating the length of stay for illnesses such as flu. Mr. Speaker, what is next? Mandating the length of stay for cosmetic surgery?

Following the years of double-digit increases in health care spending, the cost of health care spending has finally begun to decline. Health plan premiums paid by large employers increased, on average, by a record-low 1.5 percent last year, while the premiums of certain types of managed care plans actually declined.

So here we are. We cannot guarantee that everybody gets all the benefits and all the coverages without putting in some kind of price controls. And that, of course, Mr. Speaker, is what President Clinton will propose next. Price controls, as we all know, just do not work. Quality of care will suffer as investment research and innovation declines. Jobs will be lost. Services will be rationed, and choices will decline. Eventually the government will have to take over the entire health care delivery system. Just think, government mandated, operated, and controlled health care with government doctors and nurses.

Mr. Speaker, President Clinton has deliberately begun to reconstruct our health care system. It is deja vu all over again.

VIOLENCE IN THE HOME

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

Mrs. SCHROEDER. Mr. Speaker, I am here today, first of all, to say that over the weekend I was very pleased to hear the Speaker say he had no problem with reporting to the floor the bill that I have been pushing for a very long time. That is a bill that takes the Brady bill and says, if you are also found guilty of domestic violence abuse, you should be denied the purchase of a gun. I think all of us understand how terribly critical that is.

This bill passed unanimously in the other body, the Senate. Unanimously. Not one vote against it. The President has promised he would sign this bill if we could get it to him. He restated that promise on the train as he was coming to the convention. So, I would hope that this body would at least get that bill up there, now that the speaker has said he had no problem with it. He is the last remaining roadblock in getting that forward.

So I hope everybody joins me in sending a letter or speaking to the Speaker and getting it here before we go home. If you know the history of violence in the home, there is a tremendous number of incidents every single year where a weapon brings this to a terrible conclusion.

Furthermore, the taxpayer funds most of the damage done by those weapons because people end up in the emergency wards in America. Very often 80 percent of those costs are funded by the taxpayer. This is one of the real drivers of high health care insurance or high health care costs in this country, the fact that we have not gotten weapons brought down under control.

Mr. Speaker, while the Brady bill was originally terribly controversial, people now, I think, are in total agreement it should not be rolled back. It is proven and has stopped all sorts of people with criminal records from getting a gun. I think every American feels that criminals should not be able to go buy a gun, so that makes sense.

Our biggest problem is many States have not lifted domestic violence convictions to the level of a felony. They consider them a misdemeanor. Other States have allowed people, even though it is considered a felony, to plead guilty to a lesser crime. Therefore, when they do the checks for whether or not you should be able to buy the gun, an awful lot of people who have been convicted of domestic violence problems are able to escape.

Again, when we look at the record, there is absolutely no reason that we should allow this to happen. So I really hope that everybody joins with me and we get that done before going home.

Mr. Speaker, we heard yesterday from both candidates a lot of discussion about crime and what they were going to do. I do not think we are ever going to solve totally the crime in the street and the violence in the society until we crack the culture of violence in the home.

□ 1300

Imagine if you are afraid to be out on the street, if you are afraid to walk down the street; that is terrible, and we have to do everything we can so that Americans do not become prisoners in their home and afraid to go outdoors. But think how much worse it is, Mr. Speaker, if you are also afraid to go home because you get beat up at home, too.

I think that we have been too casual about this for much too long a time. And we have begun to make some real progress with the Violence Against Women Act, with the Brady bill, with the antiassault weapon ban, and now that we have Speaker GINGRICH saying this could go forward, I hope it does, because we need to keep making that kind of progress.

If a child sees every dispute in the home solved with violence, I cannot think of anyone who can put together a good enough conflict resolution course that they can teach in the school a couple hours a week that would change and overpower what the child learned in the home. Examples are so much more powerful.

So here is something we could do before we go home that could make a real difference. It would also save a tremendous amount of money on health care because of the costs that we see every year in our emergency rooms. I am not quite sure what we are doing here. I mean last week we hardly had any votes. September 30 is coming. That means the whole government gets shut down again.

I see us doing all sorts of namby-pamby things. Why do we not do some of these things that apparently we now have agreement?

The other thing I hope that we would be able to do after the Speaker's appearance on television this week is get the report out. He said he did not have problems with that. I would hope that we could get that done before we go home, to have issues that have been floating around this House for 2 years, that is settled, I think needs to be settled before we go home.

PREVENT GOVERNMENT SHUTDOWNS

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

Mr. GEKAS. Mr. Speaker, if you want to see a shutdown of Government occur again, then please ignore what I have to say for the next 5 minutes. I have been struggling for a long time now to convince the Congress that we ought to engage in a proposal which would end the prospect of Government shutdown forever. We can do it very easily.

Each of the proposals that I have offered to the Congress since 1989 has encompassed this concept, Mr. Speaker, that if at the end of the fiscal year, which is now looming upon us again as September 30, the appropriations bills have not been passed, then automatically the next day those appropriations bills that have not been passed shall

automatically be passed, by virtue of instant replay, by adopting last year's numbers. That would mean that never again would we ever have a Government shutdown.

Now, what does this mean in practical terms? It means that the negotiators for the unfinished business of the Congress can continue to work on a full budget or to complete those appropriations bills, but in the meantime we would not have the chaos, unemployment, uncertainty, confusion, embarrassment and all the other negatives that accompany the shutdown of Government.

I believe that President Clinton should have signed the appropriations bills last time around, which would have prevented the Government shutdown, but it did not happen that way. But if you passed my legislation, neither the President nor the Congress would be at sword's end to force a Government shutdown.

Now, what happens if after the fiscal year is over and my bill comes into play and already there is a continuing appropriation, shall we say? That does not prevent even the establishment of a new temporary funding like a continuing resolution by the negotiators. So we have the best of all worlds. Nothing would be stopped by the proposal that I am setting forth here today. Only Government shutdown would be prevented.

I remember and many of us do that in the winter of 1990, in December 1990, as our young people, 500,000 strong, were amassing their strength in Saudi Arabia, poised to do battle to free Kuwait in Desert Shield, as it was then known, we had the embarrassment of the Government of the United States, the patrons of those valiant young people, the Government in back of those valiant youngsters, shut down here in Washington. They were in Saudi Arabia without a country. They technically had no Government back home because the Government had shut down.

That was solved, fortunately, in time for Desert Storm, so we were a country when we effected the assault on Kuwait later on. But is that not a historical note that should bring shame on American citizens and especially on Members of Congress, that Government should shut down in the middle of hostilities?

That is just one example. Add to that the chaos in which Federal employees were put, the impossibility of getting a passport, of having national parks shut down, 100 other ills that have been brought to the floor of the House in anecdote after anecdote by both Republicans and Democrats as they followed the effects of the Government shutdown.

We have now introduced, I am ready to introduce the newest version, the latest version of my bill which we called the Government Shutdown Prevention Act. This one has several cosponsors. It follows the track of all the legislation that I have heretofore introduced. All of them, this one included, would prevent Government shutdown forever. I cannot say it enough. That is so important.

This has the added feature of saying that when the appropriations cycle ends and there is no new appropriations, then it would revert to last year's lowest number or the House-passed version or the Senate-passed version, and then you take only 75 percent of that. So 75 percent of those levels would pass automatically into law, continuing the flow of Government and allowing the appropriators and the negotiators to deal with the continuing appropriations and the balance of the budget.

I urge consideration by every Member of this legislation and invite their cosponsorship. Prevent Government shutdown.

JUNETEENTH

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

Miss COLLINS of Michigan. Mr. Speaker, I rise today to introduce a bill that will recognize the significance of the oldest black celebration in American history, June 19—known affectionately as "Juneteenth." This bill would recognize Juneteenth as the day of celebrating the end of slavery in the United States and as the true day of independence for African-Americans in this country.

Juneteenth is the traditional celebration of the day on which the last slaves in America were freed. Although slavery was officially abolished in 1863, news of freedom did not spread to all slaves for another 2½ years—June 19, 1865. On that day, U.S. General Gordon Granger, along with a regiment of Union Army soldiers, rode into Galveston, TX, and announced that the State's 200,000 slaves were free. Vowing to never forget the date, the former slaves coined a nickname for their cause of celebration—a blend of the words "June" and "nineteenth."

June 19, 1865, has been traditionally associated with the end of slavery in the Southwest. However, because of the importance of the holiday, it did not take long for Juneteenth celebrations to spread beyond the States in the Southwest and into other parts of the country. Today, due in large part to the hard work and dedication of individuals, like Lula Briggs Galloway and Dr. Ronald Meyer of the National Association of Juneteenth lineage, who have fought hard to revive and preserve the Juneteenth celebration, the holiday is celebrated by several million blacks and whites in more than 130 cities across the United States and Canada. In Texas and Oklahoma, Juneteenth is an official State holiday.

As we prepare to revitalize the observance of Juneteenth as the true day of independence for African-Americans, it is important that we acknowledge the historical as well as political significance of the celebration. We must acknowledge, for example, that while the slaves of Texas had cause to celebrate the news of their freedom on June 19, 1865, the truth is that at the time of General Granger's historical pronouncement, the slaves were already legally free. This is because the Emancipation Proclamation had become effective nearly 2½ years earlier—on January 1, 1863.

From a political standpoint, therefore, Juneteenth is significant because it exemplifies how harsh and cruel the consequences can be when a breakdown in communication occurs between the Government and the American people. Yes, Mr. Speaker, the dehumanizing and degrading conditions of slavery were unnecessarily prolonged for hundreds of thousands of black men, women, and children, because our American Government failed to communicate the truth.

As Juneteenth celebrations continue to spread, so does a greater appreciation of African-American history. We must revive and preserve Juneteenth not only as the end of a painful chapter in American history—but also as a reminder of the importance of preserving the lines of communication between the powerful and powerless in our society.

Juneteenth allows us to look back on the past with an increased awareness and heightened respect for the strength of the African-American men, women, and children, who endured unspeakable cruelties in bondage. Out of respect to our ancestors, upon whose blood, sweat, and tears, this great Nation was built, the bill I introduce today acknowledges that African-Americans in this country are not truly free, until the last of us are free.

The bill I introduce today, Mr. Speaker, recognizes June 19, 1865, as a day of celebrating the end of slavery in America and as the true day of independence for African-Americans in this country.

I ask all of my colleagues to cosponsor this bill.

ARTHUR SHERWOOD FLEMMING—ONE OF OUR CENTURY'S GREATEST PUBLIC SERVANTS

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

Mr. HORN. Mr. Speaker, last week one of America's great citizens passed

away at the age of 91, Arthur S. Flemming. He grew up in upstate New York where his father was a lawyer, an active Republican, and an active Methodist. But instead of pursuing the family tradition in the law after he graduated from Ohio Wesleyan, Arthur came to Washington during the Coolidge administration. He joined David Lawrence on what later became the weekly U.S. News and World Report. His assignment was to cover the Supreme Court of the United States.

During the 1930's he became more and more interested in the evolution of public administration as an academic discipline. He became the founding dean of the School of Public Affairs at the American University in Washington. President Franklin D. Roosevelt tapped him to fill the Republican slot on the U.S. Civil Service Commission. For almost a decade his Democratic colleagues yielded to him to run the Commission. So he was in charge of the policies to build a larger civilian work force as the Second World War came and went.

Following the war, President Truman utilized Flemming's skills as assistant director of defense mobilization. After President Eisenhower was elected in 1952, Flemming was made director. He sat with Eisenhower in the White House as the President listened to the Vice President, the Secretary of State, the Chief of Naval Operations, and others all try to urge him to go to the aid of the French troops who were surrounded at Dien Bien Phu in Vietnam. The President listened very carefully and after several hours of discussion said, we will not go to the aid of the French; and the President was right, America should not have been involved in the conflict in Vietnam and except for a few hundred advisers who could not be in the battles, our Nation never was during the Eisenhower administration.

In 1958, the President made Arthur Flemming the Secretary of Health, Education, and Welfare. During the Kennedy and Johnson administrations, Flemming served on the National Advisory Commission of the Peace Corps. Being a dedicated teacher, educator at heart, Flemming spent most of the 1960's as president of the University of Oregon and, later, Macalester College in St. Paul. In the late 1940's, he had been a university president during the Truman administration. He was mostly in Washington as assistant director of the Office of Defense Mobilization. But on weekends, he would take the train to his alma mater, Ohio Wesleyan, and provide leadership by holding faculty meetings on Saturdays. Arthur was probably the only college president in America who could get away with that.

His energy and determination were endless. His oratory could move an audience to action.

□ 1315

Whether he was the chairman of the National Council of Churches or heading Senator Jacob K. Javits' Task Force on Health Care, which worked on bills that were the precursor of Medicare in the middle sixties, Flemming always had the public interest at heart.

With the coming of the Nixon administration, in 1969, he became the head of the White House Conference on Aging and the Administrator of the Aging Program, in the Department of Health, Education, and Welfare where a decade before he had served as Secretary. Flemming was one of only two Cabinet officers who went back to the Department in which they had served as a Cabinet member. Public service was his calling. Flemming's commitment to public administration was all encompassing. He was one of the founding and most esteemed members of the National Academy of Public Administration. In the late 1940's and early 1950's, he had served on the two Hoover commissions on organization of the executive branch of the Government. President Truman had brought former President Hoover out of retirement.

In the mid-1970's, President Nixon asked Arthur Flemming to serve as Chairman of the U.S. Commission on Civil Rights.

Mr. Speaker, served as vice chairman with him for most of his tenure there. Arthur always saw the positive side and the good in people. He was constantly in motion. Whatever "hat" he was wearing at the time meant flying to make a speech to help bring people together. He would have written the speech himself and composed it on his faithful typewriter. His skills as a journalist never left him.

Mr. Speaker, Dr. Arthur S. Flemming was one of the great public servants of this century. He cared. He was dedicated. He was the epitome of distinguished public service and proof that one citizen who cares can, indeed, make a difference.

Mr. Speaker, I enclose the Flemming obituary which appeared in The Washington Post on September 9, 1996.

[From the Washington Post, Sept. 9, 1996]

ARTHUR FLEMMING DIES; KEY ADVISER TO PRESIDENTS FROM FDR TO REAGAN

(By Martin Weil)

Arthur S. Flemming, 91, a former Health, Education and Welfare secretary who championed the aged and ill during a decades-long and much-admired public service career under presidents from Roosevelt to Reagan, died Sept. 7, in Alexandria.

Described as a role model to generations of government officials and social activists, Mr. Flemming also was known for his commitment to education and to civil rights. He was president of three colleges and was chairman of the U.S. Civil Rights Commission from 1972 to 1981.

In government, he was a chairman of the old Civil Service Commission and one of the major figures in the mobilization of the government civilian work force during World War II. A man to whom religion was important, he was an active Methodist layman and had headed the National Council of Churches of Christ in America.

As depicted by those who knew and worked with him both in public life and in his many private roles, Mr. Flemming possessed a rare and perhaps unequaled combination of bureaucratic competence, compassion for the needy and ability to inspire that endured from the New Deal into the '90s.

He "was one of the great intellects of social policy, combining extraordinary knowledge with a rare gift for policy-making," said Donna E. Shalala, Secretary of Health and Human Services, a successor department of HEW. "He never stopped fighting for the elderly and the poor."

Mr. Flemming's tenure as HEW secretary ran from 1958 to 1961. He served under President Dwight D. Eisenhower, a Republican, and was himself a Republican. But Mr. Flemming "transcended party, generation and race in search of consensus on some of the great issues of our day," President Clinton said in a statement.

Mr. Flemming had lived for the last four years at Washington House, a retirement home in Alexandria, but his son Thomas said he traveled each day to work in the District, where he was active in such groups as Save Our Security, a Social Security advocacy group.

According to John Rother, legislative director of the American Association of Retired Persons, the speech Mr. Flemming gave just last year to the White House Conference on Aging was considered the "highlight of the conference."

Thomas Flemming said his father's health had deteriorated since a fall in his downtown office building about a month ago. Mr. Flemming's death in the clinic of Washington House was attributed to acute renal failure, his son said.

Mr. Flemming was born June 12, 1905, in Kingston, N.Y., the son of Harry Hardwicke Flemming, a lawyer who was an active Methodist layman. Mr. Flemming worked for a year after high school graduation as a newspaper reporter and then entered Ohio Wesleyan University, where he was a member of the Republican Club.

After graduation, he came to Washington. He received a master's degree in political science from American University, where he also taught government and served as debate coach. In the early 1930s, Mr. Flemming, known for his ability to juggle a vast array of activities, received a law degree from George Washington University; covered the Supreme Court as a reporter for the old United States Daily, which later became U.S. News & World Report; and directed American University's School of Public Affairs. He also edited a current affairs newspaper for high school students.

In 1939, President Franklin D. Roosevelt tapped him for what became a nine-year stint as a member of the Civil Service Commission. He held key government personnel posts during World War II and was a member of the Hoover commissions, which studied the organization of the federal executive branch, from 1947 to 1949 and again from 1953 to 1955.

From 1948 to 1953 and 1957 to 1958, he served as president of Ohio Wesleyan. For part of his tenure, he worked in Washington at federal posts during the week, returning to Ohio and his collegiate duties on weekends.

Throughout the Eisenhower administration, he was a member of the President's Advisory Committee on Government Organization, serving as its chairman from 1958 to

1961. During the Kennedy and Johnson administrations, he was a member of the Peace Corps National Advisory Commission.

He also was president of the University of Oregon from 1961 to 1968 and president of Macalester College in St. Paul, Minn., from 1968 to 1971. He was chairman of the White House Conference on Aging in 1971 and was appointed U.S. commissioner on aging during the Nixon administration.

In trying to characterize his career, Mr. Flemming, according to his son, often adopted words first used by Roosevelt. Mr. Flemming would frequently say that he was trying "to help people deal with the hazards and vicissitudes of life."

One of the ways in which he tried to do that, according to Robert J. Myers, former chief actuary of the Social Security system, was in trying to preserve and strengthen Social Security.

"He was always very much interested in doing this and doing it soundly," Myers said.

Mr. Flemming received the Presidential Medal of Freedom two years ago from President Clinton.

In addition to his son Thomas, of Alexandria, survivors include his wife, Bernice, of Washington; two other sons, Arthur H., of South Pasadena, Calif., and Harry, of Alexandria; a daughter, Elizabeth Speece of Delaware, Ohio; a sister, Elizabeth Sherbondy of Pittsburgh; 12 grandchildren; and 12 great-grandchildren. A daughter, Susan Parker died in 1993.

WHY WE HAVE COCAINE IN SOUTH CENTRAL LOS ANGELES

The SPEAKER pro tempore (Mr. HANCOCK). Under the Speaker's announced policy of May 12, 1995, the gentlewoman from California [Ms. WATERS] is recognized during morning business for 5 minutes.

Ms. WATERS. Mr. Speaker, I come today to try and create a real discussion about drugs. In this election year, we have begun to hear a discussion, a discussion of blame. Obviously President Dole has decided he is going to make drugs an issue, and we kind of hear them talking about who funded what and who did not fund what.

While this discussion is going on, there is a startling revelation about something that took place in America that will outrage the average citizen. The San Jose Mercury News published a series of articles starting August 18, 19, and 20. These articles were done by an award-winning journalist named Gary Webb. After over a year of investigation, what did he find out? I think it is all reported, maybe in the first paragraph of the article that you see displayed here.

It says,

For the better part of a decade a Bay Area drug ring sold tons of cocaine to the Cripps and Blood street gangs of Los Angeles and funneled millions of drug profits to a Latin American guerrilla army run by the U.S. Central Intelligence Agency, a Mercury News investigation has found.

Now Gary Webb is indeed an award-winning journalist who developed these articles, and they are extraordinary because it describes starting back as far as 1979 how CIA operatives came into south central Los Angeles, part of the district that I represent, connected with a young man named Ricky "Freeway" Ross. One of the operatives was Mr. Danilo Blandon, the other was a Mr. Meneses. They connected with this man in south central Los Angeles, supplied him with tons of cocaine which was cooked into rock cocaine, spread out among street gangs and others who began to sell this drug at a very cheap price.

Before they came into south central Los Angeles, cocaine was not known there. Cocaine was the drug of kind of the elite, the rich, and the famous. It could not be afforded in poor neighborhoods. But when they learned to cook it up and put it into rock cocaine, they could sell it for very small amounts of money.

But not only did they bring the drugs in, they brought the guns along with them.

I went a week ago to the San Diego Federal Detention Center, the metropolitan center in San Diego, and met with Mr. Ricky Ross to find out whether or not he could confirm what is displayed in the series of articles. Not only did he take me back to 1979, when he was 19 years old and started selling these drugs, he said:

"Ms. WATERS, they brought the guns in. I didn't know what an uzi was. They brought us so many weapons, we had a huge arsenal," and he went on to verify that they even brought in a grenade launcher.

But of course they were putting drugs out on the street on consignment, which simply means you can pass them around, people do not have to have money to become drug dealers, you pass them around, but they better bring the profits back, and the guns were there to ensure.

Back in the 1980's we saw this terrific activity. Something was happening in south central Los Angeles. We began to see the drug addiction, the crime, the gang warfares, the violence. None of us in our wildest imagination would have thought that our own Government may have been involved. To have this revealed to us helps us to understand the devastation, not only in Los Angeles, but all across America as the gangs spread out, as the drug dealers spread out to sell crack cocaine.

As a result of this we have crack addicted babies, we have women walking the streets of America cracked out, we have homelessness. Much of the homelessness, whether it is in New York, St. Louis, Philadelphia, Los Angeles, are crack addicts. The cost of health care in our emergency rooms has gone up.

Mr. Speaker, this is just a beginning. I am going to talk about it every day. We are going to get to the bottom of it. We are calling for investigations. We are going to find out who is behind all of this. We are going to do something about it.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the House stands in recess until 2 p.m.

Accordingly (at 1 o'clock and 23 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker (Mr. MILLER of Florida) at 2 p.m.

PRAYER

The Reverend Robert McConnell, Presbytery of Lake Michigan, Brighton, MI, offered the following prayer:

In this Nation of gifted and talented people, we are particularly thankful for the men and women who honor this House with the courage of their convictions, the spirit of their debate, the toughness of their minds, and the will to succeed in the name of their country.

As pressures mount in the next few weeks, we ask Thee, O Lord, to pay special attention to these our public servants. Give them that serenity of mind and spirit that seldom knows defeat. Inspire them to travel the high road of hope so that, by their example, we can sense, too, the higher calling of service to others. And grant them wisdom that will reflect on the greatness of our country—this land of unlimited horizons for all.

Now hear the calls, Lord, for an even better America, an America that knows no limits to the values of opportunity, justice, and liberty. Let our leadership help fashion us into an even stronger union of spirit and mind with respect for one another's differences. And may bridges be built to heal divisions among us as we do our best to follow the prophet's words "* * * to do justice, to love kindness, and to walk humbly with Thee."

And so, great God, continue to give the Members of this House the grace to stand up for what is noble and just and the hope to see fresh, new visions for this land of freedom.

This is our hope. This is our prayer. We ask this in Thy name. Amen.

THE JOURNAL

The SPEAKER pro tempore (Mr. MILLER of Florida). 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 California [Mr. DOOLITTLE] come forward and lead the House in the Pledge of Allegiance.

Mr. DOOLITTLE led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3259. An act to authorize appropriations for fiscal year 1997 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 3259) "An Act to authorize appropriations for fiscal year 1997 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SPECTER, Mr. LUGAR, Mr. SHELBY, Mr. DEWINE, Mr. KYL, Mr. INHOFE, Mrs. HUTCHISON, Mr. COHEN, Mr. BROWN, Mr. KERREY, Mr. GLENN, Mr. BRYAN, Mr. GRAHAM, Mr. KERRY, Mr. BAUCUS, Mr. JOHNSTON, and Mr. ROBB; and from the Committee on Armed Services, Mr. THURMOND, and Mr. NUNN, to be the conferees on the part of the Senate.

PRIVATE CALENDAR

The SPEAKER pro tempore. This is private calendar day. The Clerk will call the bill on the Private Calendar.

JOHN WESLEY DAVIS

The Clerk called the bill (H.R. 1886) for the relief of John Wesley Davis.

There being no objection, the Clerk read the bill as follows:

H.R. 1886

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

SECTION 1. WAIVER OF TIME LIMITATIONS.

The time limitations set forth in section 3702(b) of title 31, United States code, shall not apply with respect to a claim by John Wesley Davis, of Forestville, Maryland, for the amounts due to him by the—

(1) Department of Veterans Affairs in the amount of $6,296.00;

(2) Department of the Navy in the amount of $42,123.84;

(3) Department of the Treasury in the amount of $12,508.20; and

(4) District of Columbia in the amount of $174.97 for local tax refund.

The amounts due are represented by checks that were received but not negotiated by John Wesley Davis.

SEC. 2. DEADLINE

Section 1 shall apply only if John Wesley Davis or his authorized representative submits a claim pursuant to such subsection before the expiration of the 6-month period beginning on the date of the enactment of this Act.

With the following committee amendment in the nature of a substitute:

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

SECTION 1. WAIVER OF TIME LIMITATIONS.

The time limitations set forth in section 3702(b) of title 31, United States Code, shall not apply with respect to a claim by John Wesley Davis, of Forestville, Maryland, for the amounts due to him by the—

(1) Department of the Navy in the amount of $42,123.84; and

(2) Department of the Treasury in the amount of $12,508.20.

The amounts due are represented by checks that were received but not negotiated by John Wesley Davis.

SEC. 2. DEADLINE.

Section 1 shall apply only if John Wesley Davis or his authorized representative submits a claim pursuant to such subsection before the expiration of the 6-month period beginning on the date of the enactment of this Act.

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

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER pro tempore. This concludes the call of the Private Calendar.

WELCOME TO REV. CAM McCONNELL

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

Mr. CHRYSLER. Mr. Speaker, it is with great pleasure today that I welcome the Reverend Cam McConnell, a fourth-generation Presbyterian minister, to the House of Representatives and to thank him for leading this great body in prayer this afternoon.

I have known Reverend McConnell for over a decade as my pastor and as my best friend, and it is with great pride that I join him here on the floor today.

Reverend McConnell has meant a great deal to myself, my family, and hundreds more in the mid-Michigan community, serving as senior pastor for the First Presbyterian Church of Brighton, MI.

His guidance and support throughout the years has been invaluable not only to me, but also to the community for which he and his family have served so faithfully and freely.

His optimism, dedication, and encouragement are matched only by his unwavering devotion to God and his people.

His humble words of faith and wisdom have warmed the hearts of so many in our community. And it is with great respect and admiration that I thank him for his words and presence here today.

DOLE CAMPAIGN'S ACT OF POLITICAL DESPERATION: THE SENATOR WHO WAS FOOLED IN BAGHDAD CRITICIZES THE PRESIDENT WHO BOMBED IT

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

Mr. BERMAN. Mr. Speaker, before a campaign led by Senator Bob Dole lashes out at President Clinton's policy on Iraq, humility should compel him to admit how deeply he misread Saddam Hussein before Desert Storm.

When we were trying to pass sanctions on Iraq that would have stopped Iraqi imports of Kansas wheat, Dole tried to derail those sanctions.

It was Dole who assured his colleagues that Saddam Hussein has chemical weapons but "does not intend to use them" although the entire world knew he had already used nerve gas against the Kurds

Dole who said on TV shortly after the Iraqi invasion "We're a foreign power. We don't belong in that part of the world * * * It ought to be settled by Arabs."

Dole who said in October 1990 "we are in the Midwest for three letters, oil, O-I-L."

President Bush responded that day, charging, "You know, some people never get the word. The fight isn't about oil. The fight is about naked aggression that will not stand."

In fact, conservative columnist William Safire called Dole's attitude cynical and labeled him "a prime appeaser of Saddam Hussein."

The Senator who was fooled in Baghdad is on weak ground criticizing the President who bombed it.

FLOATING HOLIDAYS

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

Mr. METCALF. Mr. Speaker, our Nation's holidays were established by the people of the United States to honor, to celebrate, to remember, and reflect on major events in American history and culture. The celebration of Veterans Day, Thanksgiving, Memorial Day, and Independence Day is critical to our heritage, and truly brings Americans together.

Recently, however, a constituent of mine who works for a large corporation, has informed me that his employer is trying to make Independence

Day a floating holiday through union negotiations. They have already eliminated Veterans Day as a designated holiday.

This trend is very disturbing. The Fourth of July celebrates the very founding of our Nation.

A proper respect for our heritage and our history demands that we firmly resist allowing our historic celebrations to degenerate into nothing more than 3-day weekends or an excuse for stores to have special sales.

RAIL VOLUTION

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

Mr. BLUMENAUER. Mr. Speaker, last week Washington, DC, was host to an annual conference, Rail Volution, where over 700 people from 8 countries, 41 States, and 118 cities gathered. As impressive as those numbers were, what was more impressive was the purpose of that gathering, working together, learning how to build livable communities using principles of sustainable development.

We are talking about light rail, intercity rail, managing the auto and transportation infrastructure, mixed use development. At a time when we are concerned about making our communities livable while dealing with the deficit, the Rail Volution message was a breath of fresh air: spending wiser, not raising taxes, making change, solving problems rather than creating them, and viewing citizen input as a valuable tool not citizens as an enemy.

This is an important message for us in Congress to hear and to act upon.

INCREASED DRUG USE IS INTOLERABLE

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

Mr. BURTON of Indiana. Mr. Speaker, Bill Clinton said on June 16, 1992, when asked about inhaling marijuana: Sure, I would inhale marijuana if I could, I tried before.

After the took office, Bill Clinton effectively abandoned the war on drugs. He slashed the White House Office of Drug Control Policy by 80 percent. He cut the number of drug enforcement agents and cut training for them. His National Security Council dropped the war on drugs from third to dead last among their priorities. His Surgeon General even suggested legalizing drugs.

What has been the result of all this? Overall drug use among kids 12 to 17 years old has gone up 78 percent. Marijuana use among the same group has gone up 105 percent, and LSD use has gone up 183 percent.

Mr. Speaker, this is intolerable. The American people need to know these facts. I hope they remember them in November.

LUXURY SUITES IN HOSPITALS FOR THE RICH

(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, while hospitals across America are cutting services for mom and dad, the same hospitals are building luxury suites for the fat cats that make the Ritz Carlton look like Motel 6. A VIP can now get monogrammed bathrobes, satin sheets, antique furniture, a wet bar. And if that is not enough to inflame our hemorrhoids, VIP's can enjoy a spot of tea served by a waiter in a tuxedo carrying around silver trays of strawberries and truffles. Unbelievable.

While VIP's get gourmet food, mom and dad get line itemed, line itemed for toilet paper and aspirin. Beam me up.

Mr. Speaker, the truth is the CEO's of these HMO's keep lining their pockets with cash. I say they should be handcuffed to a chain link fence and flogged. Then sent to jail. Think about it. I yield back the balance of those line itemed toilet paper bills.

DRUG USE AND LOST OPPORTUNITY

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

Mr. DOOLITTLE. Mr. Speaker, marijuana use for teenagers is up, but interdiction is down. Teenage cocaine use is up, but enforcement is down. LSD and heroin use for teenagers are way up, but prison time for drug dealers is down.

Mr. Speaker, obviously what should be down is up, and what should be up is down. The Clinton administration has its priorities backward. Instead of cutting back on interdiction efforts, we should be stopping the flow of drugs at our borders. Instead of slapping the hands of drug dealers, we should be putting them in prison.

The Clinton administration's cuts in America's antidrug efforts have had their effect: Teenage drug use has exploded, and most schools unfortunately are not drug-free.

Mr. Speaker, we are losing the war on drugs because we have an administration unwilling to provide the leadership needed to stop our children from turning to a life of drugs and lost opportunity.

THE NATION'S POLICE ARE FIRMLY IN THE PRESIDENT'S CORNER

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

Mr. RICHARDSON. Mr. Speaker, yesterday President Clinton received the endorsement of the Fraternal Order of Police, an organization that represents the sizable majority of our country's policy officers.

President Clinton is the first Democrat running for President or being President endorsed by this organization. The endorsement came because of the President's strong anticrime, antidrug policies and initiatives for his tough sentencing policies, for community policing, 100,000 cops on the street.

Mr. Speaker, I am proud to say that the president of the FOP is Gil Gallegos of Albuquerque, NM. So, Mr. Speaker, despite all this lofty rhetoric that the President is soft on crime, I am proud to say that the Nation's police officers are firmly in the President's corner.

SALUTE TO MISS AMERICA

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

Mrs. MEYERS of Kansas. Mr. Speaker, this past Saturday evening in Atlantic City a constituent of mine, Miss Kansas, Tara Dawn Holland, was crowned Miss America 1996. Miss America lives in Overland Park, KA.

While I realize we must share Tara Dawn Holland's triumph with the State of Florida where she received her bachelors degree, and with the State of Missouri where she is working toward a masters degree at the University of Missouri at Kansas City, Kansans are proud of her achievement just the same.

Tara Dawn hopes to teach music in a middle school, and as Miss America wants to lead a national campaign against illiteracy.

Because Miss America is such a positive role model for many young Americans, Tara Dawn's willingness to be involved in the fight against illiteracy represents an opportunity to take another step forward in educating children to read.

Congratulations to Tara Dawn Holland.

□ 1415

RELEASE THE GINGRICH ETHICS REPORT

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

Mr. LEWIS of Georgia. Mr. Speaker, I rise today to once again add my voice to the growing chorus of Members of this House, editorial board writers, public interest groups, and American citizens calling for the release of the ethics report on Speaker GINGRICH.

POINT OF ORDER

Mr. LINDER. Mr. Speaker, I have a point of order.

The SPEAKER pro tempore (Mr. MILLER of Florida). The gentleman from Georgia [Mr. Lewis] will suspend.

The gentleman from Georgia [Mr. LINDER] will state his point of order.

Mr. LINDER. Mr. Speaker, is it within the rules of the House to refer to matters before the Committee on Standards of Official Conduct on the floor of the House?

The SPEAKER pro tempore. That is not in order and the gentleman must proceed in order.

Mr. LINDER. Mr. Speaker, further point of order. Is the gentleman in the well speaking out of order?

The SPEAKER pro tempore. The Chair rules the gentleman is out of order.

Mr. LINDER. Mr. Speaker, if the gentleman continues, will the Chair rule that he sit down?

The SPEAKER pro tempore. The Chair will take that under advisement.

The gentleman from Georgia [Mr. LEWIS] may proceed in order.

Mr. LEWIS of Georgia. Mr. Speaker, the American public has paid $500,000 for this report and deserves the right to know what is in it.

This weekend the Speaker himself said: "I am totally in favor of releasing the report. The Speaker of the House is second in line to be President, is a very powerful position and the country deserves to know."

Mr. Speaker, the country does deserve the right to know, and they deserve to know right now. Stop the stonewalling, stop the delay, stop the stalling. Release the outside counsel's report now and let the public draw their own conclusion. Anything less——

POINT OF ORDER

Mr. LINDER. Mr. Speaker, I have a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. LINDER. Mr. Speaker, the gentleman is ignoring the rule of the Chair and he is referring to matters before the Committee on Standards of Official Conduct, and it strikes me that it is the appropriate time to have him sit down.

The SPEAKER pro tempore. The Chair sustains the point of order. The gentleman's time has expired.

WHERE ARE THE FUNDS COMING FROM TO PAY FOR TAX CUTS?

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

Mr. GENE GREEN of Texas. Mr. Speaker, we heard earlier last week and over the weekend that this year's campaign is about trust. I am concerned about what may happen to some of our programs, that if we go forward with what Senator Dole wants, proposed tax cuts of $548 billion, that could lead to higher deficits and also increased interest rates.

Mr. Speaker, I think we only need to look at recent history to show the concern that last year, in which there was only $245 billion in tax cuts, Medicare was on the chopping block. Senator Dole has promised the American people he will not cut Medicare, Social Security, or veterans benefits to pay for the cuts, but we just do not know where the money is coming from. Where is it? Are we going to cut Border Patrol or education funding even more? Senator Dole's cut, according to the article in this week's Time Magazine, the Border Patrol, FBI, and drug enforcement programs may be faced with cuts as deep as 40 percent.

Yesterday, Senator Dole said he will get tough on drug enforcement and crime. I do not know if this is any trust. We need to know where these tax cuts are coming from to be paid for. Are they really going to come out of drug enforcement?

WHERE IS "IT" OF WHICH WE CANNOT SPEAK?

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

Mrs. SCHROEDER. Mr. Speaker, apparently under the ruling of the Chair, there is not a lot we can say here except there is a committee that we cannot talk about that has an "it" that we cannot name. But that "it" cost a half a million dollars and we cannot see it.

This morning's Washington Post has a clarification of what the Speaker said about the "it" in it. And I hope that everybody reads it, because while the Speaker said one thing on NBC, this morning's Washington Post clarifies that and sets out the different complaints that have been filed and what has happened to them.

I think it is very sad we cannot talk about "it" on the floor. Especially since the taxpayers paid for "it." And if I were a taxpayer, I think I would be angry and wondering what in the world is going on when the House Floor has been gagged from talking about the most important thing we could have in front of us.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

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

NORTH PLATTE NATIONAL WILDLIFE REFUGE

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 2679) to revise the boundary of the North Platte National Wildlife Refuge.

The Clerk read as follows:

Senate amendments: Strike out all after the enacting clause and insert:

TITLE I—NORTH PLATTE NATIONAL WILDLIFE REFUGE

SEC. 101. REVISION OF BOUNDARY OF NORTH PLATTE NATIONAL WILDLIFE REFUGE.

(a) TERMINATION OF JURISDICTION.—The secondary jurisdiction of the United States Fish and Wildlife Service over approximately 2,470 acres of land at the North Platte National Wildlife Refuge in the State of Nebraska, as depicted on a map entitled "Relinquishment of North Platte National Wildlife Refuge Secondary Jurisdiction", dated August 1995, and available for inspection at appropriate offices of the United States Fish and Wildlife Service, is terminated.

(b) REVOCATION OF EXECUTIVE ORDER.—Executive Order Number 2446, dated August 21, 1916, is revoked with respect to the land described in subsection (a).

TITLE II—PETTAQUAMSCUTT COVE NATIONAL WILDLIFE REFUGE

SEC. 201. EXPANSION OF PETTAQUAMSCUTT COVE NATIONAL WILDLIFE REFUGE.

Section 204 of Public Law 100-610 (16 U.S.C. 668dd note) is amended by adding at the end the following:

"(e) EXPANSION OF REFUGE.—

"(1) ACQUISITION.—The Secretary may acquire for addition to the refuge the area in Rhode Island known as 'Foddering Farm Acres', consisting of approximately 100 acres, adjacent to Long Cove and bordering on Foddering Farm Road to the south and Point Judith Road to the east, as depicted on a map entitled 'Pettaquamscutt Cove NWR Expansion Area', dated May 13, 1996, and available for inspection in appropriate offices of the United States Fish and Wildlife Service.

"(2) BOUNDARY REVISION.—The boundaries of the refuge are revised to include the area described in paragraph (1).

"(f) FUTURE EXPANSION.—

"(1) IN GENERAL.—The Secretary may acquire for addition to the refuge such lands, waters, and interests in land and water as the Secretary considers appropriate and shall adjust the boundaries of the refuge accordingly.

"(2) APPLICABLE LAWS.—Any acquisition described in paragraph (1) shall be carried out in accordance with all applicable laws.".

SEC. 202. AUTHORIZATION OF APPROPRIATIONS.

Section 206(a) of Public Law 100-610 (16 U.S.C. 668dd note) is amended by striking "designated in section 4(a)(1)" and inserting "designated or identified under section 204".

SEC. 203. TECHNICAL AMENDMENTS.

Public Law 100-610 (16 U.S.C. 668dd note) is amended—

(1) in section 201(a)—

(A) by striking "and the associated" and inserting "including the associated"; and

(B) by striking "and dividing" and inserting "dividing";

(2) in section 203, by striking "of this Act" and inserting "of this title";

(3) in section 204—

(A) in subsection (a)(1), by striking "of this Act" and inserting "of this title"; and

(B) in subsection (b), by striking "purpose of this Act" and inserting "purposes of this title";

(4) in the second sentence of section 205, by striking "of this Act" and inserting "of this title"; and

(5) in section 207, by striking "Act" and inserting "title".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. SAXTON] and the gentleman from New Mexico [Mr. RICHARDSON] each will control 20 minutes.

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

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on April 23 of this year, the House overwhelmingly adopted H.R. 2679, a bill introduced by our colleague from Nebraska, BILL BARRETT, to remove certain lands from the North Platte National Wildlife Refuge.

The other body has now acted on this legislation and while they made no changes in the North Platte provision, they did add a new title to the bill dealing with the Pettaquamscutt Cove National Wildlife Refuge in Rhode Island.

This refuge was established in 1988 to protect valuable coastal wetlands that provide essential habitat to a diverse group of species of waterfowl, shore and wading birds, small mammals, reptiles, and amphibians. In fact, it is my understanding that this cove is the most important habitat in Rhode Island for the black duck population under the North American waterfowl management plan.

While the boundaries of the refuge now encompass about 460 acres of salt marsh and forest habitat, title II of H.R. 2679 will authorize the Secretary of the Interior to acquire a 100-acre parcel of land known as Foddering Farm Acres. This property is privately owned and there are certain commercial interests that desire to develop these lands.

Fortunately, the people who own this property, the Rotelle family, have indicated their willingness to donate a portion of the value of the property to the U.S. Fish and Wildlife Service.

Mr. Speaker, I have been advised by the author of this measure, the distinguished chairman of the Senate Environment and Public Works Committee, that there is some urgency in moving this legislation forward.

I am pleased to present this bill to the House and strongly believe that these modifications in two refuge units in Nebraska and Rhode Island will greatly enhance the fundamental goal of our National Wildlife Refuge System.

I urge an "aye" vote on H.R. 2679 and compliment BILL BARRETT and Senator JOHN CHAFEE for their outstanding leadership in this matter.

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

Mr. RICHARDSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this noncontroversial bill. We are concurring in the Senate amendment and sending this bill to the President for his signature. The bill transfers land from the Fish and Wildlife Service to the Bureau of Land Management in Nebraska so that it can continue to be used for public recreation. The Senate added a provision, which I support, to authorize the expansion of a wildlife refuge in Rhode Island. This bill is sound management of our public lands, promotes wildlife conservation, and is supported by the administration. I urge my colleagues to support the bill.

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

Mr. SAXTON. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Nebraska [Mr. BARRETT], the author of this bill.

Mr. BARRETT of Nebraska. Mr. Speaker, I thank the distinguished gentleman from New Jersey [Mr. SAXTON] the subcommittee chairman, for yielding.

Mr. Speaker, I do rise in support of H.R. 2679. As all of my colleagues know, we are less than 2 months away from an election and, unfortunately, many people are not going to vote in November because they believe that their vote does not count; perhaps their voice cannot or will not be heard.

Those cynics who believe that one or two people cannot make a difference need to hear a little story and the many others that occur like it all the time in this country.

Let me share with you, Mr. Speaker, about a couple out in my district, Mr. and Mrs. Ehrhart, Barbara and Ed Ehrhart. They are residents of Lake Minatare, NE. That is the small lake outside of Scotts Bluff, which is a community in the panhandle of my district. Lake Minatare, which is part of the North Platte Wildlife Refuge, is a part of the particular bill in question and it is the residence of the Ehrharts.

Mr. Speaker, you may remember a few years ago when the U.S. Fish and Wildlife Service was sued for allowing wildlife refuges to be administered without being in compliance with existing environmental regulations. The Fish and Wildlife Service decided that the best way at that time to bring Lake Minatare into compliance was to turn the lake into a nonresidential and nonrecreational area. This would have forced about 60 families out of their homes and closed the only major recreational facility in the area. The next closest major recreational lake was 100 miles away.

The Ehrharts, Mr. and Mrs. Ehrhart, decided that this so-called solution was unacceptable. They had made their home on this lake for 13 years and they were avid recreationists. They believed that the lake did not benefit the bird migrations. They thought that the refuge was built for irrigation, and a later impact statement did confirm that belief.

Barb and Ed Ehrhart met with local residents in the area. I met with them in their lake home one afternoon. They got excited and went to the community business interests and so forth and took their case to a little higher level. Thus began a letter writing campaign that conjured up about 5,000 individual letter into my office.

At the urging of the Ehrharts and the whole Scotts Bluff community, the agencies charged with administering the lake undertook an environmental assessment to determine the wildlife value of Lake Minatare. It was determined that the lake was not an effective refuge and that the boundaries should be altered to reflect the needs of that community.

So, Mr. Speaker, I introduced H.R. 2679 to reflect those recommendations. I would like to thank Mr. and Mrs. Ehrhart and the community for the interest that they have shown in the future of this particular area. And I am very pleased to have been a part of the process. I would like to believe that Scotts Bluff County has learned a valuable lesson in how to work together and to manage the resources for the future.

Certainly, Mr. Speaker, I again thank Barb and Ed Ehrhart and the many, many people out across the country just like them; I thank my colleagues, of course, for their support of H.R. 2679; and again I thank the subcommittee chairman for yielding.

Mr. SAXTON. Mr. Speaker, before yielding back, let me yield myself such time as I may consume to thank the gentleman from New Mexico [Mr. RICHARDSON], my friend and the ranking member of the committee, for the great cooperation that he has shown on this bill, as well as many other bills that we have done together. I have a report here which I just looked at which indicates that already our subcommittee has had 13 bills signed into law in this session. Without the cooperation of the gentleman, and the other members of the minority, that would not have happened.

I would also like to point out, Mr. Speaker, the gentleman from Nebraska [Mr. BARRETT] has worked so hard and has been so diligent on this bill in overcoming hurdle after hurdle in the subcommittee and committee process. We were going to vote on this bill I think a week or two ago, and something came up and the gentleman was right back at it bringing to our attention the urgent nature of getting this done. So I commend the gentleman from Nebraska [Mr. BARRETT] for his very hard work.

Mr. REED. Mr. Speaker, I am pleased that the House of Representatives is considering H.R. 2679, as amended by the Senate. By clearing this measure for President Clinton's signature, Congress is taking an important step toward protecting the environmental treasures of Rhode Island.

H.R. 2679 expands the Pettaquamscutt Cove National Wildlife Refuge to include the vulnerable coastal wetlands that have been identified as vital habitat for a range of species. For example, our State's declining black duck population relies heavily on these areas.

H.R. 2679 also illustrates the great potential of cooperation between government and private citizens. Among the lands that this bill adds to the refuge are 100 acres known as Foddering Farms. The owners of this property are interested in donating a portion of its value to the U.S. Fish and Wildlife Service, helping Congress to advance critical environmental interests at a reasonable cost.

In addition, H.R. 2679 allows the Fish and Wildlife Service to expand the refuge as other important habitats become available. I urge my colleagues to support this important bill and send it to President Clinton, who is committed to preserving our environment.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. SAXTON] that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 2679.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill just passed.

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

There was no objection.

NATIONAL PARK SERVICE ADMINISTRATIVE REFORM ACT OF 1996

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2941) to improve the quantity and quality of the quarters of land management agency field employees, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2941

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

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Park Service Administrative Reform Act of 1996".

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

Sec. 1. Short title and table of contents.
Sec. 2. National Park Service Housing Improvement Act.
Sec. 3. Minor boundary revision authority.
Sec. 4. Authorization for certain park facilities to be located outside of units of the National Park System.
Sec. 5. Elimination of unnecessary congressional reporting requirements.
Sec. 6. Senate confirmation of the Director of the National Park Service.
Sec. 7. National Park System Advisory Board authorization.
Sec. 8. Challenge cost-share agreement authority.
Sec. 9. Cost recovery for damage to national park resources.

SEC. 2. NATIONAL PARK SERVICE HOUSING IMPROVEMENT ACT.

(a) PURPOSES.—The purposes of this section are—

(1) to develop where necessary an adequate supply of quality housing units for field employees of the National Park Service within a reasonable time frame;

(2) to expand the alternatives available for construction and repair of essential government housing;

(3) to rely on the private sector to finance or supply housing in carrying out this section, to the maximum extent possible, in order to reduce the need for Federal appropriations;

(4) to provide increased opportunities for the ownership of housing by field employees, together with the equity and tax benefits associated with home ownership;

(5) to ensure that adequate funds are available to provide for long-term maintenance needs of field employee housing; and

(6) to eliminate unnecessary government housing and locate such housing as is required in a manner such that primary resource values are not impaired.

(b) GENERAL AUTHORITY.—To enhance the ability of the Secretary of the Interior (hereinafter in this section referred to as "the Secretary"), acting through the Director of the National Park Service, to effectively manage units of the National Park System, the Secretary is authorized where necessary and justified to make available employee housing, on or off the lands under the administrative jurisdiction of the National Park Service, and to rent or lease such housing to field employees of the National Park Service at rates based on the reasonable value of the housing in accordance with requirements applicable under section 5911 of title 5, United States Code.

(c) REVIEW AND REVISION OF HOUSING CRITERIA.—Upon the enactment of this Act, the Secretary shall review and revise the existing criteria under which housing is provided to employees of the National Park Service. The review and revision shall include consideration of the following criteria:

(1) Required occupancy (whether and under what circumstances the National Park Service requires, as a condition of employment, that an employee live at a particular site or in a specific geographic area). For each instance in which occupancy is required, full consideration shall be given to the concept of adequate response time.

(2) Availability and adequacy of non-Federal housing in the geographic area, including consideration of the degree of isolation (the time and distance that separate other potential housing from the workplace of a National Park Service employee).

(3) Category of employment (seasonal or permanent).

(d) SUBMISSION OF REPORT.—A report detailing the results of the revisions required by subsection (c) shall be submitted to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate not later than 180 days after the date of the enactment of this Act. The report shall include justifications for keeping, or for changing, each of the criteria or factors used by the Department of the Interior with regard to the provision of housing to employees of the National Park Service.

(e) REVIEW OF CONDITION OF AND COSTS RELATING TO HOUSING.—Using the revised criteria developed under subsection (c), the Secretary shall undertake a review, for each unit of the National Park System, of existing government-owned housing provided to employees of the National Park Service. The review shall include an assessment of the physical condition of such housing and the suitability of such housing to effectively carry out the missions of the Department of the Interior and the National Park Service. For each unit of such housing, the Secretary shall determine whether the unit is needed and justified. The review shall include estimates of the cost of bringing each such unit that is needed and justified into usable condition that meets all applicable legal housing requirements or, if the unit is determined to be obsolete but is still warranted to carry out the missions of the Department of the Interior and the National Park Service, the cost of replacing the unit.

(f) AUTHORIZATION FOR HOUSING AGREEMENTS.—For those units of the National Park System for which the review required by subsections (c) and (e) has been completed, the Secretary is authorized, pursuant to the authorities contained in this Act and subject to the appropriation of necessary funds in advance, to enter into housing agreements with housing entities under which such housing entities may develop, construct, rehabilitate, or manage housing, located on or off public lands, for rent or lease to National Park Service employees who meet the housing eligibility criteria developed by the Secretary pursuant to this Act.

(g) JOINT PUBLIC-PRIVATE SECTOR HOUSING PROGRAMS.—

(1) LEASE TO BUILD PROGRAM.—Subject to the appropriation of necessary funds in advance, the Secretary may—

(A) lease Federal land and interests in land to qualified persons for the construction of field employee quarters for any period not to exceed 50 years; and

(B) lease developed and undeveloped non-Federal land for providing field employee quarters.

(2) COMPETITIVE LEASING.—Each lease under paragraph (1)(A) shall be awarded through the use of publicly advertised, competitively bid, or competitively negotiated contracting procedures, except that a lease to a field employee housing cooperative may be awarded noncompetitively if construction on the leased land is then competitively bid or competitively negotiated.

(3) TERMS AND CONDITIONS.—Each lease under paragraph (1)(A)—

(A) shall stipulate whether operation and maintenance of field employee quarters is to be provided by the lessee, field employees or the Federal Government;

(B) shall require that the construction and rehabilitation of field employee quarters be done in accordance with the requirements of the National Park Service and local applicable building codes and industry standards;

(C) shall contain such additional terms and conditions as may be appropriate to protect

the Federal interest, including limits on rents the lessee may charge field employees for the occupancy of quarters, conditions on maintenance and repairs, and agreements on the provision of charges for utilities and other infrastructure; and

(D) may be granted at less than fair market value if the Secretary determines that such lease will improve the quality and availability of field employee quarters available.

(4) CONTRIBUTIONS BY UNITED STATES.—The Secretary may make payments, subject to appropriations, or contributions in kind either in advance of or on a continuing basis to reduce the costs of planning, construction, or rehabilitation of quarters on or off Federal lands under a lease under this subsection.

(5) THIRD PARTY PARTICIPATION.—A lease under this subsection may include provision for participation by a third party, when third party presence is needed or required, and approved by the Secretary.

(h) RENTAL GUARANTEE PROGRAM.—

(1) GENERAL AUTHORITY.—Subject to the appropriation of necessary funds in advance, the Secretary may enter into a lease to build arrangement as set forth in subsection (g) with further agreement to guarantee the occupancy of field employee quarters constructed or rehabilitated under such lease. A guarantee made under this subsection shall be in writing.

(2) LIMITATIONS.—The Secretary may not guarantee—

(A) the occupancy of more than 75 percent of the units constructed or rehabilitated under such lease; and

(B) at a rental rate that exceeds the rate based on the reasonable value of the housing in accordance with requirements applicable under section 5911 of title 5, United States Code.

In no event shall outstanding guarantees be in excess of $3,000,000.

(3) RENTAL TO GOVERNMENT EMPLOYEES.—A guarantee may be made under this subsection only if the lessee agrees to permit the Secretary to utilize for housing purposes any units for which the guarantee is made.

(4) FAILURE TO MAINTAIN A SATISFACTORY LEVEL OF OPERATION AND MAINTENANCE.—The lease shall be null and void if the lessee fails to maintain a satisfactory level of operation and maintenance.

(i) JOINT DEVELOPMENT AUTHORITY.—The Secretary may use authorities granted by statute in combination with one another in the furtherance of providing where necessary and justified affordable field employee housing.

(j) CONTRACTS FOR THE MANAGEMENT OF FIELD EMPLOYEE QUARTERS.—

(1) GENERAL AUTHORITY.—Subject to the appropriation of necessary funds in advance, the Secretary may enter into contracts of any duration for the management, repair, and maintenance of field employee quarters.

(2) TERMS AND CONDITIONS.—Any such contract shall contain such terms and conditions as the Secretary deems necessary or appropriate to protect the interests of the United States and assure that necessary quarters are available to field employees.

(k) JOINT EMPLOYEE-AGENCY HOUSING PROGRAMS.—

(1) SALE OF QUARTERS.—

(A) GENERAL AUTHORITY.—Notwithstanding any other provision of law, the Secretary may sell field employee quarters to field employees of the agency or a cooperative whose membership is made up exclusively of field employees of the agency.

(B) INTEREST IN LANDS.—The Secretary may only sell a leasehold interest in lands attendant to the sale of any quarters under subparagraph (A).

(2) LEASE OF QUARTERS.—The Secretary may lease Federal land to field employees of the National Park Service or a cooperative made up of field employees of the National Park Service for purposes of constructing employee housing.

(3) RIGHT OF FIRST REFUSAL.—The Secretary shall have right of first refusal when any property transferred under this subsection is for sale.

(4) COVENANTS.—The Secretary may establish and enforce such covenants as may be appropriate to the property, upon its sale by the Secretary under this subsection.

(5) FAIR MARKET VALUE.—The Secretary may sell or transfer employee quarters under this subsection for less than fair market value if the Secretary determines that such a sale or transfer will improve the quality of field employee quarters available and keep the quarters affordable at the salary ranges of field employees normally occupying them.

(6) RULE OF CONSTRUCTION.—Disposal of employee quarters under this subsection to field employees and cooperatives whose membership is made up exclusively of field employees shall not be considered disposal of excess Federal real property under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

(7) CONTINUING EMPLOYMENT REQUIREMENT.—An individual may occupy employee quarters under this subsection only if the individual or a member of the family of the individual is employed at the National Park System unit with respect to which the quarters are made available.

(8) NOTICE.—The Secretary may not take any action authorized pursuant to this section until 180 days after the Secretary submits a report to the appropriate congressional committees respecting the authority of this subsection.

(l) LEASING OF SEASONAL EMPLOYEE QUARTERS.—

(1) GENERAL AUTHORITY.—Subject to paragraph (2), the Secretary may lease quarters at or near a unit of the national park system for use as seasonal quarters for field employees. The rent charged to field employees under such a lease shall be a rate based on the reasonable value of the quarters in accordance with requirements applicable under section 5911 of title 5, United States Code.

(2) LIMITATION.—The Secretary may only issue a lease under paragraph (1) if the Secretary finds that there is a shortage of adequate and affordable seasonal quarters at or near such unit and that—

(A) the requirement for such seasonal field employee quarters is temporary; or

(B) leasing would be more cost effective than construction of new seasonal field employee quarters.

(3) UNRECOVERED COSTS.—The Secretary may pay the unrecovered costs of leasing seasonal quarters under this subsection from annual appropriations for the year in which such lease is made.

(m) SURVEY OF EXISTING FACILITIES.—The Secretary shall—

(1) complete a condition assessment for all field employee housing, including the physical condition of such housing and the necessity and suitability of such housing for the effective prosecution of the agency mission, using existing information; and

(2) develop a agency-wide priority listing, by structure, identifying those units in greatest need for repair, rehabilitation, replacement, or initial construction.

(n) USE OF HOUSING-RELATED FUNDS.—Expenditure of any funds authorized and appropriated for new construction, repair, or rehabilitation of housing under this section shall follow the housing priority listing established by the agency under subsection (m), in sequential order, to the maximum extent practicable.

(o) ANNUAL BUDGET SUBMITTAL.—The President's proposed budget to Congress for the first fiscal year beginning after enactment of this Act, and for each subsequent fiscal year, shall include identification of nonconstruction funds to be spent for National Park Service housing maintenance and operations which are in addition to rental receipts collected.

(p) EMPLOYEE TRANSPORTATION.—The Secretary may use applicable appropriations of the National Park System for transportation to and from work, outside of regular working hours, of field employees, residing in or near a national park system unit, such transportation to be between the unit and the city, or intervening points, at reasonable rates to be determined by the Secretary taking into consideration, among other factors, comparable rates charged by transportation companies in the locality for similar services, the amounts collected for such transportation to be credited to the current appropriation account available for administration of the national park system unit concerned and shall be available to the Secretary for obligation or expenditure. Any surplus proceeds shall be retained by the agency for those purposes until expended. If adequate transportation facilities are available, or shall be available by any common carrier, at reasonable rates, then and in that event the services contemplated by this subsection shall not be offered.

(q) STUDY OF HOUSING ALLOWANCES.—Within 12 months after the date of enactment of this Act, the Secretary shall conduct a study to determine the feasibility of providing eligible employees of the National Park Service with housing allowances rather than government housing. The study shall specifically examine the feasibility of providing rental allowances to temporary and lower paid permanent employees. Whenever the Secretary submits a copy of such study to the Office of Management and Budget, he shall concurrently transmit copies of the report to the Resources Committee of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate.

(r) GENERAL PROVISIONS.—

(1) CONSTRUCTION LIMITATIONS ON FEDERAL LANDS.—The Secretary may not utilize any lands for the purposes of providing field employee housing under this section which could impact primary resource values of the area or adversely affect the mission of the agency. Any construction carried out under this section shall be fully consistent with approved land management agency plans.

(2) RENTAL RATES.—The Secretary shall establish rental rates for all quarters occupied by field employees of the National Park Service that are based on the reasonable value of the quarters in accordance with requirements applicable under section 5911 of title 5, United States Code.

(3) EXEMPTION FROM LEASING REQUIREMENTS.—The provisions of section 5 of the Act of July 15, 1968 (82 Stat. 354, 356; 16 U.S.C. 4601-22), and section 321 of the Act of June 30, 1932 (40 U.S.C. 303b; 47 Stat. 412), shall not apply to leases issued by the Secretary under this section.

(s) PROCEEDS.—The proceeds from any lease under subsection (g)(1)(A)(i), any lease

under subsection (k)(2), and any lease of seasonal quarters under subsection (l), shall be retained by the National Park Service. Such proceeds shall be deposited into the special fund established for maintenance and operation of quarters.

(t) DEFINITIONS.—For purposes of this section:

(1) The term "field employee" means—

(A) an employee of the National Park Service who is exclusively assigned by the National Park Service to perform duties at a field unit, and the members of their family; and

(B) other individuals who are authorized to occupy Government quarters under section 5911 of title 5, United States Code, and for whom there is no feasible alternative to the provision of Government housing, and the members of their family.

(3) The term "land management agency" means the National Park Service, Department of the Interior.

(4) The term "primary resource values" means resources which are specifically mentioned in the enabling legislation or identified in the general management plan for that field unit or other resource value recognized under Federal statute.

(5) The term "quarters" means quarters owned or leased by the Government.

(6) The term "seasonal quarters" means quarters typically occupied by field employees who are hired on assignments of 6 months or less.

SEC. 3. MINOR BOUNDARY REVISION AUTHORITY.

Section 7(c) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9(c)) is amended as follows:

(1) In the first sentence, by striking "Committee on Natural" and inserting "Committee on".

(2) By striking ": *Provided, however,*" and all that follows through "1965" and inserting the following after the first sentence: "In all cases except the case of technical boundary revisions (resulting from such causes as survey error or changed road alignments), the authority of the Secretary under clause (i) shall apply only if each of the following conditions is met:

"(1) The sum of the total acreage of lands, waters, and interests therein to be added to the area and the total such acreage to be deleted from the area is not more than 5 percent of the total Federal acreage authorized to be included in the area and is less than 200 acres in size.

"(2) The acquisition, if any, is not a major Federal action significantly affecting the quality of the human environment, as determined by the Secretary.

"(3) The sum of the total appraised value of the lands, water, and interest therein to be added to the area and the total appraised value of the lands, waters, and interests therein to be deleted from the area does not exceed $750,000.

"(4) The proposed boundary revision is not an element of a more comprehensive boundary modification proposal.

"(5) The proposed boundary has been subject to a public review and comment period.

"(6) The Director of the National Park Service obtains written support for the boundary modification from all property owners whose lands, water, or interests therein, or a portion of whose lands, water, or interests therein, will be added to or deleted from the area by the boundary modification.

Minor boundary revisions involving only deletions of acreage owned by the Federal Government and administered by the National Park Service may be made only by Act of Congress.".

SEC. 4. AUTHORIZATION FOR CERTAIN PARK FACILITIES TO BE LOCATED OUTSIDE OF UNITS OF THE NATIONAL PARK SYSTEM.

Section 4 of the Act entitled "An Act to improve the administration of the national park system by the Secretary of the Interior, and to clarify the authorities applicable to the system, and for other purposes" approved August 18, 1970 (16 U.S.C. 1a-1 et seq.), is amended to read as follows:

"SEC. 4. AUTHORIZATION FOR PARK FACILITIES OUTSIDE BOUNDARIES OF SYSTEM UNITS.

"(a) AUTHORITY.—In order to facilitate the administration of the national park system, the Secretary of the Interior is authorized, under such terms and conditions as he may deem advisable, to establish essential facilities for park administration, visitor use, and park employee residential housing outside the boundaries, but within the vicinity, of units of the national park system for purposes of assuring conservation, visitor use, and proper management of such units. Such facilities, and the use thereof, shall be in conformity with approved plans for the unit concerned. The Secretary shall use existing facilities wherever feasible. Such facilities may only be constructed by the Secretary upon finding that location of such facilities would—

"(1) avoid undue degradation of the primary natural or cultural resources within the unit;

"(2) enhance service to the public; or

"(3) provide a cost saving to the Federal Government.

"(b) AGREEMENTS, LEASES, GUIDELINES, AND CONSTRUCTION.—For the purpose of establishing facilities under subsection (a):

"(1) The Secretary may enter into agreements permitting the Secretary to use for such purposes those Federal lands that the head of a Federal agency having primary authority over the administration of such land and the Secretary determine to be suitable for such use.

"(2) The Secretary, under such terms and conditions as the Secretary determines are reasonable, may, subject to the appropriation of necessary funds in advance, lease or acquire (from willing sellers only) by purchase or donation, real property (other than Federal land), for the purposes specified in this section.

"(3) For real property acquired pursuant to paragraph (2), the Secretary shall establish written guidelines setting forth criteria to be used in determining whether the acquisition would—

"(A) reflect unfavorably upon the ability of the Department or an employee to carry out its responsibilities or official duties in a fair and objective manner; or

"(B) compromise the integrity, or the appearance of integrity, of the Department's programs or of any official involved in those programs.

"(4) The Secretary may, subject to the appropriation of necessary funds in advance, construct, operate, and maintain such permanent and temporary buildings and facilities as the Secretary deems appropriate on land which is in the vicinity of any unit of the national park system for which the Secretary has acquired authority under this section, except that the Secretary may not begin construction, operation, or maintenance of buildings or facilities on land not owned by the United States until the owner of such lands has entered into a binding agreement with the Secretary, the terms of which assure the continued use of such buildings and facilities for a period of time commensurate with the level of Federal investment.

"(c) COOPERATIVE AGREEMENTS AND JOINT VENTURES FOR INFRASTRUCTURE FACILITIES.—The Secretary is authorized, subject to the appropriation of necessary funds in advance, to enter into cooperative agreements or joint ventures with local or State governmental agencies, other Federal agencies, Indian Tribes, and private entities either on or off the lands subject to the jurisdiction of the Secretary, to provide appropriate and necessary utility and other infrastructure facilities in support of park administration, visitor use, and park employee residential housing.".

SEC. 5. ELIMINATION OF UNNECESSARY CONGRESSIONAL REPORTING REQUIREMENTS.

(a) REPEALS.—The following provisions are hereby repealed:

(1) Section 302(c) of the Act entitled "An Act to authorize the establishment of the Chattahoochee River National Recreation Area in the State of Georgia, and for other purposes (Public Law 95-344; 92 Stat. 478; 16 U.S.C. 2302(c)).

(2) Section 503 of the Act of December 19, 1980 (Public Law 96-550; 94 Stat. 3228; 16 U.S.C. 410ii-2).

(3) Subsections (b) and (c) of section 4 of the Act of October 15, 1982 (Public Law 97-335; 96 Stat. 1628; 16 U.S.C. 341 note).

(4) Section 7 of Public Law 89-671 (96 Stat. 1457; 16 U.S.C. 284f).

(5) Section 3(c) of the National Trails System Act (Public Law 90-543; 82 Stat. 919; 16 U.S.C. 1242(c)).

(6) Section 4(b) of the Act of October 24, 1984 (Public Law 98-540; 98 Stat. 2720; 16 U.S.C. 1a-8).

(7) Section 106(b) of the National Visitor Center Facilities Act of 1968 (Public Law 90-264; 82 Stat. 44; 40 U.S.C. 805(b)).

(8) Section 6(f)(7) of the Act of September 3, 1964 (Public Law 88-578; 78 Stat. 900; 16 U.S.C. 4601-8(f)(7)).

(9) Subsection (b) of section 8 of the Act of August 18, 1970 (Public Law 91-383; 90 Stat. 1940; 16 U.S.C. 1a-5(b)).

(10) The last sentence of section 10(a)(2) of the National Trails System Act (Public Law 90-543; 82 Stat. 926; 16 U.S.C. 1249(a)(2)).

(11) Section 4 of the Act of October 31, 1988 (Public Law 100-573; 102 Stat. 2891; 16 U.S.C. 460o note).

(12) Section 104(b) of the Act of November 19, 1988 (Public Law 100-698; 102 Stat. 4621).

(13) Section 1015(b) of the Urban Park and Recreation Recovery Act of 1978 (Public Law 95-625; 92 Stat. 3544; 16 U.S.C. 2514(b)).

(14) Section 105 of the Act of August 13, 1970 (Public Law 91-378; 16 U.S.C. 1705).

(15) Section 307(b) of the National Historic Preservation Act (Public Law 89-665; 16 U.S.C. 470w-6(b)).

(b) AMENDMENTS.—The following provisions are amended:

(1) Section 10 of the Archaeological Resources Protection Act of 1979, by striking the last sentence of subsection (c) (Public Law 96-95; 16 U.S.C. 470ii(c)).

(2) Section 5(c) of the Act of June 27, 1960 (Public Law 86-523; 16 U.S.C. 469a-3(c); 74 Stat. 220), by inserting a period after "Act" and striking "and shall submit" and all that follows.

(3) Section 7(a)(3) of the Act of September 3, 1964 (Public Law 88-578; 78 Stat. 903; 16 U.S.C. 4601-9(a)(3)), by striking the last sentence.

(4) Section 111 of the Petroglyph National Monument Establishment Act of 1990 (Public

Law 101–313; 104 Stat. 278), by striking out the second sentence.

(5) Section 307(a) of the National Historic Preservation Act (Public Law 89–665; 16 U.S.C. 470w–6(a)) is amended by striking the first and second sentences.

(6) Section 101(a)(1)(B) of the National Historic Preservation Act (Public Law 89–665; 16 U.S.C. 470a) by inserting a period after "Register" the last place such term appears and by striking "and submitted" and all that follows.

SEC. 6. SENATE CONFIRMATION OF THE DIRECTOR OF THE NATIONAL PARK SERVICE.

(a) IN GENERAL.—The first section of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1; commonly referred to as the "National Park Service Organic Act"), is amended in the first sentence by striking "who shall be appointed by the Secretary" and all that follows and inserting "who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall have substantial experience and demonstrated competence in land management and natural or cultural resource conservation. The Director shall select two Deputy Directors. The first Deputy Director shall have responsibility for National Park Service operations, and the second Deputy Director shall have responsibility for other programs assigned to the National Park Service.".

(b) EFFECTIVE DATE AND APPLICATION.—The amendment made by subsection (a) shall take effect on February 1, 1997, and shall apply with respect to the individual (if any) serving as the Director of the National Park Service on that date.

SEC. 7. NATIONAL PARK SYSTEM ADVISORY BOARD AUTHORIZATION.

(a) NATIONAL PARK SYSTEM ADVISORY BOARD.—Section 3 of the Act of August 21, 1935 (49 Stat. 667; 16 U.S.C. 463) is amended as follows:

(1) In subsection (a) by striking the first 3 sentences and inserting in lieu thereof: "There is hereby established a National Park System Advisory Board, whose purpose shall be to advise the Director of the National Park Service on matters relating to the National Park Service, the National Park System, and programs administered by the National Park Service. The Board shall advise the Director on matters submitted to the Board by the Director as well as any other issues identified by the Board. Members of the Board shall be appointed on a staggered term basis by the Secretary for a term not to exceed 4 years and shall serve at the pleasure of the Secretary. The Board shall be comprised of no more than 12 persons, appointed from among citizens of the United States having a demonstrated commitment to the mission of the National Park Service. Board members shall be selected to represent various geographic regions, including each of the administrative regions of the National Park Service. At least 6 of the members shall have outstanding expertise in 1 or more of the following fields: history, archaeology, anthropology, historical or landscape architecture, biology, ecology, geology, marine science, or social science. At least 4 of the members shall have outstanding expertise and prior experience in the management of national or State parks or protected areas, or national or cultural resources management. The remaining members shall have outstanding expertise in 1 or more of the areas described above or in another professional or scientific discipline, such as financial management, recreation use management, land use planning or business management, important to the mission of the National Park Service. At least 1 individual shall be a locally elected official from an area adjacent to a park. The Board shall hold its first meeting by no later than 60 days after the date on which all members of the Advisory Board who are to be appointed have been appointed. Any vacancy in the Board shall not affect its powers, but shall be filled in the same manner in which the original appointment was made. The Board may adopt such rules as may be necessary to establish its procedures and to govern the manner of its operations, organization, and personnel. All members of the Board shall be reimbursed for travel and per diem in lieu of subsistence expenses during the performance of duties of the Board while away from home or their regular place of business, in accordance with subchapter 1 of chapter 57 of title 5, United States Code. With the exception of travel and per diem as noted above, a member of the Board who is otherwise an officer or employee of the United States Government shall serve on the Board without additional compensation.".

(2) By redesignating subsections (b) and (c) as (f) and (g) and by striking from the first sentence of subsection (f), as so redesignated "1995" and inserting in lieu thereof "2006".

(3) By adding the following new subsections after subsection (a):

"(b)(1) The Secretary is authorized to hire 2 full-time staffers to meet the needs of the Advisory Board.

"(2) Service of an individual as a member of the Board shall not be considered as service or employment bringing such individual within the provisions of any Federal law relating to conflicts of interest or otherwise imposing restrictions, requirements, or penalties in relation to the employment of persons, the performance of services, or the payment or receipt of compensation in connection with claims, proceedings, or matters involving the United States. Service as a member of the Board, or as an employee of the Board, shall not be considered service in an appointive or elective position in the Government for purposes of section 8344 of title 5, United States Code, or comparable provisions of Federal law.

"(c)(1) Upon request of the Director, the Board is authorized to—

"(A) hold such hearings and sit and act at such times,

"(B) take such testimony,

"(C) have such printing and binding done,

"(D) enter into such contracts and other arrangements,

"(E) make such expenditures, and

"(F) take such other actions,

as the Board may deem advisable. Any member of the Board may administer oaths or affirmations to witnesses appearing before the Board.

"(2) The Board may establish committees or subcommittees. Any such subcommittees or committees shall be chaired by a voting member of the Board.

"(d) The provisions of the Federal Advisory Committee Act shall apply to the Board established under this section with the exception of section 14(b).

"(e)(1) The Board is authorized to secure directly from any office, department, agency, establishment, or instrumentality of the Federal Government such information as the Board may require for the purpose of this section, and each such officer, department, agency, establishment, or instrumentality is authorized and directed to furnish, to the extent permitted by law, such information, suggestions, estimates, and statistics directly to the Board, upon request made by a member of the Board.

"(2) Upon the request of the Board, the head of any Federal department, agency, or instrumentality is authorized to make any of the facilities and services of such department, agency, or instrumentality to the Board, on a nonreimbursable basis, to assist the Board in carrying out its duties under this section.

"(3) The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies in the United States.".

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Park System Advisory Board $200,000 per year to carry out the provisions of section 3 of the Act of August 21, 1935 (49 Stat. 667; 16 U.S.C. 463).

(c) EFFECTIVE DATE.—This section shall take effect on December 7, 1997.

SEC. 8. CHALLENGE COST-SHARE AGREEMENT AUTHORITY.

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

(1) The term "challenge cost-share agreement" means any agreement entered into between the Secretary and any cooperator for the purpose of sharing costs or services in carrying out authorized functions and responsibilities of the Secretary of the Interior with respect to any unit or program of the National Park System (as defined in section 2(a) of the Act of August 8, 1953 (16 U.S.C. 1c(a))), any affiliated area, or any designated National Scenic or Historic Trail.

(2) The term "cooperator" means any State or local government, public or private agency, organization, institution, corporation, individual, or other entity.

(b) CHALLENGE COST-SHARE AGREEMENTS.—The Secretary of the Interior is authorized to negotiate and enter into challenge cost-share agreements with cooperators.

(c) USE OF FEDERAL FUNDS.—In carrying out challenge cost-share agreements, the Secretary of the Interior is authorized to provide the Federal funding share from any funds available to the National Park Service.

SEC. 9. COST RECOVERY FOR DAMAGE TO NATIONAL PARK RESOURCES.

Public Law 101–337 is amended as follows:

(1) In section 1 (16 U.S.C. 19jj), by amending subsection (d) to read as follows:

"(d) 'Park system resource' means any living or non-living resource that is located within the boundaries of a unit of the National Park System, except for resources owned by a non-Federal entity.".

(2) In section 1 (16 U.S.C. 19jj) by adding at the end thereof the following:

"(g) 'Marine or aquatic park system resource' means any living or non-living part of a marine or aquatic regimen within or is a living part of a marine or aquatic regimen within the boundaries of a unit of the National Park System, except for resources owned by a non-Federal entity.".

(3) In section 2(b) (16 U.S.C. 19jj–1(b)), by inserting "any marine or aquatic park resource" after "any park system resource".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah [Mr. HANSEN] and the gentleman from New Mexico [Mr. RICHARDSON] each will control 20 minutes.

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

□ 1430

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado [Mr. HEFLEY], the author of the bill.

Mr. HEFLEY. Mr. Speaker, the first title of this bill, H.R. 2941, is our attempt to deal with the backlog of housing needs in the National Park Service. The extent of the National Park Service's housing needs is vague but has been estimated to be as high as $500 million. I wish it was possible to write a check for that amount, but in these times of trying to balance the budget, that is simply not possible.

Instead, H.R. 2941 will provide the Park Service with the a number of creative authorities to encourage others besides the Federal Government to invest in employee housing.

Several years ago Rocky Mountain National Park, in cooperation with the National Park Foundation, attempted to address its own housing needs by purchasing a nearby church camp that was on the market. The deal fell through because, according to the National Park Foundation and the park superintendent, the authorities were not available for them to close the deal. Randy Jones, the Rocky Mountain superintendent, claims he could solve most of his housing needs tomorrow if he only had the flexibility this bill would give him.

We have worked with the Park Service, and they tell us the bill gives them what they need. Several of these authorities were borrowed from legislation crafted for the military where the authorities are proving useful in improving the quality of housing.

The bill also urges the Park Service to examine such options as paid transportation from home to work site and employee cooperatives, in which rangers can build up this equity while they are being moved around the country.

As I have stated, the Park Service estimates its housing needs to be more than $500 million. However, in several reports from the General Accounting Office we cannot account for quite that much, but we know that there is a significant need there. For that reason, we have adopted an amendment by my friend, the gentleman from Minnesota [Mr. VENTO], which withholds the use of these authorities from individual park units until those units justify their needs, which seems perfectly reasonable.

Further, in response to CBO's concerns about out year costs, the amendment before you makes the entire section subject to appropriations. I understand this amendment has been cleared with the Committee on the Budget.

In conclusion, I would ask my colleagues to recall the horror stories we have heard in recent years of park rangers living in tents or packing crates. We have a problem, one which we need to be flexible and creative in order to try to solve, a problem which is fixable in fairly short order if the Park Service had the authorities to do so.

Mr. Speaker, this bill attempts to give them those authorities, and I ask Members' support of the amendment and of this bill.

Mr. RICHARDSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, although H.R. 2941, as introduced, dealt solely with employee housing, a comprehensive substitute was adopted by the Resources Committee that incorporated several diverse park proposals that were pending before the committee. I did not object to this procedure being used in this instance. In fact, Representative HANSEN and his staff worked with Democratic members of the committee and the administration to craft a package we can all support.

The centerpiece of this legislative package is the National Park Service employee housing initiative.We have all seen or heard of examples of deplorable employee housing. We know problems exist. If we are to properly address this issue, the Congress needs an accurate assessment of employee housing requirements, the costs associated with those requirements, and a viable working plan to address housing needs. Representative VENTO who worked on this issue for several years took the lead to develop language that was adopted by the committee to address this important aspect of the program. It is a better bill because of these provisions.

Several other elements of H.R. 2941, amended, are specific legislative initiatives of the National Park Service and their inclusion will provide the NPS with some useful management tools.

I would note that based on the committee hearing last fall, there was certainly potential for controversy regarding the provision on the appointment of the NPS Director. I am glad to see that cooler heads prevailed and that the language was amended to its current form.

All in all Mr. Speaker, H.R. 2941, as amended, is a good package. The bill is an example of how we can work together on park issues.

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

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 2941, legislation which provides for a number of needed administrative reforms in the National Park Service. This important bill contains eight different reform proposals ranging from relatively minor proposals, to important, long-debated measures, and reflects the work of several different authors.

Mr. Speaker, many of these proposals are just good common sense; proposals which will make National Park Service operations more efficient, and reduce unnecessary work here in Congress. These are precisely the types of proposals which could have been expected from an administration which claims to be reinventing Government. Unfortunately, Secretary Babbitt has ignored the National Park Service.

For example, several years ago Secretary Babbitt announced a major initiative to improve housing in our national parks. After building a single house for a publicity venture at Great Smokey Mountains National Park, Secretary Babbitt has essentially abandoned the program. In this legislation, Congress has provided a comprehensive solution to the housing problems of the National Park Service. This legislative proposal is not intended as a publicity stunt; I'm not even sure that Mr. HEFLEY, author of the provision, has issued a press release about it. Rather this legislation is being advanced because Members believe that National Park Service employees deserve a decent place to live.

Mr. Speaker, this entire legislative package is bipartisan in nature and reflects the strong input from Democrats as well as Republicans on the Resources Committee. I thank Mr. RICHARDSON and Mr. VENTO for their valuable assistance in developing this legislation.

As I mentioned, section 2 of the bill provides for a variety of authorities to address the unacceptable condition of housing which many NPS employees are required to live in. We heard in testimony about park employees living in uninsulated houses in severe climates, living in buildings which do not meet basic life-safety codes, living in 50-year old repossessed trailers, even in one case, living in a land-sea shipping container.

These conditions must be addressed, and the first step to addressing them is to make absolutely sure that every single housing unit in every park can be fully justified. Second, we must figure out how to fund the necessary housing improvements. Although the Appropriation Committee has provided substantial funds for housing in the past, it is unrealistic to expect they will fully fund the hundreds of millions needed for this program in the near future. Therefore, this legislation, authorizes a number of cooperative ventures with the private sector, designed to seek their assistance in solving this problem. The legislation even authorizes the Secretary to sell housing to employee cooperatives which would eliminate the need for Federal maintenance of housing while at the same time permitting employees to gain the benefits of home ownership. Third, we must make sure that every single dollar is spent wisely, and that the funds go to the highest priority needs.

Section 3 of the bill provides for generic authority for the National Park

Service to make minor park boundary adjustments. While this authority does exist for all parks established after 1965, and for selected other parks, many parks do not have such authority. Further, there is no definition of what constitutes a minor boundary adjustment. Therefore, we find that the NPS has administratively accepted donation of about 30 acres at the Presidio which has a Federal liability of $65 million for rehabilitation of currently unusable structures, while Congress is passing legislation to add several hundred square yards of land administered by another Federal agency to Independence National Historic Park. This legislation will save time and money for Congress and the administration.

Section 4 of the bill provides generic authority for the NPS to establish administrative and visitor facilities outside of park boundaries. This authority will permit the NPS to establish joint interagency visitor centers, or locate visitor centers or headquarter offices outside of park boundaries where it makes sense. There are currently several proposals now working through Congress to establish such centers, and each of them now requires a separate act.

Section 5 deletes 22 unnecessary congressional reporting requirements. Many of these requirements are simply outdated, such as requiring an annual report on the National Visitor Center at Union Station which was closed over 15 years ago; while others have never been complied with, such as the national trails system report. But mostly, this section will save the agency time and money preparing reports which are of little use in the congressional process.

Section 6 provides for Senate confirmation of the National Park Service Director, in the same manner as the other land management agency heads within the Interior Department—Director of the Fish and Wildlife Service and the Director of the Bureau of Land Management. While many persons have long believed that the head of this important agency should be subject to congressional scrutiny, the issue gained renewed support when Secretary Babbitt announced that his top two candidates for the Office of NPS Director were Tom Brokaw and Robert Redford. While these two gentlemen are well-respected in their chosen fields, they know nothing about running the best park system in the world. Public exposure of these selections was a clear signal of the purely political manner in which Secretary Babbitt intended to operate the NPS, and resulted in both Democratic and Republican-authored measures to require that the head of the NPS know something about parks other than having vacationed there.

Section 7 of the bill reauthorizes the National Park System advisory board. The statutory authorization for this board expired a couple years ago. While the board has been reauthorized administratively, the role of this board as an independent advisor to the Secretary could be enhanced if it were reestablished by law.

Section 8 establishes and expands the Challenge Cost Share Program for the NPS on a permanent basis. This program, which permits Federal dollars to be leveraged with non-Federal dollars, has proven very effective for the Forest Service; and it is expected to provide similar benefits for the National Park Service at a time when appropriations are limited.

Finally, section 9 of the bill permits the NPS to recover costs from damages to natural resources in the same manner as costs are recovered from damages to marine resources. When the Federal Government recovers costs from such damage, it makes far more sense to apply those funds to restore the resources than to deposit such funds into the Treasury, as is currently the policy.

Mr. Speaker, as Members can see, this bill contains a number of very important provisions which will help our parks, its employees, and make congressional oversight more effective. I commend all Members who have provided input into the bill, Democrats and Republicans alike, and urge all Members to support this bipartisan legislation.

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

Mr. RICHARDSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just say that I had hoped that we could keep this discussion of this bill bipartisan. Obviously, I have to disagree with some of the chairman's comments. This is a good bill.

Employee housing, I had a chance to go to Yellowstone over the recess and had a chance to spend some time with our Park Service employees, not just in law enforcement but also park rangers, men and women. The quality of these men and women is really outstanding. They are hard workers. Of course Yellowstone is the crown jewel.

They talked to me about this housing issue. Basically what you have is some of our, especially bachelor, park rangers living in what is generously called some very substandard housing. We have to do better. We have to do better for our park employees.

Let me address some of the chairman's statements. I disagree. I think Secretary Babbitt has done a good job with the Park Service. I think Director Kennedy has done a good job, too. I differ with the chairman on whether Tom Brokaw or Robert Redford would have been good directors of the Park Service. I think what Secretary Babbitt is looking at is somebody with high visibility, to give the parks the visibility that they need.

I know the chairman agrees with me. We have got to find ways to ensure that these parks are funded. We need the private sector to help. I think that was one of the objectives viewed there. But I am not going to get into an argument with him, except to say that this administration has done a good job with the environment and with the Park Service, particularly Director Kennedy and Secretary Babbitt.

This is an occasion where, perhaps a few times that we have come together on a bill, we should recognize that that has happened. I commend the gentleman from Colorado [Mr. HEFLEY] and the gentleman from Utah [Mr. HANSEN] for this bill. It is a good one. They work with us. They compromise. We compromise. We have a good product that I think will advance the national interest.

□ 1445

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

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the words from the ranking member of the committee. Let me say that, as a Republican member, we have no desire to close any parks, contrary to what people have said, but to make them better.

I think this particular piece of legislation, as we waded through all the sections, points out and expedites the things that will make the parks better and make them work better; and we are very strong on the idea of taking care of our national parks. We have no argument with the administration on most things that they do, but in some of these areas we feel that what they do, but in some of these areas we feel that what should be done should be done not for what is politically expedient, but done fore the benefit of the parks, and that is the agreement we thought we had when we first got into the business of this committee.

I appreciate all those who have worked so diligently on this bill. I personally feel this is an excellent piece of legislation, and I urge all Members to support it.

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

Mr. VENTO. Mr. Speaker, I rise today to support this important piece of legislation, which is the result of much effort and hard work. As the former chairman of the National Parks, Forests and Public Lands Subcommittee, I maintain a deep concern for this issue. In 1994, I released a General Accounting Office report, which was undertaken at my request, that called for reexamination of employee housing needs within the National Park Service [NPS]. During consideration of H.R. 2941 in the Resources Committee this year, I continued to offer my input to improve it, including an amendment I offered which is now part of the bill. I want to commend my colleagues, Mr. HEFLEY and Chairman HANSEN,

along with Mr. RICHARDSON for their positive efforts regarding this proposed policy.

I support efforts to ensure that the housing needs of National Park Service employees are met. In this time of downsizing and fiscal constraints, we must scrutinize all programs including our natural resources programs, to make sure scarce Federal dollars are allocated fairly. This bill provides general authority for the Park Service to make housing available for its employees, both on and off Federal lands, at costs commensurate with comparable housing in the surrounding area. Authorization is given for leasing of Federal land to private contractors to permit them to build and maintain housing for parks employees.

When the bill was considered in the Resources Committee, my amendment added several important provisions. To ensure that the needs of parks employees and our responsibilities to the American taxpayer are both met, this bill grants additional housing authority to the Park Service only where that authority is necessary and justified. The NPS will have to review and revise the existing criteria under which housing is provided to employees of the Park Service. My additions also require that the NPS submit a plan on how to meet the housing needs of parks employees. When this review is completed for specific units of the NPS, and the need is established, authorization is given to enter into housing agreements to develop, construct, rehabilitate, or manage housing on, or off public lands for rent, or lease by NPS employees.

Clearly there are many NPS units today that do not require or justify public employee or private employee housing within or outside of the parks units. Times have changed and it is appropriate for the policy to recognize reality. Transportation and development have greatly improved and the necessity of NPS housing is much reduced. The problems associated with managing a National Park unit in the 1990's are tremendous, and park housing policy too often flows to business as usual, imposing more management headaches that are not justified by the circumstance. The National Forest Service and the Bureau of Land Management with vast land, nearly 600 million acres, have far less, not even 20 percent of the employee housing, that exists in the 90 million acres of NPS lands. This speaks for itself even as we recognize the different missions and responsibilities. It is time the NPS reevaluate and refocus its housing policy. This measure is one such opportunity—a tough but necessary task.

With these provisions, this bill has been improved and updated. The bill is consistent with good management practices and sound policymaking. I urge my colleagues to support the bill.

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the bill, H.R. 2941, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2941, the bill just passed.

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

There was no objection.

ELECTRONIC FREEDOM OF INFORMATION ACT AMENDMENTS OF 1996

Mr. HORN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3802) to amend section 552 of title 5, United States Code, popularly known as the Freedom of Information Act, to provide for public access to information in an electronic format, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3802

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Electronic Freedom of Information Act Amendments of 1996".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the purpose of section 552 of title 5, United States Code, popularly known as the Freedom of Information Act, is to require agencies of the Federal Government to make certain agency information available for public inspection and copying and to establish and enable enforcement of the right of any person to obtain access to the records of such agencies, subject to statutory exemptions, for any public or private purpose;

(2) since the enactment of the Freedom of Information Act in 1966, and the amendments enacted in 1974 and 1986, the Freedom of Information Act has been a valuable means through which any person can learn how the Federal Government operates;

(3) the Freedom of Information Act has led to the disclosure of waste, fraud, abuse, and wrongdoing in the Federal Government;

(4) the Freedom of Information Act has led to the identification of unsafe consumer products, harmful drugs, and serious health hazards;

(5) Government agencies increasingly use computers to conduct agency business and to store publicly valuable agency records and information; and

(6) Government agencies should use new technology to enhance public access to agency records and information.

(b) PURPOSES.—The purposes of this Act are to—

(1) foster democracy by ensuring public access to agency records and information;

(2) improve public access to agency records and information;

(3) ensure agency compliance with statutory time limits; and

(4) maximize the usefulness of agency records and information collected, maintained, used, retained, and disseminated by the Federal Government.

SEC. 3. APPLICATION OF REQUIREMENTS TO ELECTRONIC FORMAT INFORMATION.

Section 552(f) of title 5, United States Code, is amended to read as follows:

"(f) For purposes of this section, the term—

"(1) 'agency' as defined in section 551(1) of this title includes any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency; and

"(2) 'record' and any other term used in this section in reference to information includes any information that would be an agency record subject to the requirements of this section when maintained by an agency in any format, including an electronic format.".

SEC. 4. INFORMATION MADE AVAILABLE IN ELECTRONIC FORMAT AND INDEXATION OF RECORDS.

Section 552(a)(2) of title 5, United States Code, is amended—

(1) in the second sentence, by striking "or staff manual or instruction" and inserting "staff manual, instruction, or copies of records referred to in subparagraph (D)";

(2) by inserting before the period at the end of the third sentence the following: ", and the extent of such deletion shall be indicated on the portion of the record which is made available or published, unless including that indication would harm an interest protected by the exemption in subsection (b) under which the deletion is made";

(3) by inserting after the third sentence the following: "If technically feasible, the extent of the deletion shall be indicated at the place in the record where the deletion was made.";

(4) in subparagraph (B), by striking "and" after the semicolon;

(5) by inserting after subparagraph (C) the following:

"(D) copies of all records, regardless of form or format, which have been released to any person under paragraph (3) and which, because of the nature of their subject matter, the agency determines have become or are likely to become the subject of subsequent requests for substantially the same records; and

"(E) a general index of the records referred to under subparagraph (D);";

(6) by inserting after the fifth sentence the following: "Each agency shall make the index referred to in subparagraph (E) available by computer telecommunications by December 31, 1999."; and

(7) by inserting after the first sentence the following: "For records created on or after November 1, 1996, within one year after such date, each agency shall make such records available, including by computer telecommunications or, if computer telecommunications means have not been established by the agency, by other electronic means.".

SEC. 5. HONORING FORM OR FORMAT REQUESTS.

Section 552(a)(3) of title 5, United States Code, is amended—

(1) by inserting "(A)" after "(3)";

(2) by striking "(A)" the second place it appears and inserting "(i)";

(3) by striking "(B)" and inserting "(ii)"; and

(4) by adding at the end the following new subparagraphs:

"(B) In making any record available to a person under this paragraph, an agency shall provide the record in any form or format requested by the person if the record is readily reproducible by the agency in that form or format. Each agency shall make reasonable efforts to maintain its records in forms or formats that are reproducible for purposes of this section.

"(C) In responding under this paragraph to a request for records, an agency shall make reasonable efforts to search for the records in electronic form or format, except when such efforts would significantly interfere with the operation of the agency's automated information system.

"(D) For purposes of this paragraph, the term 'search' means to review, manually or by automated means, agency records for the purpose of locating those records which are responsive to a request.".

SEC. 6. STANDARD FOR JUDICIAL REVIEW.

Section 552(a)(4)(B) of title 5, United States Code, is amended by adding at the end the following new sentence: "In addition to any other matters to which a court accords substantial weight, a court shall accord substantial weight to an affidavit of an agency concerning the agency's determination as to technical feasibility under paragraph (2)(C) and subsection (b) and reproducibility under paragraph (3)(B).".

SEC. 7. ENSURING TIMELY RESPONSE TO REQUESTS.

(a) MULTITRACK PROCESSING.—Section 552(a)(6) of title 5, United States Code, is amended by adding at the end the following new subparagraph:

"(D)(i) Each agency may promulgate regulations, pursuant to notice and receipt of public comment, providing for multitrack processing of requests for records based on the amount of work or time (or both) involved in processing requests.

"(ii) Regulations under this subparagraph may provide a person making a request that does not qualify for the fastest multitrack processing an opportunity to limit the scope of the request in order to qualify for faster processing.

"(iii) This subparagraph shall not be considered to affect the requirement under subparagraph (C) to exercise due diligence.".

(b) UNUSUAL CIRCUMSTANCES.—Section 552(a)(6)(B) of title 5, United States Code, is amended to read as follows:

"(B)(i) In unusual circumstances as specified in this subparagraph, the time limits prescribed in either clause (i) or clause (ii) of subparagraph (A) may be extended by written notice to the person making such request setting forth the unusual circumstances for such extension and the date on which a determination is expected to be dispatched. No such notice shall specify a date that would result in an extension for more than ten working days, except as provided in clause (ii) of this subparagraph.

"(ii) With respect to a request for which a written notice under clause (i) extends the time limits prescribed under clause (i) of subparagraph (A), the agency shall notify the person making the request if the request cannot be processed within the time limit specified in that clause and shall provide the person an opportunity to limit the scope of the request so that it may be processed within that time limit or an opportunity to arrange with the agency an alternative time frame for processing the request or a modified request. Refusal by the person to reasonably modify the request or arrange such an alternative time frame shall be considered as a factor in determining whether exceptional circumstances exist for purposes of subparagraph (C).

"(iii) As used in this subparagraph, 'unusual circumstances' means, but only to the extent reasonably necessary to the proper processing of the particular requests—

"(I) the need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

"(II) the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

"(III) the need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject-matter interest therein.

"(iv) Each agency may promulgate regulations, pursuant to notice and receipt of public comment, providing for the aggregation of certain requests by the same requestor, or by a group of requestors acting in concert, if the agency reasonably believes that such requests actually constitute a single request, which would otherwise satisfy the unusual circumstances specified in this subparagraph, and the requests involve clearly related matters. Multiple requests involving unrelated matters shall not be aggregated.".

(c) EXCEPTIONAL CIRCUMSTANCES.—Section 552(a)(6)(C) of title 5, United States Code, is amended by inserting "(i)" after "(C)", and by adding at the end the following new clauses:

"(ii) For purposes of this subparagraph, the term 'exceptional circumstances' does not include a delay that results from a predictable agency workload of requests under this section, unless the agency demonstrates reasonable progress in reducing its backlog of pending requests.

"(iii) Refusal by a person to reasonably modify the scope of a request or arrange an alternative time frame for processing a request (or a modified request) under clause (ii) after being given an opportunity to do so by the agency to whom the person made the request shall be considered as a factor in determining whether exceptional circumstances exist for purposes of this subparagraph.".

SEC. 8. TIME PERIOD FOR AGENCY CONSIDERATION OF REQUESTS.

(a) EXPEDITED PROCESSING.—Section 552(a)(6) of title 5, United States Code (as amended by section 7(a) of this Act), is further amended by adding at the end the following new subparagraph:

"(E)(i) Each agency shall promulgate regulations, pursuant to notice and receipt of public comment, providing for expedited processing of requests for records—

"(I) in cases in which the person requesting the records demonstrates a compelling need; and

"(II) in other cases determined by the agency.

"(ii) Notwithstanding clause (i), regulations under this subparagraph must ensure—

"(I) that a determination of whether to provide expedited processing shall be made, and notice of the determination shall be provided to the person making the request, within 10 days after the date of the request; and

"(II) expeditious consideration of administrative appeals of such determinations of whether to provide expedited processing.

"(iii) An agency shall process as soon as practicable any request for records to which the agency has granted expedited processing under this subparagraph. Agency action to deny or affirm denial of a request for expedited processing pursuant to this subparagraph, and failure by an agency to respond in a timely manner to such a request shall be subject to judicial review under paragraph (4), except that the judicial review shall be based on the record before the agency at the time of the determination.

"(iv) A district court of the United States shall not have jurisdiction to review an agency denial of expedited processing of a request for records after the agency has provided a complete response to the request.

"(v) For purposes of this subparagraph, the term 'compelling need' means—

"(I) that a failure to obtain requested records on an expedited basis under this paragraph could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; or

"(II) with respect to a request made by a person primarily engaged in disseminating information, urgency to inform the public concerning actual or alleged Federal Government activity.

"(vi) A demonstration of a compelling need by a person making a request for expedited processing shall be made by a statement certified by such person to be true and correct to the best of such person's knowledge and belief.".

(b) EXTENSION OF GENERAL PERIOD FOR DETERMINING WHETHER TO COMPLY WITH A REQUEST.—Section 552(a)(6)(A)(i) of title 5, United States Code, is amended by striking "ten days" and inserting "20 days".

(c) ESTIMATION OF MATTER DENIED.—Section 552(a)(6) of title 5, United States Code (as amended by section 7 of this Act and subsection (a) of this section), is further amended by adding at the end the following new subparagraph:

"(F) In denying a request for records, in whole or in part, an agency shall make a reasonable effort to estimate the volume of any requested matter the provision of which is denied, and shall provide any such estimate to the person making the request, unless providing such estimate would harm an interest protected by the exemption in subsection (b) pursuant to which the denial is made.".

SEC. 9. COMPUTER REDACTION.

Section 552(b) of title 5, United States Code, is amended in the matter following paragraph (9) by inserting after the period the following: "The amount of information deleted shall be indicated on the released portion of the record, unless including that indication would harm an interest protected by the exemption in this subsection under which the deletion is made. If technically feasible, the amount of the information deleted shall be indicated at the place in the record where such deletion is made.".

SEC. 10. REPORT TO THE CONGRESS.

Section 552(e) of title 5, United States Code, is amended to read as follows:

"(e)(1) On or before February 1 of each year, each agency shall submit to the Attorney General of the United States a report which shall cover the preceding fiscal year and which shall include—

"(A) the number of determinations made by the agency not to comply with requests for records made to such agency under subsection (a) and the reasons for each such determination;

"(B)(i) the number of appeals made by persons under subsection (a)(6), the result of such appeals, and the reason for the action upon each appeal that results in a denial of information; and

"(ii) a complete list of all statutes that the agency relies upon to authorize the agency to withhold information under subsection (b)(3), a description of whether a court has upheld the decision of the agency to withhold information under each such statute, and a concise description of the scope of any information withheld;

"(C) the number of requests for records pending before the agency as of September 30

of the preceding year, and the median number of days that such requests had been pending before the agency as of that date;

"(D) the number of requests for records received by the agency and the number of requests which the agency processed;

"(E) the median number of days taken by the agency to process different types of requests;

"(F) the total amount of fees collected by the agency for processing requests; and

"(G) the number of full-time staff of the agency devoted to processing requests for records under this section, and the total amount expended by the agency for processing such requests.

"(2) Each agency shall make each such report available to the public including by computer telecommunications, or if computer telecommunications means have not been established by the agency, by other electronic means.

"(3) The Attorney General of the United States shall make each report which has been made available by electronic means available at a single electronic access point. The Attorney General of the United States shall notify the Chairman and ranking minority member of the Committee on Government Reform and Oversight of the House of Representatives and the Chairman and ranking minority member of the Committees on Governmental Affairs and the Judiciary of the Senate, no later than April 1 of the year in which each such report is issued, that such reports are available by electronic means.

"(4) The Attorney General of the United States, in consultation with the Director of the Office of Management and Budget, shall develop reporting and performance guidelines in connection with reports required by this subsection by October 1, 1997, and may establish additional requirements for such reports as the Attorney General determines may be useful.

"(5) The Attorney General of the United States shall submit an annual report on or before April 1 of each calendar year which shall include for the prior calendar year a listing of the number of cases arising under this section, the exemption involved in each case, the disposition of such case, and the cost, fees, and penalties assessed under subparagraphs (E), (F), and (G) of subsection (a)(4). Such report shall also include a description of the efforts undertaken by the Department of Justice to encourage agency compliance with this section.".

SEC. 11. REFERENCE MATERIALS AND GUIDES.

Section 552 of title 5, United States Code, is amended by adding after subsection (f) the following new subsection:

"(g) The head of each agency shall prepare and make publicly available upon request, reference material or a guide for requesting records or information from the agency, subject to the exemptions in subsection (b), including—

"(1) an index of all major information systems of the agency;

"(2) a description of major information and record locator systems maintained by the agency; and

"(3) a handbook for obtaining various types and categories of public information from the agency pursuant to chapter 35 of title 44, and under this section.".

SEC. 12. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this Act shall take effect 180 days after the date of the enactment of this Act.

(b) PROVISIONS EFFECTIVE ON ENACTMENT.—Sections 7 and 8 shall take effect one year after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. HORN] and the gentlewoman from New York [Mrs. MALONEY] each will control 20 minutes.

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

Mr. HORN. Mr. Speaker, I will take 2 minutes, and then I am going to yield to the gentleman from Washington [Mr. TATE] for the explanation of the bill.

The hallmark of a free society is that those who are governed have access to the information within the control of those who govern.

James Madison put it very well when he wrote very elegantly over two centuries ago:

> A popular government without popular information or the means of acquiring it, is but a Prologue to a Farce or a Tragedy, or perhaps both. Knowledge will forever govern ignorance, and a people who mean to be the governors, must arm themselves with the power knowledge gives.

Madison, whom we honor with the Madison Library of the Library of Congress, was certainly one of the most thoughtful of our founders and considered by many to be the Father of The Constitution.

In this spirit, 30 years ago Congress passed the Freedom of Information Act, commonly referred to as the FOIA. The committee report that accompanied the original act summarized it as providing a "true Federal public records statute by requiring the availability, to any member of the public, of all executive branch records" described in that act. Since its enactment, the annual number of requests which departments and agencies received has grown to more than 600,000 requests a year.

The benefits that the Freedom of Information Act provides the public matter deeply to Congress. In 1995, the very first report issued by the House Committee on Government Reform and Oversight was A Citizen's Guide on Using the Freedom of Information Act and the Privacy Act of 1974 to Request Government Records. This popular publication, available from the Government Printing Office helps average citizens understand their right to obtain government records.

H.R. 3802 clarifies that records kept electronically are subject to disclosure under the Freedom of Information Act. The bill also makes procedural changes in the administration of the law. It strengthens agency reporting requirements. It also requires that more information be available to the public via the Internet.

The Electronic Freedom of Information Amendments of 1996 was introduced by the gentleman from Washington [Mr. TATE], our subcommittee's ranking member, the gentlewoman from New York [Mrs. MALONEY], the gentleman from Minnesota [Mr. PETERSON], and myself. We were the original cosponsors.

I understand that Senator LEAHY intends to offer this identical bill on the floor of the other body as a substitute to S. 1090. The Senate Committee on the Judiciary had previously favorably reported that legislation. We have worked very closely with Senators LEAHY and SPECTER and the administration in producing a bill that now enjoys broad support.

Mr. Speaker, I yield such time as he may consume to the gentleman from Washington [Mr. TATE], my colleague, the prime author of this legislation.

Mr. TATE. Mr. Speaker, I want to thank Chairman CLINGER and Representative HORN for their hard work and leadership.

As chairman of the Government Reform and Oversight Committee—Chairman CLINGER has played a vital role in bringing H.R. 3802—the Electronic Freedom of Information Act Amendments of 1996—before us today.

And Chairman HORN of the Subcommittee on Government Management, Information and Technology—has served on the front lines in our efforts to improve the efficiency and responsiveness of Government operations.

I have been fortunate to work alongside Representative HORN in the area of Federal information policy and the Electronic Freedom of Information Act amendments.

I would also like to acknowledge the support of Representative CAROLYN MALONEY and Representative COLLIN PETERSON. Their contributions have ensured that H.R. 3802 is a truly bipartisan effort.

Opening the work of the Federal Government to the watchful and vigilant eyes of the American taxpayers and the public is an effort that both parties and the administration can and should embrace wholeheartedly.

Thirty years ago—Congress passed the Freedom of Information Act [FOIA] to advance one of the basic tenets of our Constitution—that our Federal Government is always open, accessible, and accountable to the American people.

Government works best under the watchful and vigilant eyes of its owners—the American people.

The more visible and accessible we make the work of the Federal Government—the easier it becomes for all of us to stem Government excess and curb Government abuse.

Before the enactment of the Freedom of Information Act—agencies and departments of the Federal Government regularly restricted the public's access to information.

FOIA was enacted in order to honor—preserve—and promote the public's right to know—ensuring that Government information is—with few very exceptions—public information.

Unfortunately—time after time—FOIA's promise to make Government information open and accessible has been broken.

On many occasions—simple requests for information have languished—unanswered—for years.

In addition—many agencies have not responded to the needs of a public that has already moved into the information age—continuing to focus on answering with volumes of paper rather than with CD-ROM's or computer disks.

In the 30 years since the implementation of the original Freedom of Information Act—our Nation has witnessed enormous technological advances.

My area of the country—the Puget Sound region in Washington State—is the home of Microsoft—the largest computer software company in the world.

My district has welcomed a manufacturing plant for Intel—the largest of the Pentium chip that goes into computer throughout the world.

And my hometown of Puyallup has been to a manufacturing plant owned by Matsushita—one of the largest computer chip producers in the world.

These technological marvels have made the laptop computer—cellular phone—fax—and internet possible—bringing the public into the information age.

It is only fitting that we now work to use modern-day technology to deliver common-sense efficiency and Government accountability to the American people.

H.R. 3802 puts FOIA information online on agency websites, ensuring that citizens in every home—in every town—and in every city—across the Nation will be able to access Government information from the comfort of their own homes.

My neighbors will be able to turn on their computers—click onto the internet—and download information made accessible by the Electronic Freedom of Information Act Amendments of 1996.

Our Government should be user-friendly by making an effort to deliver information to Americans in the format of their choosing.

H.R. 3802 requires Federal agencies to make a concerted effort to produce records in the preferred format—such as CD-ROM or computer disk—ensuring that Government information is not only readily available but also readily usable.

The use of the latest technology by Government agencies will harness the benefits of computer technology and deliver to everyone increased Government accessibility.

This legislation also addresses the problems many citizens face when requesting Federal records—unacceptable delays in getting an answer.

This bill encourages Federal agencies to develop multitrack processing based on the complexity of requests.

For example—simple requests should be answered as if they were going through the express lane at your local supermarket—quickly and efficiently.

Those who seek information which relates to life or safety or is of urgent public interest will receive the timely processing that they need.

In addition—agencies are given an incentive to actively work with the public to deliver the most useful information as fast as possible.

These changes send a clear message that the Federal Government—and its public servants—must always strive for increased Government openness—efficiency—and accountability.

Openness—efficiency—and accountability are the hallmarks of the Electronic Freedom of Information Act amendments. The American people expect their Government to deliver no less.

In a March 21 letter to Chairman HORN, I and Representatives SCARBOROUGH, DAVIS, FOX, BASS, and FLANAGAN urged House consideration of EFOIA and I am delighted to have H.R. 3802 before us today on the House floor.

I thank all my colleagues on the Government Reform and Oversight Committee for their hard work and support in ensuring that the advancement of free information to the American people is pursued on a bipartisan basis.

H.R. 3802 has received endorsements from a broad array of groups—including Americans for Tax Reform—the Newspaper Association of America—the National Association of Broadcasters—and the American Library Association.

The Freedom of Information Act turned 30 this year—it's time to bring the law into the modern information age and require the Federal Government to deliver cutting-edge service to the American people.

We in Congress—as their public servants—should aspire to nothing less. I urge all my colleagues to support the Electronic Freedom of Information Act of 1996.

Mrs. MALONEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, like much of the work that the Committee on Government Reform and Oversight has done this year on legislation, this bill is a triumph of policy over partisanship. In the most partisan Congress in memory, this committee has passed several bills with broad bipartisan support that will collectively save the taxpayers billions of dollars and make Government work better for the average American taxpayer; the Paperwork Reduction Act, the debt collection bill which Treasury estimates will save taxpayers $10 billion over 5 years, the Federal Acquisition Reform Act, the Single Audit Act, and the General Accounting Office Act, to name a few. These achievements are a credit to the gentleman from Pennsylvania [Mr. CLINGER] and the gentleman from California [Mr. HORN], who chairs the Subcommittee on Government Management Information and Technology on which I serve as the ranking member. They are also a credit to a ranking member of the full committee, the gentlewoman from Illinois [Mrs. COLLINS], whose leadership will be greatly missed when she retires at the end of the year. On this particular bill I want to thank the gentleman from Washington [Mr. TATE], for his active leadership and Senator PATRICK LEAHY who has been the driving force behind the bill in the Senate.

I appreciate the majority's willingness to adopt my amendments, in particular one amendment that would track how agencies are responding or not responding to Freedom of Information requests. As Senator LEAHY testified at our committee hearing, long delays in access can mean no access at all.

Mr. Speaker, in short, the Electronic Freedom of Information Act will bring the Freedom of Information Act from the technological stone age into the information age. It has been 30 years since President Johnson set upon signing the original Freedom of Information Act, and I quote:

> This legislation springs from one of our most essential principles, a democracy works best when people have all the information that the security of the Nation permits.

That principle still holds true today, but as written, the Freedom of Information Act is woefully outdated, drafted for a time when personnel computers were unheard of and cyberspace was no more accessible than outer space.

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This bill will change all of that. It clarifies that there is no legal distinction between Government records stored on paper and Government records stored electronically, that records maintained in an electronic format can be subject to FOIA requests.

Government agencies are increasingly storing their information on personal computers, computer databases, and electronic storage media such as CD-ROM's. But some Government agencies have denied freedom of information requests for information stored electronically. They are seeking the green light from Congress to provide access to that information, and this bill gives it to them by placing substance over form instead of form over substance.

The rationale for this provision is obvious. Today our information warehouses are on computer and compact disks, not in huge buildings in industrial zones. By using technology, Government bureaucrats can avoid going through endless file cabinets hunting for information, often to provide identical or overlapping information from previous FOIA requests. And ordinary

American citizens can access that information without leaving their desks or driving to the post office, or in some cases having any contact with Government workers at all.

With Government downsizing, Government employees' workloads are mounting, so avoiding the need for contact with them at all can dramatically expedite fulfillment of freedom of information requests, as in the case of identical FOIA requests which have been filed before.

Mr. Speaker, the bill also forces agencies to exercise foresight when installing computer systems which must help expedite agency FOIA requests and operations, rather than impeding them. Furthermore, it would encourage agencies to offer online access to Government information, effectively transforming an individual's home computer into a Government agency's public reading room.

Most importantly, the bill would tackle the mother of all complaints lodged against the Freedom of Information Act: that is, the often ludicrous amount of time it take some agencies to respond, if they respond at all, to freedom of information requests.

By the time freedom of information requests are fulfilled, the information is often useless to the requester, if the requester has not died of old age. If you request a document from the FBI, you may be forced to wait for more than 4 years before you receive it, if not longer.

This bill will make several commonsense changes. It will establish that all freedom of information requests are not created equal. The bill creates a compelling need standard, warranting faster FOIA processing.

Two categories of compelling need would be created. In the first category, the failure to obtain the records within an expedited deadline poses an imminent threat to an individual's life or physical safety. The second category requires a request by someone, and I quote, "Primarily engaged in disseminating information," and "urgency to inform the public concerning actual or alleged government activity."

This would apply to our good friends from the media. Marlin Fitzwater once talked about the need to constantly feed the beast, meaning the media, with information. This provision will help keep the media informed in a quicker and faster way.

Mr. Speaker, the bill would further differentiate and prioritize FOIA requests based on size, giving requesters an incentive to frame narrower requests. Agencies would no longer be able to delay responding to FOIA requests on the grounds of "exceptional circumstances" if those circumstances are nothing more than the predictable agency overload.

This clause would strengthen the requirement that agencies respond to freedom of information requests on time. However, this bill does recognize the great demands placed on agencies to fulfill FOIA requests by extending the deadline for responding to requests to 20 workdays from the current 10-day workday requirement, which is simply unworkable for many agencies.

The bill also gives agencies an incentive to comply with statutory time limits by allowing them to retain half of the fees. The amendment that I introduced, which has been adopted, acknowledges that we need to make agencies more accountable to the public by requiring them to report to Congress and the public on their efforts to comply with FOIA or their failure in complying with FOIA. Information delayed is certainly information denied.

The bill requires each agency to report on its FOIA workload during the year, the number of requests received and completed, as well as the amount of backlog and the steps the agency is taking to reduce it. Each agency will also report on how long it normally takes to process the request. Finally, each agency will report on the resources, dollars, and persons devoted to responding. This will allow us to make a judgment about whether adequate resources are being devoted to these requests and whether agencies are making a sufficient effort to comply with the law of the land.

The bill also requires agencies to become more user-friendly to the public, informing average Americans in a readily understandable way how one makes a FOIA request, how long it takes for normal requests to be processed, how the Government responds to a request, and in what circumstances the Government is not required to fulfill the request.

One issue not addressed in this legislation is the recent D.C. Circuit Court decision in the case of Armstrong versus the Executive Office of the President. In that decision the court ruled that the National Security Council is not an agency. This is contrary to 20 years of freedom of information practice and contrary to the way Congress has treated the National Security Council in other legislation. I hope the courts will correct this error; but if they do not, I am sure that we will address it in the 105th Congress.

To summarize, Mr. Speaker, this is a comprehensive, bipartisan bill that facilitates the dissemination of public information. It makes the Freedom of Information Act for the 1990's instead of for the 1960's. It helps make Government truly for the people, not just for Government insiders. In passing it unanimously, the Committee on Government Reform and Oversight has proudly lived up to its name.

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

Mr. HORN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me say in closing on this I thank, again, the gentleman from Washington for his very constructive ideas, and the gentlewoman from New York for her most helpful suggestions. She has mentioned a few of them. The Subcommittee on Government Management, Information, and Technology held a very thorough hearing on H.R. 3802.

This has truly been, as have most of the bills from this subcommittee, based on bipartisan cooperation. Good ideas know no bounds, and what we need to do is get the good ideas into legislation. This is one aspect of that.

We mentioned earlier the 600,000 requests a year. The gentlewoman from New York mentioned the 4-year lag to get a file out of the Federal Bureau of Investigation. That is simply unacceptable in a free society. How are we going to solve that? As we suggested in the hearings, and this was, again, both sides of the aisle suggesting it to the executive branch, we need the Cabinet officers in charge of particular departments to take this seriously, to look at how their needs and how they might better staff and organize to serve the public and the media with this information. The agencies need to put a price tag on the service. Do not necessarily come to Congress to solve every fiscal problem that arises. The Secretary should be looking at reprogramming money within the department so the public and the media can be served.

So, Mr. Speaker, we expect agencies to look for reprogramming funds. We also expect the appropriations committees to take this up piece by piece as to how well the agencies are dealing with serving the public in the freedom of information area.

I would hope that all parties in the legislative and executive branches take this matter seriously. In the coming year we will be watching the degree to which the backlog is reduced through the oversight conducted by our Committee on Government Reform and Oversight.

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

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

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from California [Mr. HORN] that the House suspend the rules and pass the bill, H.R. 3802, as amended.

The question was taken.

Mr. HORN. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

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

GENERAL LEAVE

Mr. HORN. Mr. Speaker, I ask unanimous consent that all Members may

have 5 legislative days within which to revise and extend their remarks on H.R. 3802, the bill just considered.

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

There was no objection.

CONFERRING HONORARY U.S. CITIZENSHIP TO MOTHER TERESA

Mr. FLANAGAN. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 191) to confer honorary citizenship of the United States on Agnes Gonxha Bojaxhiu, also known as Mother Teresa, as amended.

The Clerk read as follows:

H.J. RES. 191

Whereas the United States has conferred honorary citizenship on only three occasions in its more than two hundred years, and honorary citizenship is and should remain an extraordinary honor not lightly conferred nor frequently granted;

Whereas Agnes Gonxha Bojaxhiu, better known through out the world as Mother Teresa, has worked tirelessly with orphaned and abandoned children, the poor, the sick, and the dying;

Whereas Mother Teresa founded the Missionaries of Charity in 1950, and has taken in those who have been rejected as "unacceptable" and cared for them when no one else would, regardless of race, color, creed, or condition;

Whereas Mother Teresa has deservedly received numerous honors, including the 1979 Nobel Peace Prize and the 1985 Presidential Medal of Freedom;

Whereas Mother Teresa has worked in areas all over the world, including the United States, to provide comfort to the world's neediest; and

Whereas Mother Teresa through her Missionaries of Charity has established within the United States numerous soup kitchens, emergency shelters for women, shelters for unwed mothers, shelters for men, after-school and summer camp programs for children, homes for the dying, prison ministry, nursing homes, and hospital and shut-in ministry: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Agnes Gonxha Bojaxhiu, also known as Mother Teresa, is proclaimed to be an honorary citizen of the United States of America.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois [Mr. FLANAGAN] and the gentlewoman from California [Ms. LOFGREN] each will control 20 minutes.

The Chair recognizes the gentleman from Illinois [Mr. FLANAGAN].

GENERAL LEAVE

Mr. FLANAGAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Joint Resolution 191, the joint resolution under consideration.

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

There was no objection.

Mr. FLANAGAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Joint Resolution 191, legislation which I introduced that confers honorary U.S. citizenship upon Mother Teresa.

Mr. Speaker, Mother Teresa is a living saint. Her work has affected people around the globe. She has worked tirelessly for the sick and the dying, giving them comfort and care. Mother Teresa has always, through her Missionaries of Charity, taken in those who are "unacceptable," and thus unwanted, and cared for them when no one else would. Her commitment to humanity is unwavering.

Born on August 27, 1910, Mother Teresa has worked for over 65 years for the betterment of mankind. She began her religious studies in Ireland in 1928. Later that same year, she went to Calcutta, India, where she has so nobly performed countless acts of faith and devotion.

Mother Teresa's caregiving has reached beyond creed, nationality, race, or place. She has extended her service to those who are poor and those who are unwanted around the world. Aside from her work in India, Mother Teresa has touched the lives of many in Ireland, Venezuela, Tanzania, Australia, Jordan, her own Albania, and of course, right here in the United States, to name but just a few of the more than 90 countries where Mother Teresa and her order have been active.

Bestowing such a prestigious tribute as honorary U.S. citizenship does not come easily. There have been only three other occasions on which this privilege has been awarded. Only four individuals have received honorary citizenship. They are, first, Sir Winston Churchill, Prime Minister of Great Britain during World War II, America's greatest ally, second, Raoul Wallenberg, a Swedish diplomat who, during World War II, saved the lives of thousands of Jews, and third, William Penn and his wife, Hannah Callowhill Penn, were honored for their role in the colonial days of our great country.

Honorary U.S. citizenship does not grant any legal rights or obligations. It does not give the recipient any voting privileges. This has been a concern in the past. It is crystal clear from the legislative history of the Churchill, Wallenberg, and Penn bills that conferral of honorary citizenship is purely a symbolic gesture. It is recognition of their outstanding commitment to their fellow man and to America.

There is no question that Mother Teresa is a worthy recipient of this prestigious honor. She has established numerous soup kitchens, women's shelters, shelters for unwed mothers, religious education programs, nursing homes, orphanages, after school and summer camp programs for children, homes for the dying, prison ministry, family counseling programs, and missionary work in the United States. She has also been awarded the 1979 Nobel Peace Prize for her work as well as the 1985 U.S. Presidential Medal of Freedom and countless other honors. It would surely take up the rest of the day to list them all.

The Missionaries of Charity, Mother Teresa's order, was founded in India in 1950. The order was established in the United States in 1971. There are approximately 4,500 sisters affiliated with the congregation. It is represented in the United States in the Archdioceses of Atlanta, Boston, Chicago, Denver, Detroit, Los Angeles, Miami, New York, Newark, Philadelphia, San Francisco, St. Louis, and Washington. Also in the Dioceses of Baton Rouge, Brooklyn, Dallas, Fall River, Gallup, Lafayette, Lexington, Little Rock, Peoria, Phoenix, and Memphis. It's very possible that more have been added since the last official report. God only knows where Mother Teresa's influence and good works may turn up next.

Mother Teresa is a woman of simple, yet eloquent, faith. This is best illustrated by an observation she once made. She said:

> We do not accept any government assistance or church subsidies, salaries or fixed income. The birds of the air and the flowers of the field do not have an income, but God takes care of them. Therefore, will not God also take care of us, who are more important than flowers and birds?

But, it is Mother Teresa and her Missionaries of Charity who, through their good works throughout the world have, in some way, shape, or form, taken care of us by touching our lives. We should all be honored that we have had the privilege to have lived in her lifetime.

To those who sometimes ask the question, "Why is there so much evil in the world?" I ask the converse question, "Why is there so much good?" The answer is that there are humble people like Mother Teresa and those who work with her. Malcolm Muggeridge entitled his biography of Mother Teresa, "Something Beautiful for God." I would simply add to that, that Mother Teresa is also something beautiful for the world.

Mr. Speaker, it is important that we recognize and reward the actions of this living saint. Mother Teresa is undeniably a worthy recipient of honorary citizenship and I ask my colleagues to join with me in bestowing this high honor and distinction upon Mother Teresa.

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

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

Mr. GILMAN. Mr. Speaker, I want to thank the gentleman from Illinois [Mr. FLANAGAN] for bringing this measure to the floor and to pay proper respects for this saintly servant of God who has done so much good for so many

throughout the world. It is with a great deal of pride and pleasure that I join with the gentleman in honoring Mother Teresa in this manner.

Mr. FLANAGAN. I thank the distinguished chairman.

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

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the bill. As the gentleman from Illinois has mentioned, this bill would provide honorary citizenship to Mother Theresa and that is a symbolic gesture, it does not provide for voting, citizenship and the like, but it is an honor that I feel ought to be conferred upon Mother Theresa. I would note that this measure has come up late in this Congress, but the Committee on the Judiciary did consider it last week and on voice vote did unanimously approve the measure.

As the gentleman from Illinois [Mr. FLANAGAN] has indicated, there have only been three other occasions when honorary citizenship has been conferred by the United States, and they are all amazing people, Winston Churchill, Raoul Wallenberg, and William Penn. Certainly Mother Theresa belongs in this group of honored citizens of the world.

I note that Mother Theresa was actually born in Yugoslavia, of Albanian parents. She has received an honor from India, the Jewel of India, as well as the Nobel Peace Prize, and the Order of the British Empire. Adding honorary U.S. citizenship would add our country's honor to her which she so richly deserves.

I would note, as my colleague from Illinois has, that what she has done in her life deserves the admiration of all of us here in the United States and all around the world. Like many here in America when she fell ill a short while ago, I offered up a small prayer that she might be left here with us a little while longer to continue her good works. We do not know how long the Lord will see fit to leave her with us, but I hope that this bill bestowing honorary citizenship does pass in time for her to know that we call her our own as well. She embodies all the things that we believe is best for our country: hope, and reaching out to those in need.

I thank the gentleman from Illinois [Mr. FLANAGAN] for introducing the bill.

Mr. FLANAGAN. Mr. Speaker, will the gentlewoman yield?

Ms. LOFGREN . I yield to the gentleman from Illinois.

Mr. FLANAGAN. Mr. Speaker, I thank the gentlewoman from California [Ms. LOFGREN] for her excellent remarks and her endorsement of the bill. It is worthy of her endorsement and her endorsement certainly is most helpful.

Mr. Speaker, I just wanted to observe quickly that the gentlewoman remarked she was born in Yugoslavia, this is true, in Skopje, but at the time she was born, she has been with us so long, Skopje was in the Ottoman Empire at the time she was born. That is how long she has been with us, out doing her good works. That is an amazing fact in and of itself.

Ms. LOFGREN. It certainly is.

Mr. Speaker, I yield 5 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I thank the gentlewoman from California for yielding me this time. Obviously no one, no one on this planet dare ever question Mother Teresa's good works and her qualification for this.

The only reason I rise is to say I certainly hope that we are not trying to cloak some of the things that we have done to the less fortunate in our society by conferring this on Mother Teresa. I am not too sure she would not have preferred a little different outcome in some of the things that this body did this year. In fact, I am almost sure she had almost rather have that done in her name rather than this.

I keep thinking if we look at the real character of Mother Teresa, she would have been horrified by probably many provisions of the regressive welfare bill. And, in fact, if she were here, because she is not a real citizen, she could not qualify, even though she has taken vows of poverty, for any of those benefits.

I think she would be saddened by many of the debates we have had about the poor children in this country and the poor people in this country. I cannot help but point out we have an immigration bill where she could still not come to this country to live even with this honorary citizenship unless she had a relative that was 200 percent over the poverty line willing to sponsor her. And if she got here and then she wanted to bring some of her relatives here to be with her in her last few days, she could not do that, either, because she has taken a vow of poverty and she would fit under our immigration bill.

So I have to say as we get close to election time and all of that, let us not try to take her tremendous good works and hope that that reflects on us when I think we have a record that she really would not particularly want her good works being used to cloak. I certainly do not come out against this bill. Obviously this woman deserves honors from every country, from every person anywhere. But I really wonder if she would not have preferred us spending this time to do something about the people who have fallen through the cracks in our society that are Americans and especially those who are least able to do anything, the young children, those who are terribly sick, those who are elderly and disabled. Those have been the people she has spoken for. And too many times in these last 2 years, we have had more of a motto of trying to keep hate alive, where we have politically preyed on the backs of the poor and the people who are defenseless.

So, yes, of course everybody is for this bill. But let me just say, I am not sure that the record of this body would qualify many of us for the kind of good works she has gotten. And I certainly hope none of us use this bill to try and cover up some of the votes that Mother Theresa would have never have made—never have made—had she been a Member of this body. I think to say, well, I cannot defend those votes but guess what I did, I tried to honor Mother Theresa, would make her very, very angry.

So as she has reentered the hospital, and we are all very saddened by that, I think it is also terribly important to be very serious about what her life message was to each and every one of us, and, that was, to do good things and to not ever attack those among us who are least able to fight back, whether I look at the welfare bill, nutrition bills, things that have been done in jobs bills, things that have been done in immigration bills, things that have been done in English only. Again she would be in trouble because she does not speak English well. I must say, I am sure she would kind of wonder why we did not try to correct some of those in her good name and follow her good works rather than just honor it. I am sure she would prefer we followed her good works first, and that would be the best way to honor her.

Mr. FLANAGAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join the gentlewoman from Colorado in her desire not to have Mother Theresa's name used for a crass political purpose. Certainly that is not the intention of this side. I hope it is not anywhere in the body.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just add that clearly there are few if any Members of this body as saintly as Mother Teresa. And we should not only honor her with honorary U.S. citizenship, but use her faith and the action that her faith has led her to us as a model for each of us.

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

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

The SPEAKER pro tempore. (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from Illinois [Mr. FLANAGAN] that the House suspend the rules and pass the joint resolution, House Joint Resolution 191, as amended.

The question was taken.

Mr. FLANAGAN. Mr. Speaker, I object to the vote on the ground that a

quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

FEDERAL COURTS IMPROVEMENT ACT OF 1996

Mr. FLANAGAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3968) to make improvements in the operation and administration of the Federal courts, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3968

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Federal Courts Improvement Act of 1996".

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

Sec. 1. Short title; table of contents.

TITLE I—CRIMINAL LAW AND CRIMINAL JUSTICE AMENDMENTS

Sec. 101. New authority for probation and pretrial services officers.

TITLE II—JUDICIAL PROCESS IMPROVEMENTS

Sec. 201. Duties of magistrate judge on emergency assignment.
Sec. 202. Registration of judgments for enforcement in other districts.
Sec. 203. Vacancy in clerk position; absence of clerk.
Sec. 204. Removal of cases against the United States and Federal officers or agencies.
Sec. 205. Appeal route in civil cases decided by magistrate judges with consent.
Sec. 206. Reports by judicial councils relating to misconduct and disability orders.
Sec. 207. Consent to trial in certain criminal actions.

TITLE III—JUDICIARY PERSONNEL ADMINISTRATION, BENEFITS, AND PROTECTIONS

Sec. 301. Refund of contribution for deceased deferred annuitant under the Judicial Survivors' Annuities System.
Sec. 302. Bankruptcy judges reappointment procedure.
Sec. 303. Technical correction related to commencement date of temporary judgeships.
Sec. 304. Full-time status of court reporters.
Sec. 305. Court interpreters.
Sec. 306. Technical amendment related to commencement date of temporary bankruptcy judgeships.
Sec. 307. Contribution rate for senior judges under the Judicial Survivors' Annuities System.
Sec. 308. Proceedings on complaints against judicial conduct.

TITLE IV—JUDICIAL FINANCIAL ADMINISTRATION

Sec. 401. Increase in civil action filing fee.
Sec. 402. Interpreter performance examination fees.
Sec. 403. Judicial panel on multidistrict litigation.
Sec. 404. Disposition of fees.

TITLE V—FEDERAL COURTS STUDY COMMITTEE RECOMMENDATIONS

Sec. 501. Qualification of Chief Judge of Court of International Trade.

TITLE VI—PLACES OF HOLDING COURT

Sec. 601. Place of holding court in the Southern District of New York.
Sec. 602. Place of holding court in the Eastern District of Texas.

TITLE VII—MISCELLANEOUS

Sec. 701. Participation in judicial governance activities by district, senior, and magistrate judges.
Sec. 702. The Director and Deputy Director of the Administrative Office as officers of the United States.
Sec. 703. Removal of action from State court.
Sec. 704. Federal Judicial Center employee retirement provisions.
Sec. 705. Abolition of the special court, Regional Rail Reorganization Act of 1973.
Sec. 706. Exception of residency requirement for district judges appointed to the Southern District and Eastern District of New York.
Sec. 707. Civil justice expense and delay reduction plans.
Sec. 708. Venue for territorial courts.

TITLE I—CRIMINAL LAW AND CRIMINAL JUSTICE AMENDMENTS

SEC. 101. NEW AUTHORITY FOR PROBATION AND PRETRIAL SERVICES OFFICERS.

(a) PROBATION OFFICERS.—Section 3603 of title 18, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (8)(B);

(2) by redesignating paragraph (9) as paragraph (10); and

(3) by inserting after paragraph (8) the following new paragraph:

"(9) if approved by the court, be authorized to carry firearms under such regulations as the Director of the Administrative Office of the United States Courts may prescribe; and".

(b) PRETRIAL SERVICES OFFICERS.—Section 3154 of title 18, United States Code, is amended—

(1) by redesignating paragraph (13) as paragraph (14); and

(2) by inserting after paragraph (12) the following new paragraph:

"(13) If approved by the court, be authorized to carry firearms under such regulations as the Director of the Administrative Office of the United States Courts may prescribe.".

TITLE II—JUDICIAL PROCESS IMPROVEMENTS

SEC. 201. DUTIES OF MAGISTRATE JUDGE ON EMERGENCY ASSIGNMENT.

The first sentence of section 636(f) of title 28, United States Code, is amended by striking out "(a) or (b)" and inserting in lieu thereof "(a), (b), or (c)".

SEC. 202. REGISTRATION OF JUDGMENTS FOR ENFORCEMENT IN OTHER DISTRICTS.

(a) IN GENERAL.—Section 1963 of title 28, United States Code, is amended—

(1) by amending the section heading to read as follows:

"§ 1963. Registration of judgments for enforcement in other districts";

(2) in the first sentence—

(A) by striking out "district court" and inserting in lieu thereof "court of appeals, district court, or bankruptcy court"; and

(B) by striking out "such judgment" and all that follows through "Trade," and inserting in lieu thereof "the judgment"; and

(3) by adding at the end thereof the following new undesignated paragraph:

"The procedure prescribed under this section is in addition to other procedures provided by law for the enforcement of judgments.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 125 of title 28, United States Code, relating to section 1963 is amended to read as follows:

"1963. Registration of judgments for enforcement in other districts.".

SEC. 203. VACANCY IN CLERK POSITION; ABSENCE OF CLERK.

(a) IN GENERAL.—Section 954 of title 28, United States Code, is amended to read as follows:

"§ 954. Vacancy in clerk position; absence of clerk

"When the office of clerk is vacant, the deputy clerks shall perform the duties of the clerk in the name of the last person who held that office. When the clerk is incapacitated, absent, or otherwise unavailable to perform official duties, the deputy clerks shall perform the duties of the clerk in the name of the clerk. The court may designate a deputy clerk to act temporarily as clerk of the court in his or her own name.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 57 of title 28, United States Code, relating to section 954 is amended to read as follows:

"954. Vacancy in clerk position; absence of clerk.".

SEC. 204. REMOVAL OF CASES AGAINST THE UNITED STATES AND FEDERAL OFFICERS OR AGENCIES.

(a) IN GENERAL.—Section 1442 of title 28, United States Code, is amended—

(1) in the section heading by inserting "**or agencies**" after "**officers**"; and

(2) in subsection (a)—

(A) in the matter preceding paragraph (1) by striking out "persons"; and

(B) in paragraph (1) by striking out "Any officer of the United States or any agency thereof, or person acting under him, for any act under color of such office" and inserting in lieu thereof "The United States or any agency thereof or any officer (or any person acting under that officer) of the United States or of any agency thereof, sued in an official or individual capacity for any act under color of such office".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 89 of title 28, United States Code, is amended by amending the item relating to section 1442 to read as follows:

"1442. Federal officers or agencies sued or prosecuted.".

SEC. 205. APPEAL ROUTE IN CIVIL CASES DECIDED BY MAGISTRATE JUDGES WITH CONSENT.

Section 636 of title 28, United States Code, is amended—

(1) in subsection (c)—

(A) in paragraph (3) by striking out "In this circumstance, the" and inserting in lieu thereof "The";

(B) by striking out paragraphs (4) and (5); and

(C) by redesignating paragraphs (6) and (7) as paragraphs (4) and (5); and

(2) in subsection (d) by striking out ", and for the taking and hearing of appeals to the district courts,".

SEC. 206. REPORTS BY JUDICIAL COUNCILS RELATING TO MISCONDUCT AND DISABILITY ORDERS.

Section 332 of title 28, United States Code, is amended by adding at the end thereof the following new subsection:

"(g) No later than January 31 of each year, each judicial council shall submit a report to the Administrative Office of the United States Courts on the number and nature of orders entered under this section during the preceding calendar year that relate to judicial misconduct or disability.".

SEC. 207. CONSENT TO TRIAL IN CERTAIN CRIMINAL ACTIONS.

(a) AMENDMENTS TO TITLE 18.—(1) Section 3401(b) of title 18, United States Code, is amended—

(A) in the first sentence by inserting ", other than a petty offense that is a class B misdemeanor charging a motor vehicle offense, a class C misdemeanor, or an infraction," after "misdemeanor";

(B) in the second sentence by inserting "judge" after "magistrate" each place it appears;

(C) by striking out the third sentence and inserting in lieu thereof the following: "The magistrate judge may not proceed to try the case unless the defendant, after such explanation, expressly consents to be tried before the magistrate judge and expressly and specifically waives trial, judgment, and sentencing by a district judge. Any such consent and waiver shall be made in writing or orally on the record."; and

(D) by striking out "judge of the district court" each place it appears and inserting in lieu thereof "district judge".

(2) Section 3401(g) of title 18, United States Code, is amended by striking out the first sentence and inserting in lieu thereof the following: "The magistrate judge may, in a petty offense case involving a juvenile, that is a class B misdemeanor charging a motor vehicle offense, a class C misdemeanor, or an infraction, exercise all powers granted to the district court under chapter 403 of this title. The magistrate judge may, in any other class B or C misdemeanor case involving a juvenile in which consent to trial before a magistrate judge has been filed under subsection (b), exercise all powers granted to the district court under chapter 403 of this title.".

(b) AMENDMENTS TO TITLE 28.—Section 636(a) of title 28, United States Code, is amended—

(1) by striking out ", and" at the end of paragraph (3) and inserting in lieu thereof a semicolon; and

(2) by striking out paragraph (4) and inserting the following:

"(4) the power to enter a sentence for a petty offense that is a class B misdemeanor charging a motor vehicle offense, a class C misdemeanor, or an infraction; and

"(5) the power to enter a sentence for a class A misdemeanor, or a class B or C misdemeanor not covered by paragraph (4), in a case in which the parties have consented.".

TITLE III—JUDICIARY PERSONNEL ADMINISTRATION, BENEFITS, AND PROTECTIONS

SEC. 301. REFUND OF CONTRIBUTION FOR DECEASED DEFERRED ANNUITANT UNDER THE JUDICIAL SURVIVORS' ANNUITIES SYSTEM.

Section 376(o)(1) of title 28, United States Code, is amended by striking out "or while receiving 'retirement salary'," and inserting in lieu thereof "while receiving retirement salary, or after filing an election and otherwise complying with the conditions under subsection (b)(2) of this section,".

SEC. 302. BANKRUPTCY JUDGES REAPPOINTMENT PROCEDURE.

Section 120 of the Bankruptcy Amendments and Federal Judgeship Act of 1984 (Public Law 98-353; 28 U.S.C. 152 note), is amended—

(1) in subsection (a) by adding at the end thereof the following new paragraph:

"(3) When filling vacancies, the court of appeals may consider reappointing incumbent bankruptcy judges under procedures prescribed by regulations issued by the Judicial Conference of the United States."; and

(2) in subsection (b) by adding at the end thereof the following: "All incumbent nominees seeking reappointment thereafter may be considered for such a reappointment, pursuant to a majority vote of the judges of the appointing court of appeals, under procedures authorized under subsection (a)(3).".

SEC. 303. TECHNICAL CORRECTION RELATED TO COMMENCEMENT DATE OF TEMPORARY JUDGESHIPS.

Section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101-650; 104 Stat. 5101; 28 U.S.C. 133 note) is amended by adding at the end thereof the following: "For districts named in this subsection for which multiple judgeships are created by this Act, the last of those judgeships filled shall be the judgeship created under this subsection.".

SEC. 304. FULL-TIME STATUS OF COURT REPORTERS.

Section 753(e) of title 28, United States Code, is amended by inserting after the first sentence the following: "For the purposes of subchapter III of chapter 83 of title 5 and chapter 84 of such title, a reporter shall be considered a full-time employee during any pay period for which a reporter receives a salary at the annual salary rate fixed for a full-time reporter under the preceding sentence.".

SEC. 305. COURT INTERPRETERS.

Section 1827 of title 28, United States Code, is amended by adding at the end thereof the following new subsection:

"(1) Notwithstanding any other provision of this section or section 1828, the presiding judicial officer may appoint a certified or otherwise qualified sign language interpreter to provide services to a party, witness, or other participant in a judicial proceeding, whether or not the proceeding is instituted by the United States, if the presiding judicial officer determines, on such officer's own motion or on the motion of a party or other participant in the proceeding, that such individual suffers from a hearing impairment. The presiding judicial officer shall, subject to the availability of appropriated funds, approve the compensation and expenses payable to sign language interpreters appointed under this subsection in accordance with the schedule of fees prescribed by the Director under subsection (b)(3) of this section.".

SEC. 306. TECHNICAL AMENDMENT RELATED TO COMMENCEMENT DATE OF TEMPORARY BANKRUPTCY JUDGESHIPS.

Section 3(b) of the Bankruptcy Judgeship Act of 1992 (Public Law 102-361; 106 Stat. 965; 28 U.S.C. 152 note) is amended in the first sentence by striking out "date of the enactment of this Act" and inserting in lieu thereof "appointment date of the judge named to fill the temporary judgeship position".

SEC. 307. CONTRIBUTION RATE FOR SENIOR JUDGES UNDER THE JUDICIAL SURVIVORS' ANNUITIES SYSTEM.

Section 376(b)(1) of title 28, United States Code, is amended to read as follows:

"(b)(1) Every judicial official who files a written notification of his or her intention to come within the purview of this section, in accordance with paragraph (1) of subsection (a) of this section, shall be deemed thereby to consent and agree to having deducted and withheld from his or her salary a sum equal to 2.2 percent of that salary, and a sum equal to 3.5 percent of his or her retirement salary. The deduction from any retirement salary—

"(A) of a justice or judge of the United States retired from regular active service under section 371(b) or section 372(a) of this title,

"(B) of a judge of the United States Court of Federal Claims retired under section 178 of this title, or

"(C) of a judicial official on recall under section 155(b), 373(c)(4), 375, or 636(h) of this title,

shall be an amount equal to 2.2 percent of retirement salary.".

SEC. 308. PROCEEDINGS ON COMPLAINTS AGAINST JUDICIAL CONDUCT.

(a) IN GENERAL.—Section 372(c) of title 28, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting "(A)" after "(c)(1)"; and

(B) by adding at the end the following: "In the case of a complaint so identified, the chief judge shall notify the clerk of the court of appeals of the complaint, together with a brief statement of the facts underlying the complaint.

"(B) Complaints filed under subparagraph (A) in one judicial circuit shall be referred to another judicial circuit for proceedings under this subsection, in accordance with a system established by rule by the Judicial Conference, which prescribes the circuits to which the complaints will be referred. The Judicial Conference shall establish and submit to the Congress the system described in the preceding sentence not later than 180 days after the date of the enactment of this subparagraph.";

(2) in paragraph (2)—

(A) by amending the first sentence to read as follows: "Upon receipt of a complaint filed or notice of a complaint identified under paragraph (1) of this subsection, the clerk shall promptly transmit such complaint or (in the case of a complaint identified under paragraph (1)) the statement of facts underlying the complaint to the chief judge of the circuit assigned to conduct proceedings on the complaint in accordance with the system established under paragraph (1)(B) (hereafter in this subsection referred to as the 'chief judge').."; and

(B) in the second sentence by inserting "or statement of facts underlying the complaint (as the case may be)" after "copy of the complaint";

(3) in paragraph (4)(A) by inserting "(to which the complaint or statement of facts underlying the complaint is referred)" after "the circuit";

(4) in paragraph (5)—

(A) in the first sentence by inserting "to which the complaint or statement of facts underlying the complaint is referred" after "the circuit"; and

(B) in the second sentence by striking "the circuit" and inserting "that circuit";

(5) in the first sentence of paragraph (15) by inserting before the period at the end the following: "in which the complaint was filed or identified under paragraph (1)"; and

(6) by amending paragraph (18) to read as follows:

"(18) The Judicial Conference shall prescribe rules, consistent with the preceding provisions of this subsection—

"(A) establishing procedures for the filing of complaints with respect to the conduct of

any judge of the United States Court of Federal Claims, the Court of International Trade, or the Court of Appeals for the Federal Circuit, and for the investigation and resolution of such complaints; and

"(B) establishing a system for referring complaints filed with respect to the conduct of a judge of any such court to any of the first eleven judicial circuits or to another court for investigation and resolution.

The Judicial Conference shall establish and submit to the Congress the system described in subparagraph (B) not later than 180 days after the date of the enactment of the Federal Courts Improvement Act of 1996.".

(b) EFFECTIVE DATE.—The amendments made by this section apply to complaints filed on or after the 180th day after the date of the enactment of this Act.

TITLE IV—JUDICIAL FINANCIAL ADMINISTRATION

SEC. 401. INCREASE IN CIVIL ACTION FILING FEE.

(a) FILING FEE INCREASE.—Section 1914(a) of title 28, United States Code, is amended by striking out "$120" and inserting in lieu thereof "$150".

(b) DISPOSITION OF INCREASE.—Section 1931 of title 28, United States Code, is amended—

(1) in subsection (a) by striking out "$60" and inserting in lieu thereof "$90"; and

(2) in subsection (b)—

(A) by striking out "$120" and inserting in lieu thereof "$150"; and

(B) by striking out "$60" and inserting in lieu thereof "$90".

(c) EFFECTIVE DATE.—This section shall take effect 60 days after the date of the enactment of this Act.

SEC. 402. INTERPRETER PERFORMANCE EXAMINATION FEES.

(a) IN GENERAL.—Section 1827(g) of title 28, United States Code, is amended by redesignating paragraph (5) as paragraph (6) and inserting after paragraph (4) the following new paragraph:

"(5) If the Director of the Administrative Office of the United States Courts finds it necessary to develop and administer criterion-referenced performance examinations for purposes of certification of interpreters, or other examinations for the selection of otherwise qualified interpreters, the Director may prescribe for each examination a uniform fee for applicants to take such examination. In determining the rate of the fee for each examination, the Director shall consider the fees charged by other organizations for examinations that are similar in scope or nature. Notwithstanding section 3302(b) of title 31, the Director is authorized to provide in any contract or agreement for the development or administration of examinations and the collection of fees that the contractor may retain all or a portion of the fees in payment for the services. Notwithstanding paragraph (6) of this subsection, all fees collected after the effective date of this paragraph and not retained by a contractor shall be deposited in the fund established under section 1931 of this title and shall remain available until expended.".

(b) PAYMENT FOR CONTRACTUAL SERVICES.—Notwithstanding sections 3302(b), 1341, and 1517 of title 31, United States Code, the Director of the Administrative Office of the United States Courts may include in any contract for the development or administration of examinations for interpreters (including such a contract entered into before the date of the enactment of this Act) a provision which permits the contractor to collect and retain fees in payment for contractual services in accordance with section 1827(g)(5) of title 28, United States Code.

SEC. 403. JUDICIAL PANEL ON MULTIDISTRICT LITIGATION.

(a) IN GENERAL.—(1) Chapter 123 of title 28, United States Code, is amended by adding after section 1932 the following new section:

"§ 1933. Judicial Panel on Multidistrict Litigation

"The Judicial Conference of the United States shall prescribe from time to time the fees and costs to be charged and collected by the Judicial Panel on Multidistrict Litigation.".

(2) The table of sections for chapter 123 of title 28, United States Code, is amended by adding after the item relating to section 1931 the following:

"1933. Judicial Panel on Multidistrict Litigation.".

(b) RELATED FEES FOR ACCESS TO INFORMATION.—Section 303(a) of the Judiciary Appropriations Act, 1992 (Public Law 102–140; 105 Stat. 810; 28 U.S.C. 1913 note) is amended in the first sentence by striking out "1926, and 1930" and inserting in lieu thereof "1926, 1930, and 1932".

SEC. 404. DISPOSITION OF FEES.

(a) DISPOSITION OF ATTORNEY ADMISSION FEES.—For each fee collected for admission of an attorney to practice, as prescribed by the Judicial Conference of the United States pursuant to section 1914 of title 28, United States Code, $30 of that portion of the fee exceeding $20 shall be deposited into the special fund of the Treasury established under section 1931 of title 28, United States Code. Any portion exceeding $5 of the fee for a duplicate certificate of admission or certificate of good standing, as prescribed by the Judicial Conference of the United States pursuant to section 1914 of title 28, United States Code, shall be deposited into the special fund of the Treasury established under section 1931 of title 28, United States Code.

(b) DISPOSITION OF BANKRUPTCY COMPLAINT FILING FEES.—For each fee collected for filing an adversary complaint in a bankruptcy proceeding, as established in Item 6 of the Bankruptcy Court Miscellaneous Fee Schedule prescribed by the Judicial Conference of the United States pursuant to section 1930(b) of title 28, United States Code, the portion of the fee exceeding $120 shall be deposited into the special fund of the Treasury established under section 1931 of title 28, United States Code.

(c) EFFECTIVE DATE.—This section shall take effect 60 days after the date of the enactment of this Act.

TITLE V—FEDERAL COURTS STUDY COMMITTEE RECOMMENDATIONS

SEC. 501. QUALIFICATION OF CHIEF JUDGE OF COURT OF INTERNATIONAL TRADE.

(a) IN GENERAL.—Chapter 11 of title 28, United States Code, is amended by adding at the end thereof the following new section:

"§ 258. Chief judges; precedence of judges

"(a)(1) The chief judge of the Court of International Trade shall be the judge of the court in regular active service who is senior in commission of those judges who—

"(A) are 64 years of age or under;

"(B) have served for 1 year or more as a judge of the court; and

"(C) have not served previously as chief judge.

"(2)(A) In any case in which no judge of the court meets the qualifications under paragraph (1), the youngest judge in regular active service who is 65 years of age or over and who has served as a judge of the court for 1 year or more shall act as the chief judge.

"(B) In any case under subparagraph (A) in which there is no judge of the court in regular active service who has served as a judge of the court for 1 year or more, the judge of the court in regular active service who is senior in commission and who has not served previously as chief judge shall act as the chief judge.

"(3)(A) Except as provided under subparagraph (C), the chief judge serving under paragraph (1) shall serve for a term of 7 years and shall serve after expiration of such term until another judge is eligible under paragraph (1) to serve as chief judge.

"(B) Except as provided under subparagraph (C), a judge of the court acting as chief judge under subparagraph (A) or (B) of paragraph (2) shall serve until a judge meets the qualifications under paragraph (1).

"(C) No judge of the court may serve or act as chief judge of the court after attaining the age of 70 years unless no other judge is qualified to serve as chief judge under paragraph (1) or is qualified to act as chief judge under paragraph (2).

"(b) The chief judge shall have precedence and preside at any session of the court which such judge attends. Other judges of the court shall have precedence and preside according to the seniority of their commissions. Judges whose commissions bear the same date shall have precedence according to seniority in age.

"(c) If the chief judge desires to be relieved of the duties as chief judge while retaining active status as a judge of the court, the chief judge may so certify to the Chief Justice of the United States, and thereafter the chief judge of the court shall be such other judge of the court who is qualified to serve or act as chief judge under subsection (a).

"(d) If a chief judge is temporarily unable to perform the duties as chief judge, such duties shall be performed by the judge of the court in active service, able and qualified to act, who is next in precedence.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Chapter 11 of title 28, United States Code, is amended—

(1) in section 251 by striking out subsection (b) and redesignating subsection (c) as subsection (b);

(2) in section 253—

(A) by amending the section heading to read as follows:

"§ 253. Duties of chief judge";

and

(B) by striking out subsections (d) and (e); and

(3) in the table of sections for chapter 11 of title 28, United States Code—

(A) by amending the item relating to section 253 to read as follows:

"253. Duties of chief judge.";

and

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

"258. Chief judges; precedence of judges.".

(c) APPLICATION.—(1) Notwithstanding the provisions of section 258(a) of title 28, United States Code (as added by subsection (a) of this section), the chief judge of the United States Court of International Trade who is in office on the day before the date of enactment of this Act shall continue to be such chief judge on or after such date until any one of the following events occurs:

(A) The chief judge is relieved of his duties under section 258(c) of title 28, United States Code.

(B) The regular active status of the chief judge is terminated.

(C) The chief judge attains the age of 70 years.

(D) The chief judge has served for a term of 7 years as chief judge.

(2) When the chief judge vacates the position of chief judge under paragraph (1), the position of chief judge of the Court of International Trade shall be filled in accordance with section 258(a) of title 28, United States Code.

TITLE VI—PLACES OF HOLDING COURT

SEC. 601. PLACE OF HOLDING COURT IN THE SOUTHERN DISTRICT OF NEW YORK.

The last sentence of section 112(b) of title 28, United States Code, is amended to read as follows:

"Court for the Southern District shall be held at New York, White Plains, and in the Middletown-Wallkill area of Orange County or such nearby location as may be deemed appropriate.".

SEC. 602. PLACE OF HOLDING COURT IN THE EASTERN DISTRICT OF TEXAS.

(a) The second sentence of section 124(c)(3) of title 28, United States Code, is amended by inserting "and Plano" after "held at Sherman".

(b) Sections 83(b)(1) and 124(c)(6) of title 28, United States Code, are each amended in the last sentence by inserting before the period the following: ", and may be held anywhere within the Federal courthouse in Texarkana that is located astride the State line between Texas and Arkansas".

TITLE VII—MISCELLANEOUS

SEC. 701. PARTICIPATION IN JUDICIAL GOVERNANCE ACTIVITIES BY DISTRICT, SENIOR, AND MAGISTRATE JUDGES.

(a) JUDICIAL CONFERENCE OF THE UNITED STATES.—Section 331 of title 28, United States Code, is amended by striking out the second undesignated paragraph and inserting in lieu thereof the following:

"The district judge to be summoned from each judicial circuit shall be chosen by the circuit and district judges of the circuit and shall serve as a member of the Judicial Conference of the United States for a term of not less than 3 successive years nor more than 5 successive years, as established by majority vote of all circuit and district judges of the circuit. A district judge serving as a member of the Judicial Conference may be either a judge in regular active service or a judge retired from regular active service under section 371(b) of this title.".

(b) BOARD OF THE FEDERAL JUDICIAL CENTER.—Section 621 of title 28, United States Code, is amended—

(1) in subsection (a) by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) two circuit judges, three district judges, one bankruptcy judge, and one magistrate judge, elected by vote of the members of the Judicial Conference of the United States, except that any circuit or district judge so elected may be either a judge in regular active service or a judge retired from regular active service under section 371(b) of this title but shall not be a member of the Judicial Conference of the United States; and"; and

(2) in subsection (b) by striking out "retirement," and inserting in lieu thereof "retirement pursuant to section 371(a) or section 372(a) of this title,".

SEC. 702. THE DIRECTOR AND DEPUTY DIRECTOR OF THE ADMINISTRATIVE OFFICE AS OFFICERS OF THE UNITED STATES.

Section 601 of title 28, United States Code, is amended by adding at the end thereof the following: "The Director and Deputy Director shall be deemed to be officers for purposes of title 5, United States Code.".

SEC. 703. REMOVAL OF ACTION FROM STATE COURT.

Section 1446(c)(1) of title 28, United States Code, is amended by striking out "petitioner" and inserting in lieu thereof "defendant or defendants".

SEC. 704. FEDERAL JUDICIAL CENTER EMPLOYEE RETIREMENT PROVISIONS.

Section 627(b) of title 28, United States Code, is amended—

(1) in the first sentence by inserting "Deputy Director," before "the professional staff"; and

(2) in the first sentence by inserting "chapter 84 (relating to the Federal Employees' Retirement System)," after "(relating to civil service retirement),".

SEC. 705. ABOLITION OF THE SPECIAL COURT, REGIONAL RAIL REORGANIZATION ACT OF 1973.

(a) ABOLITION OF THE SPECIAL COURT.—Section 209 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 719) is amended in subsection (b)—

(1) by inserting "(1)" before "Within 30 days after"; and

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

"(2) The special court referred to in paragraph (1) of this subsection is abolished effective 90 days after the date of the enactment of the Federal Courts Improvement Act of 1996. On such effective date, all jurisdiction and other functions of the special court shall be assumed by the United States District Court for the District of Columbia. With respect to any proceedings that arise or continue after the date on which the special court is abolished, the references in the following provisions to the special court established under this subsection shall be deemed to refer to the United States District Court for the District of Columbia:

"(A) Subsections (c), (e)(1), (e)(2), (f) and (g) of this section.

"(B) Sections 202 (d)(3), (g), 207 (a)(1), (b)(1), (b)(2), 208(d)(2), 301 (e)(2), (g), (k)(3), (k)(15), 303 (a)(1), (a)(2), (b)(1), (b)(6)(A), (c)(1), (c)(2), (c)(3), (c)(4), (c)(5), 304 (a)(1)(B), (i)(3), 305 (c), (d)(1), (d)(2), (d)(3), (d)(4), (d)(5), (d)(8), (e), (f)(1), (f)(2)(B), (f)(2)(D), (f)(2)(E), (f)(3), 306 (a), (b), (c)(4), and 601 (b)(3), (c) of this Act (45 U.S.C. 712 (d)(3), (g), 717 (a)(1), (b)(1), (b)(2), 718(d)(2), 741 (e)(2), (g), (k)(3), (k)(15), 743 (a)(1), (a)(2), (b)(1), (b)(6)(A), (c)(1), (c)(2), (c)(3), (c)(4), (c)(5), 744 (a)(1)(B), (i)(3), 745 (c), (d)(1), (d)(2), (d)(3), (d)(4), (d)(5), (d)(8), (e), (f)(1), (f)(2)(B), (f)(2)(D), (f)(2)(E), (f)(3), 746 (a), (b), (c)(4), 791 (b)(3), (c)).

"(C) Sections 1152(a) and 1167(b) of the Northeast Rail Service Act of 1981 (45 U.S.C. 1105(a), 1115(a)).

"(D) Sections 4023 (2)(A)(iii), (2)(B), (2)(C), (3)(C), (3)(E), (4)(A) and 4025(b) of the Conrail Privatization Act (45 U.S.C. 1323 (2)(A)(iii), (2)(B), (2)(C), (3)(C), (3)(E), (4)(A), 1324(b)).

"(E) Section 24907(b) of title 49, United States Code.

"(F) Any other Federal law (other than this subsection and section 605 of the Federal Courts Improvement Act of 1996), Executive order, rule, regulation, delegation of authority, or document of or relating to the special court as established under paragraph (1) of this subsection.".

(b) APPELLATE REVIEW.—(1) Section 209(e) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 719) is amended by striking paragraph (3) and inserting in lieu thereof the following:

"(3) An order or judgment of the United States District Court for the District of Columbia in any action referred to in this section shall be reviewable in accordance with sections 1291, 1292, and 1294 of title 28, United States Code.".

(2) Section 303 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 743) is amended by striking out subsection (d) and inserting in lieu thereof the following:

"(d) APPEAL.—An order or judgment entered by the United States District Court for the District of Columbia pursuant to subsection (c) of this section or section 306 shall be reviewable in accordance with sections 1291, 1292, and 1294 of title 28, United States Code.".

(3) Section 1152 of the Northeast Rail Service Act of 1981 (45 U.S.C. 1105) is amended by striking out subsection (b) and inserting in lieu thereof the following:

"(b) APPEAL.—An order or judgment of the United States District Court for the District of Columbia in any action referred to in this section shall be reviewable in accordance with sections 1291, 1292, and 1294 of title 28, United States Code.".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—(1) Section 209 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 719) is amended—

(A) in subsection (g) by inserting "or the Court of Appeals for the District of Columbia Circuit" after "Supreme Court"; and

(B) by striking out subsection (h).

(2) Section 305(d)(4) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 745(d)) is amended by striking out "a judge of the United States district court with respect to such proceedings and such powers shall include those of".

(3) Section 1135(a)(8) of the Northeast Rail Service Act of 1981 (45 U.S.C. 1104(8)) is amended to read as follows:

"(8) 'Special court' means the judicial panel established under section 209(b)(1) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 719(b)(1)) or, with respect to any proceedings that arise or continue after the panel is abolished pursuant to section 209(b)(2) of such Act, the United States District Court for the District of Columbia.".

(4) Section 1152 of the Northeast Rail Service Act of 1981 (45 U.S.C. 1105) is further amended by striking out subsection (d).

(d) PENDING CASES.—Effective 90 days after the date of the enactment of this Act, any case pending in the special court established under section 209(b) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 719(b)) shall be assigned to the United States District Court for the District of Columbia as though the case had originally been filed in that court. The amendments made by subsection (b) of this section shall not apply to any final order or judgment entered by the special court for which—

(1) a petition for writ of certiorari has been filed before the date on which the special court is abolished; or

(2) the time for filing a petition for writ of certiorari has not expired before that date.

(e) EFFECTIVE DATE.—The amendments made by subsections (b) and (c) of this section shall take effect 90 days after the date of the enactment of this Act and, except as provided in subsection (d), shall apply with respect to proceedings that arise or continue on or after such effective date.

SEC. 706. EXCEPTION OF RESIDENCY REQUIREMENT FOR DISTRICT JUDGES APPOINTED TO THE SOUTHERN DISTRICT AND EASTERN DISTRICT OF NEW YORK.

Section 134(b) of title 28, United States Code, is amended—

(1) by inserting "the Southern District of New York, and the Eastern District of New York," after "the District of Columbia,";

(2) by inserting "or she" after "he"; and

(3) by inserting at the end the following: "Each district judge of the Southern District of New York and the Eastern District of New York may reside within 20 miles of the district for which he or she is appointed.".

SEC. 707. CIVIL JUSTICE EXPENSE AND DELAY REDUCTION PLANS.

(a) AUTHORIZATION OF ARBITRATION.—Section 473(a)(6)(B) of title 28, United States Code, is amended by inserting "arbitration," before "mediation".

(b) REPORT ON DEMONSTRATION PROGRAM.—Section 104(d) of the Civil Justice Reform Act of 1990 (28 U.S.C. 471 note) is amended by striking out "December 31, 1996," and inserting in lieu thereof "June 30, 1997,".

(c) REPORT ON PILOT PROGRAM.—Section 105(c)(1) of the Civil Justice Reform Act of 1990 (28 U.S.C. 471 note) is amended by striking out "December 31, 1996," and inserting in lieu thereof "June 30, 1997,".

SEC. 708. VENUE FOR TERRITORIAL COURTS.

(a) CHANGE OF VENUE.—Section 1404(d) of title 28, United States Code, is amended to read as follows:

"(d) As used in this section, the term 'district court' includes the District Court of Guam, the District Court for the Northern Mariana Islands, and the District Court of the Virgin Islands, and the term 'district' includes the territorial jurisdiction of each such court.".

(b) CURE OR WAIVER OF DEFECTS.—Section 1406(c) of title 28, United States Code, is amended to read as follows:

"(c) As used in this section, the term 'district court' includes the District Court of Guam, the District Court for the Northern Mariana Islands, and the District Court of the Virgin Islands, and the term 'district' includes the territorial jurisdiction of each such court.".

(c) APPLICABILITY.—The amendments made by this section apply to cases pending on the date of the enactment of this Act and to cases commenced on or after such date.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois [Mr. FLANAGAN] and the gentlewoman from Colorado [Mrs. Schroeder] each will control 20 minutes.

The Chair recognizes the gentleman from Illinois [Mr. FLANAGAN].

GENERAL LEAVE

Mr. FLANAGAN. 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 under consideration.

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

There was no objection.

Mr. FLANAGAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3968, the Federal Courts Improvement Act of 1996. This legislation embodies a series of proposals pertaining to the Federal courts system and the administration thereof, that have been endorsed by the Judicial Conference of the United States. The provisions of the bill address administrative, financial, personnel, organizational, and technical changes that are needed by the courts and their supporting agencies. H.R. 3968 represents a scaled-back version of earlier legislation, H.R. 1989, that my colleague from Colorado, Mrs. SCHROEDER and Chairman MOORHEAD introduced at the request of the judicial conference.

The provisions in H.R. 3968 are noncontroversial and affect a wide range of judicial branch programs and operations. The reappointment procedure of bankruptcy judges is simplified and the term definition of certain temporary bankruptcy judgeships is clarified. Provisions affecting court reporters, court interpreters, and employees of the administrative office of the U.S. Courts are included. The bill corrects inconsistencies in the operations of the Judicial Survivors' Annuities System and civil action filing fees and other user fees are increased for the first time in 10 years. Clarification of statutory removal and venue provisions are made, as well as other changes. I think it is clear that H.R. 3968 will have a positive impact on the operations of the Federal courts and enhance the delivery of justice in the Federal system and I urge my colleagues' support for the legislation.

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

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

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding. I want to thank him for bringing this measure to the floor. I thank the Committee on the Judiciary.

Mr. Speaker, I rise in strong support for H.R. 3968, the Federal Courts Improvement Act. I want to thank Chairman MOORHEAD for all of his hard work on this bill and for the inclusion of section 601, title VI, which establishes the Middletown-Wallkill Area of Orange County, NY, as a place for court proceedings in the southern district of New York.

The need for a Federal court facility in the Middletown-Wallkill Area is genuine and well founded. This issue has been considered and approved by all of the judges of the southern district of New York, all of the members of the judicial council of the second circuit, as well as the Judicial Conference of the United States.

As Chairman MOORHEAD knows, the judicial conference takes the issue of establishing a place for holding court very seriously and studies all requests fully before granting any approval. I am confident that the importance of this fact will be duly recognized by the Senate during consideration of this matter.

I look forward to working with Chairman MOORHEAD on the Middletown-Wallkill Court facility issue, and I again thank him for his efforts on behalf of the southern district of New York.

Accordingly, I urge my colleagues to fully support his bill.

Mr. FLANAGAN. I thank the distinguished chairman for his remarks.

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

Mrs. SCHROEDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I clearly rise in support of this bill, and I really want to thank the chairman of the subcommittee, CARLOS MOORHEAD, from California, who has done such a wonderful job to move this bill in the very short period of time we have left.

We worked very hard to take this bill, which came at the request of the judicial conference, to put in it every single thing we could, but we also tried to make sure that we minimized controversy so we could maximize the results and get it done. We full well knew that there was not going to be time to bring controversial things or have long hearings. In the end, I think we have done a very good job of getting as much as we possibly can at this time that will be noncontroversial.

I am particularly pleased this bill includes a provision that will produce considerable efficiency gains for the Federal courts by providing for trial before magistrate judges in most petty offense cases, while at the same time we can protect the right to trial before a district judge in all class B misdemeanors.

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That may sound like gobbledygook to most people, but it will help the efficiency of the courts.

In language that was approved by the Committee on the Judiciary, it differs a little bit from that proposed by the Judicial Conference, because the committee did recognize that class B misdemeanors do carry the potential for a level of punishment many people would consider to be significant.

We want to recognize the special needs of those districts that have this very high caseload of petty offenses that are Federal cases only because of the accident of geography; that is, the offense occurred on Federal property, therefore, it goes into a Federal court.

We realized that clutters the court, but, at the same time, we drew the line making sure that there were some core Federal law concerns, such as illegal entry charges under our immigration laws that would give people access to a title III judge and it was terribly important that we preserve that part.

So that is the real main difference from what the Judicial Conference asked us to do, but we did it and I think it is going to be fine.

I really join the gentleman from California and the gentleman from Illinois in urging my colleagues to support this bill so that we can do everything we can to help the Judicial Conference move forward efficiently.

Mr. FLANAGAN. Mr. Speaker, I yield myself such time as I may consume to thank the gentlewoman for her remarks and her support for the bill, one

she has worked so hard to move forward.

Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. MOORHEAD], the distinguished chairman of the subcommittee.

Mr. MOORHEAD. Mr. Speaker, I wish to at this time thank the gentlewoman from Colorado [Mrs. SCHROEDER] for the work that she has done for this subcommittee during this 2-year period. It has been outstanding with her assistance, and she has been a great, great help to the committee during that time.

Betty Wheeler, who is her counsel, has certainly done a marvelous job in all the work she has done, along with our staff on our side of the aisle. All of the staff have been outstanding this year. This is the culmination, one of the fine pieces of legislation that we have gotten out of the committee.

H.R. 1989 was the original bill that was introduced by the gentlewoman from Colorado [Mrs. SCHROEDER] and myself, and H.R. 3968 represents a scaled-back version of that bill. But it is a fine piece of legislation that has been requested by the Judicial Conference, and I know that it will improve the general laws of the United States relating to the courts.

Mrs. SCHROEDER. Mr. Speaker, I yield 1 minute to the gentlewoman from California [Ms. LOFGREN].

Ms. LOFGREN. Mr. Speaker, I just wanted to say something briefly about the gentlewoman from Colorado [Mrs. SCHROEDER] and the gentleman from California [Mr. MOORHEAD].

As a new Member of this Congress and of the Committee on the Judiciary, I do not know that they have received sufficient praise for the really excellent bipartisan work that they have done in this Congress on issues that really matter in patent law and other areas that just are so sensible.

Clearly, there are things they do not agree on, and they are very open about that, but they work together in a bipartisan way. They have made the country a better place as a consequence, and I, for one, commend them and thank them, and I am going to miss them both in the next Congress, if the voters send me back.

Mrs. SCHROEDER. Mr. Speaker, I thank the gentlewoman.

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

Mr. FLANAGAN. Mr. Speaker, I yield myself such time as I may consume to associate myself with the remarks of the gentlewoman from California [Ms. LOFGREN].

As has been the case, I have remarked on three separate occasions so far in this Congress, this is yet another worthy chairman and a ranking member that are retiring together, and what a fine job they have done through decades of service to the Congress. I thank them both for not only their fine work on this bill but the good work they have done through the years.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. MOORHEAD] that the House suspend the rules and pass the bill, H.R. 3968, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CLARIFYING RULES GOVERNING REMOVAL OF CASES TO FEDERAL COURT

Mr. MOORHEAD. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 533) to clarify the rules governing removal of cases to Federal court, and for other purposes.

The Clerk read as follows:

S. 533

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

SECTION 1. REMOVAL.

The first sentence of section 1447(c) of title 28, United States Code, is amended by striking "any defect in removal procedure" and inserting "any defect other than lack of subject matter jurisdiction".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. MOORHEAD] and the gentlewoman from Colorado [Mrs. SCHROEDER] each will control 20 minutes.

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

GENERAL LEAVE

Mr. MOORHEAD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 533.

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

There was no objection.

Mr. MOORHEAD. Mr. Speaker, I yield myself such time as I may consume.

Today, I rise in support of S. 533. In the Judicial Improvements and Access to Justice Act of 1988, Congress required under section 1447(c) of title 28 of the United States Code that a "motion to remand the case on the basis of any defect in removal must be made within 30 days after the filing of the notice of removal under section 1446(a)."

The intent of the Congress is not entirely clear from the current wording of section 1447(c), and courts have interpreted it differently. S. 533 merely clarifies the intent of the Congress that a motion to remand a case on the basis of any defect other than subject matter jurisdiction must be made within 30 days after the filing of the notice of removal under section 1446(a).

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

Ms. SCHROEDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 533, to clarify the rule governing removal of cases.

As the gentleman from California has noted, this is a technical clarification made necessary by some language in section 1447(c) of title 28 that is not as clear as it should be.

Section 1447(c) requires motions to remand based on "any defect in removal procedure" to be filed within 30 days of the filing of the notice of removal. This language is unclear because no time limit applies to motions to remand based on lack of subject matter jurisdiction. S. 533 clarifies that "defect" encompasses any defect other than subject matter jurisdiction.

This correction is necessary to remove the ambiguity in the law. I urge my colleagues to support it.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. MOORHEAD] that the House suspend the rules and pass the Senate bill, S. 533.

The question was taken.

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

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

The point of no quorum is considered withdrawn.

REPEALING A REDUNDANT VENUE PROVISION

Mr. MOORHEAD. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 677) to repeal a redundant venue provision, and for other purposes.

The Clerk read as follows:

S. 677

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

SECTION 1. REPEAL.

(a) REPEAL.—Subsection (a) of section 1392 of title 28, United States Code, is repealed.

(b) TECHNICAL AMENDMENT.—Subsection (b) of section 1392 of title 28, United States Code, is amended by striking "(b) Any" and inserting "Any".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. MOORHEAD] and the gentlewoman from Colorado [Mrs. SCHROEDER] each will control 20 minutes.

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

GENERAL LEAVE

Mr. MOORHEAD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 677.

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

There was no objection.

Mr. MOORHEAD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today, I rise in support of S. 677. S. 677 implements a proposal made by the Judicial Conference of the United States to eliminate a redundant provision governing venue, section 1392(a) of title 28 of the United States Code, which duplicates provisions of the Judicial Improvements Act of 1990. This is a housekeeping provision to eliminate any confusion regarding venue in title 28.

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

Mrs. SCHROEDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 677, a bill to repeal a redundant venue provision.

This bill implements a Judicial Conference proposal to eliminate a provision governing venue, 28 U.S.C. §1392(a), which duplicates provisions of the Judicial Improvements Act of 1990. This is a housekeeping measure to eliminate any confusion regarding venue caused by the redundant provision.

I urge my colleagues to support this technical correction.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. MOORHEAD] that the House suspend the rules and pass the Senate bill, S. 677.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

ECONOMIC ESPIONAGE ACT OF 1996

Mr. BUYER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3723) to amend title 18, United States Code, to protect proprietary economic information, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3723

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Economic Espionage Act of 1996".

SEC. 2. PROTECTION OF TRADE SECRETS.

(a) IN GENERAL.—Chapter 31 of title 18, United States Code, is amended by adding at the end the following:

"§ 670. Protection of trade secrets

"(a) OFFENSE.—Whoever—

"(1) with the intent to, or with reason to believe that the offense will, benefit any foreign government, foreign instrumentality, or foreign agent; or

"(2) with the intent to divert a trade secret, that is related to or is included in a product that is produced for or placed in interstate or foreign commerce, to the economic benefit of anyone other than the owner thereof, and with the intent to, or with reason to believe that the offense will, disadvantage any owner of that trade secret;

wrongfully copies or otherwise controls a trade secret, or attempts or conspires to do so shall be punished as provided in subsection (b).

"(b) PUNISHMENT.—

"(1) GENERALLY.—The punishment for an offense under this section is—

"(A) in the case of an offense under subsection (a)(1), a fine under this title or imprisonment for not more than 25 years, or both; and

"(B) in the case of an offense under subsection (a)(2), a fine under this title or imprisonment for not more than 15 years.

"(2) INCREASED MAXIMUM FINE FOR ORGANIZATIONS.—If an organization commits an offense—

"(A) under subsection (a)(1), the maximum fine, if not otherwise larger, that may be imposed is $10,000,000; and

"(B) under subsection (a)(2), the maximum fine, if not otherwise larger, that may be imposed is $5,000,000.

"(c) DEFINITIONS.—As used in this section—

"(1) the term 'foreign instrumentality' means any agency, bureau, ministry, component, institution, association, or any legal, commercial, or business organization, corporation, firm, or entity that is substantially owned, controlled, sponsored, commanded, managed, or dominated by a foreign government;

"(2) the term 'foreign agent' means any officer, employee, proxy, servant, delegate, or representative of a foreign government;

"(3) the term 'trade secret' means all forms and types of financial, business, scientific, technical, economic, or engineering information, including patterns, plans, compilations, program devices, formulas, designs, prototypes, methods, techniques, processes, procedures, programs, or codes, whether tangible or intangible, and whether or how stored, compiled, or memorialized physically, electronically, graphically, photographically, or in writing if—

"(A) the owner thereof has taken reasonable measures to keep such information secret; and

"(B) the information derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable through proper means by, the public; and

"(4) the term 'owner', with respect to a trade secret, means the person or entity in whom or in which rightful legal or equitable title to, or license in, the trade secret is reposed.

"(d) CRIMINAL FORFEITURE.—

"(1) Notwithstanding any other provision of State law, any person convicted of a violation under this section shall forfeit to the United States—

"(A) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of such violation; and

"(B) any of the person's property used, or intended to be used, in any manner or part, to commit or facilitate the commission of such violation, if the court in its discretion so determines, taking into consideration the nature, scope, and proportionality of the use of the property in the offense.

"(2) The court, in imposing sentence on such person, shall order, in addition to any other sentence imposed pursuant to this section, that the person forfeit to the United States all property described in this section.

"(3) Property subject to forfeiture under this section, any seizure and disposition thereof, and any administrative or judicial proceeding in relation thereto, shall be governed by the provisions of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), except for subsections (d) and (j) of such section, which shall not apply to forfeitures under this section.

"(e) ORDERS TO PRESERVE CONFIDENTIALITY.—In any prosecution or other proceeding under this section, the court shall enter such orders and take such other action as may be necessary and appropriate to preserve the confidentiality of trade secrets, consistent with the requirements of the Federal Rules of Criminal and Civil Procedure, the Federal Rules of Evidence, and all other applicable laws. An interlocutory appeal by the United States shall lie from a decision or order of a district court authorizing or directing the disclosure of any trade secret.

"(f) CIVIL PROCEEDINGS TO ENJOIN VIOLATIONS.—

"(1) GENERALLY.—The Attorney General may, in a civil action, obtain appropriate injunctive relief against any violation of this section.

"(2) EXCLUSIVE JURISDICTION.—The district courts of the United States shall have exclusive original jurisdiction of civil actions under this subsection.

"(g) TERRITORIAL APPLICATION.—

"(1) This section applies to conduct occurring within the United States.

"(2) This section also applies to conduct occurring outside the United States if—

"(A) the offender is—

"(i) a United States citizen or permanent resident alien; or

"(ii) an organization substantially owned or controlled by United States citizens or permanent resident aliens, or incorporated in the United States; or

"(B) an act in furtherance of the offense was committed in the United States.

"(h) NONPREEMPTION OF OTHER REMEDIES.—This section shall not be construed to preempt or displace any other remedies, whether civil or criminal, provided by United States Federal, State, commonwealth, possession, or territory law for the misappropriation of a trade secret.

"(i) EXCEPTIONS TO PROHIBITION.—

"(1) This section does not prohibit and shall not impair any otherwise lawful activity conducted by an agency or instrumentality of the United States, a State, or a political subdivision of a State.

"(2) This section does not prohibit the reporting of any suspected criminal activity to any law enforcement agency or instrumentality of the United States, a State, or a political subdivision of a State, to any intelligence agency of the United States, or to Congress.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 31, United States Code, is amended by adding at the end the following new item:

"670. Protection of trade secrets.".

SEC. 3. WIRE AND ELECTRONIC COMMUNICATIONS INTERCEPTION AND INTERCEPTION OF ORAL COMMUNICATIONS.

Section 2516(1)(c) of title 18, United States Code, is amended by inserting "section 670 (relating to economic espionage)," after "(bribery in sporting contests),".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana [Mr. BUYER] and the gentleman from New York [Mr. SCHUMER] each will control 20 minutes.

The Chair recognizes the gentleman from Indiana [Mr. BUYER].

GENERAL LEAVE

Mr. BUYER. 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 under consideration.

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

There was no objection.

Mr. BUYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to speak in favor of H.R. 3723, the Economic Espionage Act of 1996. This bill was introduced by Representative BILL MCCOLLUM, chairman of the Subcommittee on Crime, and cosponsored by Mr. SCHUMER, the ranking minority member of the subcommittee. The bill is based, in large part, on draft legislation forwarded to the Subcommittee on Crime from the Department of Justice and the Federal Bureau of Investigation.

Mr. Speaker, this bill is designed to help Federal law enforcement better combat the theft of proprietary economic information, more commonly known as trade secrets. According to the American Society for Industrial Security, thefts of this type of property cost American businesses approximately $24 billion a year in losses. Generally speaking, these types of crime fall into two broad categories: First, there are thefts by foreign companies, often with the cooperation of foreign governments. The FBI currently is investigating allegations of economic espionage conducted against the United States by individuals or organizations from 23 different countries. A number of these countries maintain friendly relations with the United States, yet in some cases these nations take advantage of their access to U.S. information and their ability to collect information more easily than our traditional adversaries. The second category of these crimes are committed by Americans or U.S. nationals who leave their employment and steal proprietary information which they deliver to new employers.

The Federal Government has been frustrated in its attempts to combat this type of crime because existing laws are insufficient. There is no Federal criminal statute which directly addresses economic espionage or the protection of proprietary economic information. The statutes which Federal law enforcement does use to combat this crime were drafted decades ago, long before anyone had conceived of the kind of property we now call "intellectual property." Another obstacle to enforcing these crimes under existing law is that there is no statutory procedure in place to protect the victim's stolen information during criminal proceedings. As a result, victims are often reluctant to prosecute for fear that the prosecution itself will further disseminate the economic information stolen from them.

H.R. 3723 will establish criminal penalties that prohibit the wrongful copying or other acts of wrongfully controlling proprietary economic information if done either to benefit a foreign government, instrumentality, or agent, or disadvantage the rightful owner and to benefit another person. The term proprietary economic information is defined in the bill and includes financial, business, scientific, or economic information as to which the owner has taken reasonable measure to keep confidential and which has value, in part, by virtue of the fact that the information is not widely known.

The bill provides for a significant enhanced penalty if the entity committing the crime is an organization. It also provides for criminal forfeiture of the proceeds of the crime and limited forfeiture of the property used to commit the crime. Additionally, it requires courts hearing cases brought under the statute to enter such orders as may be necessary to protect the confidentiality of the information involved in the case.

Mr. Speaker, this bill gives Federal law enforcement agencies the tools they need to combat economic espionage. It is the product of a bipartisan effort and was reported favorably by a unanimous voice vote of the full Judiciary Committee. I urge all of my colleagues to support its passage today.

□ 1545

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

Mr. HYDE. Mr. Speaker, when the cold war ended, Americans rightly hoped that our national security would no longer be threatened. We soon learned, however, that new or previously overlooked threats would replace the Eastern bloc in the struggle for progress and freedom throughout the world. We learned that evil despots in remote regions of the world could shatter the peace and threaten world stability when it suited their selfish interests. We also learned that ruthless terrorists, willing and able to strike anywhere and at anytime, would pose a growing threat to our Nation's security. But largely overlooked as a threat to our national security is the attack being waged against our Nation's economic interests.

In my opinion, our economic interests should be seen as an integral part of its national security interests, because America's standing in the world depends on its economic strength and productivity.

That's why the measure we are considering today is of great importance. Testimony before the Judiciary Committee's Subcommittee on Crime indicated that economic espionage crimes cost American businesses approximately $24 billion a year in losses. But of even greater concern than those financial losses, and they are significant in themselves, is the fact that a large portion of these thefts are committed by agents of foreign governments or companies. FBI Director Freeh testified that the FBI currently is investigating allegations of economic espionage conducted against the United States by individuals or organization from 23 different countries. Most disturbing is the fact that a number of these countries maintain friendly relations with the United States, yet take advantage of their access to U.S. information and their ability to steal the innovations of American businesses.

Mr. Speaker, we simply cannot allow this type of crime to occur. The Justice Department has told us that the existing laws dealing with the theft of property are insufficient to combat these crimes. And no wonder, those statutes were written in the 1930's. With all of the technological innovation of the computer age, criminals are finding new ways to steal the property—even the intangible property—of others.

I support this bill because it will enact a comprehensive statute to combat this crime. It creates criminal penalties for the wrongful copying or control of trade secrets if done to benefit a foreign government or instrumentality. It also penalizes the wrongful diversion of a trade secret to the economic benefit of someone other than its owners.

Americans have long been known as the most innovative people in the world. It is entirely appropriate that the Federal Government be equipped with the legal tools for protecting U.S. innovations. After all, it is our creative spirit that has made America the leader of the business and financial world. Protecting this position requires protecting our creative developments from unscrupulous international competitors.

Mr. Speaker, simply put, it is in our national interest to prevent economic espionage. This bill will help the Federal Government to fulfill this critical mission. Enacting this measure now is of the utmost importance.

Mr. SCHUMER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the Economic Espionage Act.

Mr. Speaker, I introduced this legislation together with the chairman of the Crime Subcommittee, Mr. MCCOLLUM. The Justice Department came to both of us and identified a serious loophole in current Federal law that applies to the protection of intellectual property.

As America moves toward a high-tech economy, some of most valuable economic assets are intangible. They are plans, formula, inventions and databases. Unfortunately, the Stolen Property Act, written back in the 1930's, applies to physical property and not to these trade secrets that many companies value even more highly. No other statute has been a satisfactory substitute either.

The Economic Espionage Act simply adds a new offense to the law prohibiting the theft of trade secrets. The new provision will help Federal investigators and prosecutors stop economic competitors from pilfering this valuable information. It will also send a clear message to foreign governments, including many of our traditional allies, that are currently spying on America's private companies. Their agents will now be held accountable for their criminal activity.

Two different reports have estimated conservatively that our economy loses $2 billion a month from economic espionage. At our subcommittee hearing in May, we heard from several businesses that had been victimized by industrial spying. Raymond Damadian, CEO of the Fonar Corp., estimated that his 300-person workforce would be twice as large if not for economic espionage.

We cannot, Mr. Speaker, afford to let this loophole remain in our law. American inventiveness is the key to our economy. From Benjamin Franklin to Thomas Edison to Bill Gates, our national ingenuity has been one of our greatest assets, and preserving it is our goal.

Finally, Mr. Speaker, I want to mention two concerns that have been raised as this bill moved through the committee process and explain how each has been addressed in the legislation before us today. This explanation is for the benefit of other Members and also for prosecutors and judges who will interpret this act later on.

First, some Members thought that this legislation might inhibit common and acceptable business practices. For example, employees who leave one company to work for another naturally take their general knowledge and experience with them and no one, no one wishes to see them penalized as a result. Similarly, reverse engineering is an entirely legitimate practice.

Our bill was carefully drafted to avoid this problem. The very high intent requirements and the narrow definition of a trade secret make it clear that we are talking about extraordinary theft, not mere competition.

Second, several Members were concerned that people acting in the public interest as whistleblowers would be subject to the penalties in this bill.

Again, we have carefully fine-tuned the language to avoid this problem. There is a specific exemption for people who report information about suspected criminal activity to government authorities. In addition, the intent requirement for domestic economic espionage specifies that the offender intends to confer an economic benefit to someone other than the owner of a trade secret. If the motivation truly is the well-being of the public, the activity is not covered by this intent requirement. In other words, we are talking about thieves, not whistleblowers, and the legislation makes that clear.

I am pleased we were able to advance this better than legislation on a bipartisan basis. I urge my colleagues to support it.

Mr. Speaker, I yield 1 minute to the gentlewoman from California [Ms. LOFGREN] who represents parts of Silicon Valley and has been an instrumental leader on this issue.

Ms. LOFGREN. Mr. Speaker, as we look ahead to the next century, I think all of us or many of us realize that our prosperity in America is going to be based on knowledge and information. In my county we have added over 50,000 jobs in 1 year's time. We have unemployment of 3.7 percent, and that is fueled by technology, it is fueled by high-skilled jobs and information. If we do not take steps to protect knowledge and information, as this bill does, we will face adverse economic consequences in Silicon Valley and ultimately throughout the United States.

So I commend the ranking member and the chairman for this bill and urge my colleagues to support it.

Mr. SCHUMER. Mr. Speaker, I thank the gentlewoman from California [Ms. LOFGREN] for her remarks and support.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of the Economic Espionage Act, which passed the House Judiciary Committee by voice vote. This bill would specifically make it a Federal crime to steal trade secrets from American companies. Currently, the theft of trade secrets has been prosecuted under laws such as wire fraud, mail fraud, and the interstate transportation of stolen property.

Under this bill, if the intent of stealing a trade secret is to benefit a foreign company or foreign government, the individual charged with economic espionage would be subject to a maximum fine of $10 million and 25 years in prison. If foreign espionage is not involved, the penalty would be punishable by up to $5 million and 15 years in prison. Additionally, any property derived from the crime would be subject to forfeiture.

This bill is long overdue. We must do everything that we can to enable American businesses to compete on a level playing field with the rest of the world and this bill will help us to achieve this goal.

Mr. BUYER. Mr. Speaker, I congratulate the gentleman from New York [Mr. SCHUMER] on the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana [Mr. BUYER] that the House suspend the rules and pass the bill, H.R. 3723, as amended.

The question was taken.

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

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

The point of no quorum is considered withdrawn.

PAROLE COMMISSION PHASEOUT ACT OF 1996

Mr. BUYER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1507) to provide for the extension of the Parole Commission to oversee cases of prisoners sentenced under prior law, to reduce the size of the Parole Commission, and for other purposes, as amended.

The Clerk read as follows:

S. 1507

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Parole Commission Phaseout Act of 1996".

SEC. 2. EXTENSION OF PAROLE COMMISSION.

(a) IN GENERAL.—For purposes of section 235(b) of the Sentencing Reform Act of 1984 (98 Stat. 2032) as it related to chapter 311 of title 18, United States Code, and the Parole Commission, each reference in such section to "ten years" or "ten-year period" shall be deemed to be a reference to "fifteen years" or "fifteen-year period", respectively.

(b) POWERS AND DUTIES OF PAROLE COMMISSION.—Notwithstanding section 4203 of title 18, United States Code, the United States Parole Commission may perform its functions with any quorum of Commissioners, or Commissioner, as the Commission may prescribe by regulation.

(c) REDUCTION IN SIZE.—

(1) Effective December 31, 1999, the total number of Commissioners of the United States Parole Commission shall not be greater than 2. To the extent necessary to achieve this reduction, the Commissioner or Commissioners least senior in service shall cease to hold office.

(2) Effective December 31, 2001, the United States Parole Commission shall consist only of that Commissioner who is the Chairman of the Commission.

(3) Effective when the Commission consists of only one Commissioner—

(A) that Commissioner (or in the Commissioner's absence, the Attorney General) may delegate to one or more hearing examiners the powers set forth in paragraphs (1) through (4) of section 4203(b) of title 18, United States Code; and

(B) decisions made pursuant to such delegation shall take effect when made, but shall be subject to review and modification by the Commissioner.

SEC. 3. REPORTS BY THE ATTORNEY GENERAL.

(a) IN GENERAL.—Beginning in the year 1998, the Attorney General shall report to the Congress not later than May 1 of each year through the year 2002 on the status of the United States Parole Commission. Unless the Attorney General, in such report,

certifies that the continuation of the Commission is the most effective and cost-efficient manner for carrying out the Commission's functions, the Attorney General shall include in such report an alternative plan for a transfer of the Commission's functions to another entity.

(b) TRANSFER WITHIN THE DEPARTMENT OF JUSTICE.—

(1) EFFECT OF PLAN.—If the Attorney General includes such a plan in the report, and that plan provides for the transfer of the Commission's functions and powers to another entity within the Department of Justice, such plan shall take effect according to its terms on November 1 of that year in which the report is made, unless Congress by law provides otherwise. In the event such plan takes effect, all laws pertaining to the authority and jurisdiction of the Commission with respect to individual offenders shall remain in effect notwithstanding the expiration of the period specified in section 2 of this Act.

(2) CONDITIONAL REPEAL.—Effective on the date such plan takes effect, paragraphs (3) and (4) of section 235(b) of the Sentencing Reform Act of 1984 (98 Stat. 2032) are repealed.

SEC. 4. REPEAL.

Section 235(b)(2) of the Sentencing Reform Act of 1984 (98 Stat. 2032) is repealed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana [Mr. BUYER] and the gentleman from New York [Mr. SCHUMER] each will control 20 minutes.

The Chair recognizes the gentleman from Indiana [Mr. BUYER].

GENERAL LEAVE

Mr. BUYER. 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 under consideration.

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

There was no objection.

Mr. BUYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in the Sentencing Reform Act of 1984, Congress abolished parole in the Federal system, and decided to phase out the Parole Commission. In 1990, Congress extended the time line for this phaseout by an additional 5 years, because there were still several thousand parole-eligible offenders in the Federal system and the Sentencing Reform Act had not made any provisions for the necessary, ongoing functions of the Commission.

The Commission is currently set to expire November 1, 1997, and S. 1507, the Parole Commission Phaseout Act, would extend the Commission for an additional 5 years. If this bill is not enacted, the Commission must soon begin to take steps in preparation for shutting down the agency.

There are several considerations which justify support for S. 1507. At the end of fiscal year 1996, there will still be approximately 6,700 parole-eligible, old law defendants in the Federal system. Constitutional requirements, specifically the ex post facto clause, necessitate the extension of the Commission or the establishment of a similar entity. Otherwise, those remaining old law offenders will file habeas corpus petitions seeking release on the grounds that their right to be considered for parole had been unconstitutionally eliminated.

S. 1507 also includes provisions to guarantee the continued downsizing of the Parole Commission. It directs the Attorney General to report to Congress not later than May 1 of each year on the most cost-efficient and effective method for continuing the Parole Commission's functions.

It also allows the Attorney General to provide an alternative plan for another entity to carry out those functions. If the Attorney General decides there should be a transfer to another division within the Department of Justice, the transfer can take effect automatically on November 1 of that year, unless Congress acts otherwise.

This bill also mandates the reduction in size of the number of commissioners. By the end of 1999, the number of commissioners shall not be greater than two, and by the end of 2001, the only remaining commissioner shall be the chairman.

It is necessary for Congress to pass this legislation this year to end any confusion concerning the ongoing functions of the Commission. Under the current law, the Commission will soon be required to set final release dates for the old law prisoners.

This bill will extend the life of the Parole Commission, which at this point in time is necessary. But this bill will also force the Department of Justice to continue to monitor the number of old law offenders presently in the Federal system and to report to Congress on the progress of the phaseout.

As the number of old law offenders decreases, it will soon be possible for another entity to handle all the Parole Commission's functions. The Parole Commission is supportive of this bill.

Mr. Speaker, on behalf of the gentleman from Florida [Mr. MCCOLLUM], the chairman of the Subcommittee on Crime, I would like to thank the gentleman from New York [Mr. SCHUMER], the ranking member of the Subcommittee on Crime, for his cooperation in moving this legislation. I urge my colleagues to support the bill.

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

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the bill, and I agree with the gentleman from Indiana. This bill does deserve passage, both from the point of view of tough law enforcement as well as from the point of view of reinventing government.

As the gentleman mentioned, were we not to take this action, prisoners who have a constitutional right to have their parole status reviewed, would have the ability to file habeas petitions and seriously muck up the works in our Federal courts. That is not a desirable outcome for law enforcement in the United States, and this bill prevents that from happening.

But, Mr. Speaker, it also does allow and really mandates that the Commission downsize and then terminate itself as the need to deal with the old law prisoners decreases and eventually disappears.

□ 1600

I urge my colleagues to support this bill. I would urge, also, that the Parole Commission explore some of the opportunities that may be available to it to reduce costs even further. As we mentioned in one of the hearings, in California, there are jurisdictions that are using interactive video conferencing to decrease the costs of moving prisoners or moving hearing officers. These are all ideas that can be pursued administratively to further cut costs. I hope that the commission will explore them fully. I am aware of no legislative action to accomplish any of them. I would urge passage of this bill.

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

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

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from Indiana [Mr. BUYER] that the House suspend the rules and pass the Senate bill, S. 1507, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

CARJACKING CORRECTION ACT OF 1996

Mr. BUYER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3676) to amend title 18, United States Code, clarify the intent of Congress with respect to the Federal carjacking prohibition, as amended.

The Clerk read as follows:

H.R. 3676

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Carjacking Correction Act of 1996".

SEC. 2. CLARIFICATION OF INTENT OF CONGRESS IN FEDERAL CARJACKING PROHIBITION.

Section 2119(2) of title 18, United States Code, is amended by inserting ", including any conduct that, if the conduct occurred in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242 of this title" after (as defined in section 1365 of this title".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana [Mr. BUYER] and the gentlewoman from Colorado [Mrs. SCHROEDER] will each control 20 minutes.

The Chair recognizes the gentleman from Indiana [Mr. BUYER].

GENERAL LEAVE

Mr. BUYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill under consideration.

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

There was no objection.

Mr. BUYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3676, the Carjacking Corrections Act, amends section 2119(2) of title 18, United States Code, to clarify that rape constitutes a serious bodily injury for the purposes of the penalty enhancement provided in the Federal carjacking statute.

Mr. Speaker, few crimes are as vicious as carjackings. It is a tragic reflection of our time that victims of carjackings are actually glad that they only lost their car. It is a sad day when people can say they are happy to have just been abandoned, often at night, far from home, having just had one of their most valuable pieces of property taken from them. But these victims know they could have been raped or killed. Could we ever forget the story of Pamela Basu, who died in a horrible carjacking right here in our Nation's Capital when she was dragged for a mile and a half while trying to rescue her 2-year old daughter who was still in the backseat of the car? Many Americans witnessed that account on our national news. Carjackers are some of society's most ruthless criminals—when we talk about carjackers, we are not just talking about car theft, we are talking about violent predators.

Mr. Speaker, the federal carjacking law, section 2119(2) of title 18, currently allows for an additional 10 years in prison if serious bodily injury results from a carjacking. Serious bodily injury is defined in title 18 as "a substantial risk of death," "extreme physical pain," "protracted and obvious disfigurement," or "protracted loss or impairment of a bodily member, organ or mental faculty." Under this bill serious bodily injury, for purposes of the penalty enhancement under the carjacking statute, will include sexual abuse and aggravated sexual abuse, as already defined in title 18.

This legislation is responsive to a First Circuit Court of Appeals decision, on May 21 of this year, overturning a district court opinion in which a carjacking received a penalty enhancement for raping his victim. The first circuit panel held that rape was not a serious bodily injury. One first circuit judge requested that the first circuit have a rehearing *en banc* to further review this issue, and this request was denied. H.R. 3676 clarifies any confusion Federal judges may have about whether a carjacker can get a penalty enhancement for rape. The answer is an unequivocal yes.

This legislation does not create any new Federal crime or expand Federal jurisdiction in any way. It does not even create a penalty enhancement scheme under the carjacking statute—that enhancement already exists in the law. All this bill does it make clear that anyone who commits rape during the course of a carjacking will get a longer, and certainly well-deserved, term in prison.

I urge my colleagues to support this bill. I also congratulate the gentleman from Michigan [Mr. CONYERS], for introducing it.

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

Mrs. SCHROEDER. Mr. Speaker, I yield myself such time as I may consume. I rise in support of the bill, the Carjacking Corrections Act of 1996.

Mr. Speaker, I want to commend the gentleman from Michigan, Mr. JOHN CONYERS, ranking Democrat on the Committee on the Judiciary. He has been phenomenal in his leadership in getting this bill drafted and moving it.

Mr. Speaker, we really should not have to be here. This is an absolute outrage that the first circuit did. The Carjacking Correction Act responds to their decision. This decision that was recently issued by the first circuit said that for purposes of sentencing enhancement, rape was not serious bodily injury.

I wish they would tell the average American woman that. I think that they would be absolutely stunned to find out that there could be gentlemen sitting on the bench that would think that. And by the way, it was only gentlemen who voted that way.

This bill makes it very clear that the Congress thinks that rape by itself does constitute a serious bodily injury. Under the first circuit decision, it would be possible that a carjacker who broke someone's arm while carjacking would receive a stronger sentence and a longer sentence than somebody who raped their victim. Now, I really find it incredible that somebody could say that was a logical distinction.

The repercussions of this decision have become apparent already. There was a woman in Boston who was carjacked and driven to New Hampshire where she was raped. Then she was returned to Boston. Now we find because living in Massachusetts she is in the first circuit, the rape will go unpunished because of this group's decision that that would not justify sentencing enhancement.

The person who took her over the border to do that will only get a sentencing on the carjacking.

The first circuit includes the States of Massachusetts, Vermont, Maine, New Hampshire, Puerto Rico, and the Virgin Islands. I think that anyone who lives in those areas will be very pleased if the Congress could get this corrected as fast as possible. Mr. Speaker, I want to say here today that I do not think anyone in this body ever intended that. I cannot imagine how they could possibly think we intended that when we dealt with the carjacking issue and sentence enhancement.

There was only one woman sitting on the First Circuit Court of Appeals. Her name was Judge Sarah Lynch. she requested that the case that we are correcting today be reheard en banc. But the majority voted against that rehearing. In her dissent, Judge Lynch wrote very strongly that she believed this result was clearly contrary to the intent of the statute and to what the Congress had intended. Well, Judge Lynch, you are absolutely right. The Committee on the Judiciary, after Congressman CONYERS got the bill together, voted unanimously to report this bill to the floor. I would hope every one of my colleagues will vote yes on this bill so we can correct it as soon as possible, especially for the people who are living in that area.

I particularly want to thank committee counsel Melanie Sloan. She has worked so diligently on this matter and has really done a yeoman job, and everyone else on the committee for bringing it forward.

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

Ms. LOFGREN. Mr. Speaker, I also urge adoption of this bill. I would also like to concur in the comments made by the gentlewoman from Colorado [Mrs. SCHROEDER]. We should not have to enact this amendment to the act. I think it is absolutely clear that rape is serious bodily harm. I very much respect the independence of the judiciary and the three branches of Government, but that a court could actually rule that rape does not constitute serious bodily injury is ludicrous.

I was not a member of the Congress when the original bill was passed. But in talking to the authors and those who worked on the bill, it is very clear, not only from what their intent was but also just by reading the statute itself, that the decision of the first circuit turns reality on its head and will lead to a wrong result.

Mr. Speaker, I would just like to say one more thing. This decision is one more piece of evidence of why we need more women on the Federal bench. I love men. My father is one, my husband is one, and my son. But I think if we had as many women on the bench as there are women in society, we would not have had this absolutely outrageous result in the first circuit.

I hope that we pass this bill. I also hope that, as we move forward in the

coming years, we will see many more qualified women on the Federal bench and prevent this kind of ridiculous result.

Mrs. SCHROEDER. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentlewoman from California. The gentlewoman is absolutely right. You show me an American woman who tells you that rape is not a serious bodily injury, I want to see that person come forward. I think it is shocking that we would have males sitting on the court of appeals that would say that.

Nevertheless, we are correcting it today. I urge everyone to vote a strong, strong, strong aye.

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

Mr. BUYER. Mr. Speaker, I yield myself such time as I may consume.

I do not have to be shot by a bullet to understand pain. A man can be compassionate, can have sincerity, can love. I find it offensive that anyone can allege that judicial rulings based on one's gender are somehow what is wrong. I find it offensive, I have to say that. I believe that bad decisions are bad decisions regardless of chromosomes. I am going to stand here and say that, if there have been bad decisions that come from the court, if they are made from a woman, if they are made from a man, you are looking through it through the dimension of gender.

I support this bill because a bad judicial decision was made. Rape is serious bodily injury. The court should have taken it into account. As for the sidebar comments, I believe that they are out of place.

Ms. LOFGREN. Mr. Speaker, will the gentleman yield?

Mr. BUYER. Mr. Speaker, I will not yield, and I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of the Carjacking Correction Act of 1996, which was introduced by Congressman JOHN CONYERS. This legislation makes it clear that rape is included in the definition of serious bodily injury for purposes of the Federal carjacking statute. The current carjacking statute contains a provision that enhances the sentence for carjacking if serious bodily injury occurs during a carjacking. This legislation is necessary because a recent Federal circuit court of appeals decision involving carjacking held that rape was not a serious bodily injury. This court decision is very unfortunate.

There is no question that a rape is a serious bodily injury and we must make it very clear that all Federal courts understand that it should be considered in this manner. Current Federal law defines serious bodily injury as "a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of a bodily member, organ or mental faculty". This legislation would clarify the current law by clearly defining sexual assault as a serious bodily injury. We must ensure that the Federal courts do not commit the mistake again that occurred in a recent court case. I strongly support this bill and urge my colleagues to support this important principle.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana [Mr. BUYER] that the House suspend the rules and pass the bill, H.R. 3676, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GEORGE BUSH SCHOOL OF GOVERNMENT AND PUBLIC SERVICE ACT

Mr. GOODLING. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3803) to authorize funds for the George Bush School of Government and Public Service, as amended.

The Clerk read as follows:

H.R. 3803

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "George Bush School of Government and Public Service Act".

SEC. 2. GRANT AUTHORIZED.

In recognition of the public service of President George Bush, the Secretary of Education is authorized to make a grant in accordance with the provisions of this Act to assist in the establishment of the George Bush Fellowship Program, located at the George Bush School of Government and Public Service of the Texas A&M University.

SEC. 3. GRANT CONDITIONS.

No payment may be made under this Act except upon an application at such time, in such manner, and containing or accompanied by such information as the Secretary of Education may require.

SEC. 4. APPROPRIATIONS AUTHORIZED.

There are authorized to be appropriated for fiscal year 1997 such sums, not to exceed $3,000,000, as may be necessary to carry out the provisions of this Act.

SEC. 5. EFFECTIVE DATE.

This Act shall take effect on October 1, 1996.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania, Mr. GOODLING, and the gentleman from Texas, Mr. GENE GREEN, will each control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GOODLING].

Mr. HOEKSTRA. Mr. Speaker, I am opposed to this bill, and I ask if the gentleman from Texas is in true opposition?

Mr. GENE GREEN of Texas. Mr. Speaker, I am not.

The SPEAKER pro tempore. Is the gentleman from Michigan [Mr. HOEKSTRA] in opposition to the bill?

Mr. HOEKSTRA. Yes, Mr. Speaker, I am.

The SPEAKER pro tempore. Pursuant to the rules of the House, the gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from Michigan [Mr. HOEKSTRA] will each control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that 10 minutes of my 20 minutes be controlled by the gentleman from Texas, Mr. GENE GREEN.

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

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Speaker, I yield myself 45 seconds.

Mr. Speaker, H.R. 3803 is legislation that pays tribute to a great President and a wonderful friend. The bill is entitled the George Bush School of Government and Public Service Act.

Some of my colleagues may be opposed to the bill. Some of them are Johnny-come-lately when it comes to trying to cut down the number of programs that are here since I led the fight to do that, as far as the Taft Institute is concerned, because they continued to fund it.

The beauty of this is it is a 1-year funding. The beauty of this is, instead of spending a whole lot of money building some monument someplace that the taxpayer has to buy or pay for or to spend a whole lot of money to set up some park in memory of a wonderful President, a great friend, this is done one time only because of an amendment that I offered to the legislation. It must be spent, if appropriated, in 1997.

H.R. 3803 is legislation that pays tribute to a great President and wonderful friend. The bill is titled the "George Bush School of Government and Public Service Act."

The purpose of the bill is to authorize the Secretary of Education to provide grant assistance to the Texas A&M University for the establishment of the George Bush Fellowship Program. This one-time authorization will ensure that the George Bush Fellowship Program gets off to a solid start.

The George Bush School will be offering advanced degrees in public administration and international affairs. Some very fortunate students will have the opportunity to learn from someone with first hand experience in both of those areas. President Bush has agreed to play an active role in teaching these lucky students drawing from his years of experience in the Congress and the Oval Office.

Some of my colleagues may be opposed to this bill since it authorizes a new program at a time when this Congress is trying to limit

programs. That's why the manager's amendment I submitted limits the Federal Government's involvement to a one time appropriation that must take place in fiscal year 1997 if money is going to be appropriated by the Appropriations Committee. The Federal Government is not authorized to provide any additional funds for the program after fiscal year 1997. The university will be on its own when it comes to funding the program. In addition, any funds appropriated for this program may not be released to Texas A&M University until the Secretary of Education receives an application containing such information as the Secretary determines necessary.

The Federal Government is not going to dictate the details of the program. Instead we are going to provide seed money to start the program. We are going to allow the Secretary of Education and the University to determine the best way to use that seed money in starting the program. Then, we are going to get the Federal Government out of the way and let the private sector fund and operate the program.

Our colleagues in the other body have indicated their support for this tribute to President Bush by designating funds in the Labor/HHS/Education Appropriations bill for the George Bush Fellowship Program subject to passage of this authorizing legislation.

The George Bush Fellowship Program is an excellent tribute to an outstanding public servant that also gives students the opportunity to learn from a fine leader and a fine man.

I urge all of my colleagues to support this tribute to President Bush.

□ 1615

Mr. HOEKSTRA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join my colleagues to honor former President George Bush, but I choose to do so in a very different way, by limiting the Federal Government and working toward a balanced budget, not by creating a new fellowship program. Supporters of H.R. 3803 have good intentions, but the goal of honoring former President George Bush can better be accomplished by resisting the urge to create yet another program and spending more Federal dollars.

The new Bush School at Texas A&M is certainly a fitting tribute to former President Bush. President and Mrs. Bush are committed to teach and live in the area. I applaud his dedication to students and to working with this school and this Texas community to make a difference in the education of our young people.

The enthusiasm for launching this new fellowship has caused very generous Members of Congress, I believe, to live outside of their means. Let us have a check on the Federal Government. Do we believe government is too small? Do we believe we have too few Federal education programs? By our count and by the count of the executive branch we already have over 760. Do we need 761?

The most honorable thing that Congress can do for George Bush is to review our current programs, figure out what works, what does not work, and pursue creative ways to improve education. Creativity will not lead us to enacting yet another Federal education program and spending additional funds. Until we have gained an adequate understanding of the effectiveness of these 760 programs, we should not add another program to that list.

President Bush was an advocate of 1,000 Points of Light. That philosophy still lives in the hearts of all Americans, that we can do so much more privately than with Federal funds.

We do not need this legislation to accomplish its goal. This bill, though well-intentioned, perpetuates the myth that Washington can and should create effective education programs in the place of the private sector or State and local organizations. We are masters of buying constituencies with other people's money, a program here, a program there. It sounds good, it makes us feel important; it is what we do. We spend money. This is one time where we should resist that urge.

It is a myth that this money we are spending today will help America. It does not honor George Bush. It honors the Washington spending myth. Citizens Against Government Waste, the National Taxpayers Union, and Taxpayers for Common Sense all agree that this is unnecessary new Federal spending.

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

Mr. GENE GREEN of Texas. Mr. Speaker, I yield myself such time as I may consume, and I thank the chairman of our committee for sharing this time with me.

Mr. Speaker, I rise in support of H.R. 3803. This legislation is a good example about how a one-time small investment by the Federal Government can create a new and self-sufficient program that assists young people at a very fine institution in Texas, Texas A&M, and also recognizes the contributions of former President George Bush and the Bush School of Public Affairs at Texas A&M. Public service. The school is scheduled to be opened in the fall of 1997 in conjunction with George Bush Presidential Library and Museum, and Texas A&M will initiate a private fund drive that will raise much more than the $3 million that is authorized in an effort to endow the Bush Fellows and programs in future years.

I support this legislation because it makes a difference in the lives of these students, will help them learn how to work with our government, and again it honors former President Bush, who served this country not only as President, but in many other capacities.

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

Mr. HOEKSTRA. Mr. Speaker, I yield 2 minutes to my colleague the gentleman from Wisconsin [Mr. NEUMANN].

Mr. NEUMANN. Mr. Speaker, I, too, have the greatest respect for President Bush and his commitment to our great country and the many efforts that he and his family have put in for the good of the future of America. President Bush paid a huge price to do what he believed was in the best interests of the future of our country, and paid that price in order to move this Nation closer to a balanced budget.

Now we stand here today talking about spending money on his behalf, and I could not agree with my colleague from Michigan more, that the appropriate way to honor President Bush and his family today is by defeating this particular bill and helping this Nation move closer to a balanced budget.

We are currently $5.2 trillion in debt, $5.2 trillion, $20,000 for every man, woman and child in the United States of America. This is a wonderful program; it is a wonderful idea. The problem that we have with it is we cannot afford it. There are many wonderful ideas out there; the bottom line is we have got to ask ourselves whether or not we can afford the ideas.

We currently have 760 educational programs federally funded. The U.S. Federal Government has 760 different educational programs. Why would we want to go today and add another program to that list?

The other thing is Citizens Against Government Waste, a well-respected organization here in Washington, as well as National Taxpayers Union, representing many citizens from across the United States of America, are opposed to this, and they are opposed to it for those very reasons, that we are in fact $5 trillion in debt and we need to start doing what is right for the future of this country.

The best thing we can do is defeat this so we can keep moving toward a balanced budget, to preserve this Nation for our children and grandchildren while preserving and protecting Social Security and Medicare for our senior citizens and working to reduce the tax burden on our working families so they can keep more of their hard-earned money.

Mr. GOODLING. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. BARTON], the author of the legislation.

Mr. BARTON of Texas. Mr. Speaker, I rise in very strong support of this very important legislation that has been endorsed and supported by a bipartisan coalition of the House of Representatives. We have the chairman, the subcommittee chairman, I believe, the ranking Democrat on the authorizing committee, on the subcommittee and full Committee of Appropriations; we have both the ranking members and the majority members in support of it. We have both leadership groups in the House in support of it. This is a living

memorial to a former Member of the House of Representatives, to a former Vice President and, obviously, to a former President of the United States of America.

This money is very consistent with other memorials that have been authorized by the Congress for other Presidents. President Kennedy; we have a program that gives approximately $4 million a year to the Kennedy Center here in Washington, DC. We have the Woodrow Wilson School. We have the Eisenhower College, which received $5 million back in 1968. We have the Hoover Institution, which received $7 million in 1975. We have the Harry S. Truman Scholarship Fund that has received several million dollars from the Government.

President Bush is very supportive of this legislation. I have a letter dated June 10 that I will put into the RECORD. I will read part of it.

Your proposal for creating a George Bush Fellowships is excellent. I am delighted to give you my enthusiastic support. The concept of facilitating promising students coming to our school is wholly consistent with the standards for excellence that we have set.

I want to reiterate to my colleagues President Bush, who is going to spend approximately 3 days a week at the school interacting with the students, Mrs. Bush, who is also going to spend 3 days a week at the school, did not want a post office named after the President, they did not want a plaque somewhere, they did not want a monument. They wanted money that would go to future generations of America, the best and the brightest.

I hope that we will unanimously support this legislation.

Mr. Speaker, I include the letter referred to for the RECORD:

JUNE 10, 1996.

CHARLES F. HERMANN,
Director, George Bush School of Government and Public Service, Texas A&M University, College Station, Texas.

DEAR CHUCK, your proposal for creating a George Bush Fellowships is excellent, and I am delighted to give you my enthusiastic support. The concept of facilitating promising students coming to our school is wholly consistent with the standards for excellence we have set. I would be pleased to have my name associated with future generations who intend to pursue careers in public service.

In response to your query about my willingness to interact with those who are awarded these fellowships, let me affirm what I have said in the past: I very much want to be involved on a continuing basis with the Bush School, its faculty, and its students. Barbara and I would particularly enjoy the chance to get acquainted with fellowship students in appropriate ways that would underscore their outstanding merit.

By all means, keep me posted on your progress.

Sincerely,

GEORGE BUSH.

Mr. HOEKSTRA. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. LUTHER].

Mr. LUTHER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in opposition to H.R. 3803. Once again we are on the floor of the House debating an expenditure by Government, this time the issue being whether to spend yet another $3 million we do not have.

Like my colleagues, I recognize the good intentions of the sponsors of this legislation, and I respect President Bush's service to our country. But that is not the issue before us today. I oppose this bill, like so many others, for one reason. We simply do not have the money.

Passing this legislation would provide further credibility to the phrase "some things never change," and that, it seems to me, is exactly what is worrying the American people today. They want Congress to begin acting responsibly and not to be spending money we do not have.

There has been a great deal of debate in this Congress about various levels of education funding, and in the next Congress we have the major task of reauthorizing the Higher Education Act.

Let us exercise some common sense today. In a time of fiscal restraint let us first review the efficiency and effectiveness of existing programs before we start funding new ones. Let us not lose our focus as we near the end of the session. The people of America are still waiting for a balanced budget. Let us get on with that task.

Mr. GENE GREEN of Texas. Mr. Speaker, I yield 2 minutes to my colleague and good friend the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of this legislation to provide funds to the George Bush School of Government.

Mr. Speaker, we have helped other Presidents and we have helped former Members of Congress and former Members and Presidents from those who oppose this bill today. We have helped those individuals. I certainly rise in support of these endowments for schools, in appreciation for the service that these different individuals have given.

President Bush had a very productive 4 years. He helped bring about the end of the cold war with Russia and other Communist nations in Europe. His actions reduced the threat of nuclear war and started the movement to destroy and reduce the number of nuclear weapons. His handling of the Persian Gulf, Mr. Speaker, was outstanding and brought great pride to our Nation and to our military forces.

President Bush worked hard toward being the education President, and Barbara Bush continues to work in the field of literacy. I feel very strongly that these funds will help others to achieve goals that they have dreamed about and prayed about.

In almost 30 years of public service George Bush has never embarrassed this country, and he has tried in every way to help and not hurt President Clinton in his foreign policies, especially in Iraq and Bosnia.

I hope all Members will vote for this legislation. It makes sense, it is not a big cost, costs less than one missile we are shooting now to help out a great President.

Mr. HOEKSTRA. Mr. Speaker, I yield 2 minutes to my colleague, the gentleman from Minnesota [Mr. MINGE].

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

Mr. Speaker, I would like to make it clear that this is not legislation which is in any way concerning President Bush's distinguished service to this country. The controversy, instead, is over whether or not we create yet another special fellowship program in addition to the 760 that we already have on the books. The question is whether or not we are going to consolidate and somehow streamline some of our activities or if we are going to continue to have this sort of unravel into a series of programs that are almost impossible for us to oversee in Congress.

I certainly would join and associate myself with the remarks of my colleagues from Pennsylvania and Mississippi about the distinguished career of President Bush, but I think that there is no more distinguishing tribute to his service in this body and as the President than to say that we are going to practice the type of austerity and fiscal responsibility that he so well preached himself. I am sure that both President Bush and Barbara Bush would still be happy to contribute their services to this great university and teaching students without having a special appropriation or program that is passed by this Congress that is in violation of the very principles that President Bush stood for.

□ 1630

I would urge my colleagues to join with me and others in opposing this special authorization, and, instead, vote for the fiscal austerity and responsibility that we are all so deeply committed to.

Mr. GOODLING. Mr. Speaker, worrying that Hubert Humphrey may be uncomfortable in his grave, I yield 30 seconds to the gentleman from Ohio [Mr. REGULA].

Mr. REGULA. Mr. Speaker, I rise in strong support of this legislation. Each year on the Interior appropriations bill we spend millions and millions of dollars on memorials that are visited by people. How far better to spend the money on a living memorial where young leaders, potential leaders, will have an opportunity to learn and share insights with President Bush and First

Lady Barbara Bush who have both served this Nation so well.

George Bush stands for all that is good in America: A patriot, military service for his country with valor, a man of compassion and courage. As a matter of fact, as a young Congressman, he had the courage to vote for fair housing when it was not popular. I urge every one of my colleagues to vote for this bill.

Mr. GENE GREEN of Texas. Mr. Speaker, I yield 2 minutes to my colleague, the gentleman from Texas [Mr. DE LA GARZA], dean of the Texas delegation.

Mr. DE LA GARZA. Mr. Speaker, I rise in support of the legislation. Let me say at the outset that I cannot understand the praise and then the meat-ax approach.

I challenge anyone to deny my commitment to a balanced budget. I introduced a balanced budget amendment 30 years ago, so I do not want anyone that has been here one or two terms saying that we who try and do something constructive, that we have to go after a balanced budget with a meat-ax. I am offended that anyone in honesty would say that this is a bust-the-budget type situation.

There is no need for me to discuss what George Bush did in his lifetime, his contribution, that of his wife, his family. Members are fixing, under the guise of balancing the budget, to embarrass a former President of the United States, the father of the Governor of Texas, saying we are going to balance the budget no matter what; when I daresay many are asking for a canal here and a building there, just go to the Committee on Appropriations, just go to the committees that fund, and many of those that might vote against it are looking for something in their area.

Mr. Speaker, this is an investment in the future, that is what it is, working with the young people at a great institution Texas A&M so, that we might recognize what George Bush contributed to this country; let me repeat again, not because he is my friend, not because he was my colleague, not because he was the President, not because he was a Vice President, but because there are right things to do and this is one of them.

Sometimes we get misdirected. This balance the budget with a meat-ax approach just will not do it. I will support the legislation in honor of this great man, and ask all of my colleagues to do so.

Mr. HOEKSTRA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as I have talked with my colleagues who are sponsors of this bill, they have laid out a record of significant achievement by Texas A&M on this project. Texas A&M has already raised significant dollars, either at the State level or through private contributions, for the work that will go on at this school. They have demonstrated that they can move forward without our help.

Mr. Speaker, I think, as we move forward, the tribute here is not about the work that George Bush has done, or did, as President or did as a congressman in service to his country. It is about, at this point in time, whether we go forward and appropriate another $3 million for an institution that will celebrate the conservative principles and the balanced budget for which he fought so hard.

The important thing is that we show fiscal restraint, that we do not continue doing business as we have done business in the past. I have taken a look at the letter that George Bush wrote to Mr. Herman, who is the director of the George Bush School of Government and Public Service. The former President talked strongly in favor of the fellowship program. In his letter, he does not talk or address the issue about whether it should be federally funded.

I think that the best tribute to this program is to continue going along in the direction that Texas A&M has done so admirably, which is pushing for private funding and private donations to make sure that this program gets off on the right foot.

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

Mr. GOODLING. Mr. Speaker, I yield 45 seconds to the gentleman from Pennsylvania [Mr. CLINGER].

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

I rise in very strong support of H.R. 3803. What a wonderful way to recognize a wonderful man and an outstanding President, and his wife, Barbara.

I think it is instructive to point out that this is the sort of thing that George Bush would like to have as recognition of his service. He did not want the equivalent, today's equivalent of an equestrian statue, some sort of plaque or grandiose recognition of his service. He wanted to have something that would really make a difference in young people's lives.

This fellowship program is going to do just that with the incredible leverage that this program is going to create with a $3 million investment, and I look at it as an investment in the future of this country, because it is investing in young people, versus the $25 million or more that the university is prepared to contribute. I think that is so very, very significant.

The other important thing is that this President and his wife are going to participate in this fellowship program. I urge strong support for this bill.

Mr. HOEKSTRA. Mr. Speaker, I would ask, do I have the right to close?

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. CLINGER], as chairman, has the right to close.

Mr. BARTON of Texas. Mr. Speaker, if the gentleman will yield, if he will change his position and agree to the bill, I am sure the chairman would give him the right to close.

Mr. HOEKSTRA. Mr. Speaker, that is an interesting idea, but I do not think I will take the gentleman up on that.

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

Mr. GENE GREEN of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. HALL].

Mr. HALL of Texas. Mr. Speaker, of course, I rise in support of the bill. It is hard for me to understand how some people can complain about a $3 million expenditure. It is matched immediately by a $25 million expenditure by the State of Texas and Texas A&M University. It is not $3 million that invites other money in the future, it is a one-time deal. They wanted $5 million for Hubert Humphrey not too long ago.

It is hard to see how they can complain about something like this for education, that educates a lot of youngsters. Education is the answer to petitions to Federal courts and mobs in the streets. If there is any answer, it is education. I do not understand how they can stand here and vote to send $16 billion to $17 billion overseas in foreign aid and complain about $3 million to help some youngsters get educated.

Mr. Speaker, I think certainly for George Bush, a friend of mine, a longtime friend, I am pleased to speak on behalf of this. He was a leader in everything he did. He served as a carrier-based torpedo bomber pilot in the Navy during World War II, was in many major battles. Even, at one time, he was shot down, picked up by a PT boat. He also served as congressman, ambassador, CIA director, Vice President, and ultimately President.

Other than possibly Thomas Jefferson, he brought the greatest portfolio into the Presidency of any of his predecessors, and probably any since. He served his country for many years. I just think that today, if we pass H.R. 3803, we in Congress say to our President, to George Bush and his great family, we respect you, your leadership and dedication to public service will never be forgotten, because it will always be studied and taught at the George Bush School of Government and Public Service.

Mr. Speaker, I am pleased to speak today on behalf of H.R. 3803, the George Bush School of Government and Public Service Act. This bill will authorize one-time funding which will help establish the George Bush fellowship program at the former President's School of Government and Public Service.

Mr. Speaker, George Bush was a leader in everything he did. He served as a carrier-based Torpedo Bomber pilot in the Navy during World War II—was in many major battles and was even, at one time, shot down and picked up by a PT boat. He also served our country as a Congressman, Ambassador, CIA

Director, Vice President and, ultimately, President. Other than possible Thomas Jefferson, he brought the greatest portfolio into the Presidency of all of his predecessors. He served our country for many years, and in so doing, he served the world. He was a leader for a greater America and through his leadership, he shaped for us and for future generations a better world.

As we pass this bill, we will have the opportunity to honor President Bush like we have no other former President. As a man who dedicated his entire life to public service, I can think of no greater honor than to help establish an educational program geared toward public service in his name. Rather than constructing a building, a statue, or a park in his honor, we will be investing in the future of our country. We will be helping to produce leaders and public servants who will be proud graduates of the George Bush School of Government and Public Service, and who will go on to follow President Bush's noble example of selfless leadership and public service.

President Bush is aware of this new fellowship initiative and has committed to becoming personally involved with the educational program of his school and, in particular, with the George Bush fellows. The leadership opportunities for these fellows and the close, personal interaction they will have will be unmatched in the world. These students will be learning public policy and international affairs at the arm of the master himself, George Bush.

Today, we pass H.R. 3803 and we in Congress say to President George Bush and to his great family, we respect you. Your leadership and dedication to public service will never be forgotten, because it will always be studied and taught at the George Bush School of Government and Public Service.

Mr. GOODLING. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. SMITH].

Mr. SMITH of Texas. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, it is a pleasure to rise in support of the George Bush School of Government and Public Service Act. Time and again, former President Bush has served his country with distinction.

As a young man, he volunteered to fight for his country in World War II as our Nation's youngest naval aviator. He dedicated his life to national service, serving as a Congressman representing Texas, the Director of the CIA, the U.S. ambassador to the United Nations, our Ambassador to the Republic of China, and the chairman of the Republican National Committee.

In 1980, he was elected Vice President with President Ronald Reagan, and together they led America into the greatest peacetime expansion since World War II. Presidents Reagan and Bush led the world to the end of the cold war. As President, George Bush served with the unquestionable honor and great dignity that is owed to the highest office in our great Nation.

America, and indeed the world, was appreciative of his efforts during the Gulf war. The unity that was demonstrated during that conflict—the support of Congress, the support of the American public, and the support of our allies—was a triumph of and a tribute to the steadfast leadership of President Bush.

Just as important is George Bush's constant devotion to his family. He and his wife, Barbara, have raised a wonderful family that continue to pass on their shared values of faith, family, honor and service to new generations.

As a Texan, I am particularly appreciative of President Bush passing along these values to his children, because he has blessed our State with a great Governor, his son, George W. Bush.

I urge my colleagues to support this legislation as a tribute to a World War II aviator, a dedicated public servant, a great President and a truly honorable man—President George Bush.

Mr. GENE GREEN of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me talk a little bit for the Members and colleagues who may have some confusion about this. Historically, there have been Presidential fellowships for former officials, and this is not breaking new ground. It was pointed out by the opposition that there are private donations and private fundraising. This is really a one-time appropriation of seed money of $3 million. There will be much more raised. Again, it is an educational program that I am proud to support, not only for President Bush, but also at a great university, Texas A&M.

One of the things I heard during some of the debate in opposition was we had 760 education programs that the Federal Government administers. Let me talk about some of those 760 that they list. Sixty of those are scientific and medical research programs, including 48 here at the National Institutes of Health. Sometimes some of these statistics are thrown around up here and people may think, oh, we have 760 Presidential fellow programs. That is not true.

Some of these other programs they have, they are mentioning in those 760, include job training programs, include educational programs for Lyme disease. Let us deal with apples and not compare them to oranges or pineapples or anything else, and really talk about the effort that we need to make in recognizing a great President.

Mr. Speaker, I have to admit, I did not vote for George Bush, but I also recognize that he was a President of our country, and just like now, we recognize the contributions of him, but during his tenure, there was controversy. There were Members on the floor of the House who disagreed with him, just like now with President Clinton.

I would hope that once someone serves their country like President Bush has, we can recognize him with this fellows program in conjunction with his presidential library at Texas A&M. Again, it is a great university, and it is a great program to enhance the ability of young students, students to learn about their Government through the George Bush School of Public Service.

Mr. BARTON of Texas. Mr. Speaker, will the gentleman yield?

Mr. GENE GREEN of Texas. I yield to the gentleman from Texas.

Mr. BARTON of Texas. Very briefly, I want to reinforce what the gentleman said, Mr. Speaker. This $3 million one-time grant will help start the permanently endowed scholarship fund. Texas A&M is going to raise privately $25 million to permanently endow this scholarship fund.

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But this $3 million will be the first of the funds for the first class of fellows that are going to begin next year. Of the $3 million, less than $100,000 will be used over the life of the program for administrative expenses. Over $2.9 million will go to fund as many as 200 scholarships. So this is truly, as the gentleman from Pennsylvania [Mr. CLINGER] said, a living memorial to a former President.

Mr. GENE GREEN of Texas. Mr. Speaker, I reserve the balance of my time.

PARLIAMENTARY INQUIRY

Mr. DE LA GARZA. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. GOODLATTE). The gentleman will state it.

Mr. DE LA GARZA. Mr. Speaker, you have stated that Chairman GOODLING has the right to close on this matter. The gentleman from Michigan [Mr. HOEKSTRA] says that he wants to be last, I assume before the gentleman from Pennsylvania [Mr. GOODLING].

My parliamentary inquiry is, does he have a right to that spot? Or can the gentleman from Texas, Mr. GENE GREEN, be the one who speaks next before the gentleman from Pennsylvania, Mr. GOODLING?

The SPEAKER pro tempore. The gentleman from Pennsylvania has the right to close. Those who are recognized prior to that are within the discretion of the Chair.

Mr. DE LA GARZA. So, therefore, the gentleman from Michigan [Mr. HOEKSTRA] does not have the right, the Chair has the right to recognize?

The SPEAKER pro tempore. The Chair has the right to determine who will be recognized immediately prior to the right of the gentleman from Pennsylvania to close.

Mr. DE LA GARZA. I thank the Chair.

The SPEAKER pro tempore. The gentleman from Texas, Mr. GENE GREEN, has 1 minute remaining, the gentleman from Pennsylvania, Mr. GOODLING, has

4 minutes remaining, and the gentleman from Michigan, Mr. HOEKSTRA, has 9½ minutes remaining.

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. BARTON], the author of the legislation.

Mr. BARTON of Texas. Mr. Speaker, I want to reinforce all that has been said in favor of this legislation. Will Rogers, the great philosopher from Oklahoma, once said that he never met a man that he did not like. I think we could say about President Bush that there was never a man or woman that met the former President that did not like him. He is truly one of the most decent human beings that has ever been in public service for this country.

Texas A&M and its private benefactors have raised, or are attempting to raise, over $125 million to build, construct, or operate the Bush Library and the George Bush School of Public Service. The funds that we are offering today to help in that effort are maybe not something that we absolutely have to do, but sometimes I think this Congress should do things that we should do. We should do this to honor a great former Member of the House, a great former Vice President, and a great former President of the United States.

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Speaker, I think it should be pointed out that Barbara Bush and George Bush are participating in the Texas A&M school that honors President Bush, and that Barbara Bush is still working in literacy, trying to improve people who did not have the opportunity to get a total education.

I just think it would be right to give a strong vote today to George Bush for the things he has done, for Barbara Bush, and as somebody had mentioned, his outstanding family.

I would like to encourage my colleagues. We have done this before. We have done it to Democrats, we have done it to Republicans, and this is not whether you are a conservative, a liberal, or want to balance the budget. I want to challenge my Democratic friends on this side of the aisle who talked in opposition of saving this $3 million that I have a much more conservative voting record than they do on trying to balance the budget. So I certainly hope that we would support this legislation.

The SPEAKER pro tempore. The Chair would inquire of the gentleman from Michigan if he has any other speakers other than himself?

Mr. HOEKSTRA. Mr. Speaker, I will be the only speaker.

The SPEAKER pro tempore. It is the determination of the Chair that the gentleman from Michigan should have the opportunity to go next to last, before the gentleman from Pennsylvania, and, therefore, the Chair recognizes the gentleman from Texas, Mr. GENE GREEN, to yield the additional 1 minute he has remaining.

Mr. GENE GREEN of Texas. Mr. Speaker, I will use my last minute, I guess, and talk about the importance of this bill.

Again H.R. 3803, the George Bush School of Government and Public Service Act, is a one-time appropriation, in the tradition that we have done in many other examples, including I believe I was told, in 1978, Senator Hubert Humphrey that I would have supported in 1978 to my colleagues who are here from Minnesota who opposed it.

The documentation that has been used, again, the 760 educational programs, are just ludicrous, to talk about compare this with those. Some of those include the educational programs, American Printing House for the Blind. That is just ludicrous to have that used in opposition.

This is a great example of honoring a former President and also a great institution in Texas A&M, and I would hope we would have a resounding number of "aye" votes for H.R. 3803.

Mr. HOEKSTRA. Mr. Speaker, I yield myself such time as I may consume. I have just a couple of points in closing.

We might have had a slightly different debate today if we had had the opportunity to take this bill through the committee process so we could have discussed it either at the subcommittee or at the full committee level. This bill has not gone through that process.

The second thing that I would just like to say, in listening to the debate I have heard the comment, It is only $3 million; $3 million is a lot of money.

We also have to take a look, and I think rethink some of the myths here in Washington. Is the granting of money, is the spending of more money, is spending money and creating another program, and spending money that we do not have, is that the highest tribute and the only tribute that we can pay to Members or people who have given in government service?

That is the myth in Washington. Any time we see a problem or we see the need to recognize somebody, it is time to spend more money. I think there are other ways to do that.

I think Texas A&M is setting a great example by how they have moved forward with this program without any help from Washington. I do not think at this point in time they need that additional help.

The greatest tribute perhaps to George Bush at this time is to demonstrate that the school can start in a different way and that his fellowships would be provided and funded through the private sector and not here from Washington.

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

Mr. GOODLING. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I have a feeling that in some cases there is a little preelection rhetoric going on on the floor of the House today. I say that because we have two choices. We have this choice, of providing a living monument, something that is going to benefit the living, and at a 1-year expense only. It did not go through the committee process, but it went through careful scrutiny by the chairman of the committee, and because of the manager's amendment, it is a 1-year authorization. As I indicated, it is a living monument.

The second choice that we have, of course, which will happen, there is no question, you can talk about it now but when the election is over, it will happen. We can have some expensive monument sitting out there somewhere that will cost the taxpayer a fortune from now until the end of time, or we can have some park development that will cost a great deal of money, or we can have this living monument to two wonderful people who are going to participate and give to the young people of this country a great deal for many years to come.

So if I have my choice, and anybody who really sits down and analyzes the choices, the choice certainly should be to have a living monument that will benefit people and that will be honoring someone who wants to be honored in that manner rather than some flowery tribute in relationship to a monument or something of that nature.

I would call on my colleagues to think strictly in terms of what is the best way to honor George and Barbara Bush, because they are going to be honored. There is no question about it. So let us do it with a living monument, with a one-time authorization only from the Treasury of the United States in an appropriation.

Mr. PORTMAN. Mr. Speaker, I rise today to express my strong support for H.R. 3803, The George Bush School of Government and Public Service Act. As former staff member in the Bush White House, I had the true honor of learning first-hand the values and principles of public service life that President Bush exemplified. He taught that honor, integrity and responsibility are the most important code of conduct for a public official, and he also taught the importance of public officials teaching those values to others. Now, through this legislation, Congress can help to instill these values in the new generation of leaders.

As a former President, Vice President, Ambassador, Party Chairman, CIA Director, and Member of Congress, George Bush saw many different sides of public service during his long and distinguished career. By creating the George H.W. Bush Fellowship Program today, we pass that experience on to future leaders—and provide young scholars with access to programs that develop the leadership skills they will need to guide this Nation in the next century. In addition to learning directly from President and Mrs. Bush, Fellows will have

the chance to learn from distinguished world leaders such as Margaret Thatcher and Brian Mulroney—who have both agreed to participate in the program. Their experience, knowledge and wisdom will be a tremendous gift for our future generations.

I know there are some who are concerned about the $3 million authorization provided by this bill—and that is a legitimate concern that President Bush himself would have raised in his days as a Member. But we have to remember that this is "seed money" that will lead to many millions more being spent by the private sector and the State of Texas to promote this worthy project. This is an authorization for a one-time appropriation to ensure that this program gets up and running for the first year. I would also note that it is very much in line with what we have done to honor other former Presidents, and that private funds will be used to endow the program in future years. It is, as Mr. GOODLING noted, a living monument that will benefit future generations of American leaders.

I know that I would not be here in this Chamber today if it were not for the tremendous learning opportunity that George Bush gave me. Let's do a little to ensure that same opportunity for so many young people. I urge my colleagues on both sides of the aisle to support this measure.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. GOODLING] that the House suspend the rules and pass the bill, H.R. 3803, as amended.

The question was taken.

Mr. HOEKSTRA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 3675, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

Ms. GREENE of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 104-803) on the resolution (H. Res. 522) waiving points of order against the conference report to accompany the bill (H.R. 3675) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1997, and for other purposes, which was referred to the House Calendar and ordered to be printed.

SPACE COMMERCIALIZATION PROMOTION ACT OF 1996

Mr. WALKER. Mr. Speaker, I move to suspend the rule and pass the bill (H.R. 3936) to encourage the development of a commercial space industry in the United States, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3936

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Space Commercialization Promotion Act of 1996".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—PROMOTION OF COMMERCIAL SPACE OPPORTUNITIES

Sec. 101. Commercialization of space station.
Sec. 102. Commercial space launch amendments.
Sec. 103. Exceptions to employment restrictions.
Sec. 104. Launch voucher demonstration program.
Sec. 105. Promotion of United States Global Positioning System standards.
Sec. 106. Acquisition of space science data.

TITLE II—REMOTE SENSING

Sec. 201. Land Remote Sensing Policy Act of 1992 amendments.
Sec. 202. Acquisition of earth remote sensing data.

TITLE III—FEDERAL ACQUISITION OF SPACE TRANSPORTATION SERVICES

Sec. 301. Requirement to procure commercial space transportation services.
Sec. 302. Acquisition of space transportation services.
Sec. 303. Launch Services Purchase Act of 1990 amendments.
Sec. 304. Use of excess intercontinental ballistic missiles.

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) the term "Administrator" means the Administrator of the National Aeronautics and Space Administration;

(2) the term "commercial provider" means any person providing space transportation services or other space-related activities, primary control of which is held by persons other than Federal, State, local, and foreign governments;

(3) the term "payload" means anything that a person undertakes to transport to, from, or within outer space, or in suborbital trajectory, by means of a space transportation vehicle, but does not include the space transportation vehicle itself except for its components which are specifically designed or adapted for that payload;

(4) the term "space-related activities" includes research and development, manufacturing, processing, service, and other associated and support activities;

(5) the term "space transportation services" means the preparation of a space transportation vehicle and its payloads for transportation to, from, or within outer space, or in suborbital trajectory, and the conduct of transporting a payload to, from, or within outer space, or in suborbital trajectory;

(6) the term "space transportation vehicle" means any vehicle constructed for the purpose of operating in, or transporting a payload to, from, or within, outer space, or in suborbital trajectory, and includes any component of such vehicle not specifically designed or adapted for a payload;

(7) the term "State" means each of the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States; and

(8) the term "United States commercial provider" means a commercial provider, organized under the laws of the United States or of a State, which is—

(A) more than 50 percent owned by United States nationals; or

(B) a subsidiary of a foreign company and the Secretary of Transportation finds that—

(i) such subsidiary has in the past evidenced a substantial commitment to the United States market through—

(I) investments in the United States in long-term research, development, and manufacturing (including the manufacture of major components and subassemblies); and

(II) significant contributions to employment in the United States; and

(ii) the country or countries in which such foreign company is incorporated or organized, and, if appropriate, in which it principally conducts its business, affords reciprocal treatment to companies described in subparagraph (A) comparable to that afforded to such foreign company's subsidiary in the United States, as evidenced by—

(I) providing comparable opportunities for companies described in subparagraph (A) to participate in Government sponsored research and development similar to that authorized under this Act;

(II) providing no barriers to companies described in subparagraph (A) with respect to local investment opportunities that are not provided to foreign companies in the United States; and

(III) providing adequate and effective protection for the intellectual property rights of companies described in subparagraph (A).

TITLE I—PROMOTION OF COMMERCIAL SPACE OPPORTUNITIES

SEC. 101. COMMERCIALIZATION OF SPACE STATION.

(a) POLICY.—The Congress declares that a priority goal of constructing the International Space Station is the economic development of Earth orbital space. The Congress further declares that free and competitive markets create the most efficient conditions for promoting economic development, and should therefore govern the economic development of Earth orbital space. The Congress further declares that free market principles should be used in operating and adding capabilities to the Space Station whenever possible.

(b) REPORT.—The Administrator shall deliver to the Congress, within 60 days after the date of the enactment of this Act, a market study that examines the role of commercial ventures which could supply, use, service, or augment the International Space Station, the specific policies and initiatives the Administrator is advancing to encourage these commercial opportunities, the cost savings to be realized by the international partnership from applying commercial approaches to cost-shared operations, and the cost reimbursements to the United States Government from commercial users of the Space Station.

SEC. 102. COMMERCIAL SPACE LAUNCH AMENDMENTS.

(a) AMENDMENTS.—Chapter 701 of title 49, United States Code, is amended—

(1) in the table of sections—

(A) by amending the item relating to section 70104 to read as follows:

"70104. Restrictions on launches, operations, and reentries.";

(B) by amending the item relating to section 70108 to read as follows:

"70108. Prohibition, suspension, and end of launches, operation of launch sites and reentry sites, and reentries.";

(C) by amending the item relating to section 70109 to read as follows:

"70109. Preemption of scheduled launches or reentries.";

and

(D) by adding at the end the following new items:

"70120. Regulations.

"70121. Report to Congress.".

(2) in section 70101—

(A) by inserting "microgravity research," after "information services," in subsection (a)(3);

(B) by inserting ", reentry," after "launching" both places it appears in subsection (a)(4);

(C) by inserting ", reentry vehicles," after "launch vehicles" in subsection (a)(5);

(D) by inserting "and reentry services" after "launch services" in subsection (a)(6);

(E) by inserting ", reentries," after "launches" both places it appears in subsection (a)(7);

(F) by inserting ", reentry sites," after "launch sites" in subsection (a)(8);

(G) by inserting "and reentry services" after "launch services" in subsection (a)(8);

(H) by inserting "reentry sites," after "launch sites," in subsection (a)(9);

(I) by inserting "and reentry site" after "launch site" in subsection (a)(9);

(J) by inserting ", reentry vehicles," after "launch vehicles" in subsection (b)(2);

(K) by striking "launch" in subsection (b)(2)(A);

(L) by inserting "and reentry" after "conduct of commercial launch" in subsection (b)(3);

(M) by striking "launch" after "and transfer commercial" in subsection (b)(3); and

(N) by inserting "and development of reentry sites," after "launch-site support facilities," in subsection (b)(4);

(3) in section 70102—

(A) by striking "and any payload" and inserting in lieu thereof "or reentry vehicle and any payload from Earth" in paragraph (3);

(B) in paragraph (5)—

(i) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively; and

(ii) by inserting before subparagraph (B), as so redesignated by clause (i) of this subparagraph, the following new subparagraph:

"(A) activities directly related to the preparation of a launch site or payload facility for one or more launches;";

(C) by inserting "or reentry vehicle" after "means of a launch vehicle" in paragraph (8);

(D) by redesignating paragraphs (10) through (12) as paragraphs (14) through (16), respectively;

(E) by inserting after paragraph (9) the following new paragraphs:

"(10) 'reenter' and 'reentry' mean to return or attempt to return, purposefully, a reentry vehicle and its payload, if any, from Earth orbit or from outer space to Earth.

"(11) 'reentry services' means—

"(A) activities involved in the preparation of a reentry vehicle and its payload, if any, for reentry; and

"(B) the conduct of a reentry.

"(12) 'reentry site' means the location on Earth to which a reentry vehicle is intended to return (as defined in a license the Secretary issues or transfers under this chapter).

"(13) 'reentry vehicle' means a vehicle designed to return from Earth orbit or outer space to Earth, or a reusable launch vehicle designed to return from outer space to Earth, substantially intact."; and

(F) by inserting "or reentry services" after "launch services" each place it appears in paragraph (15), as so redesignated by subparagraph (D) of this paragraph;

(4) in section 70103—

(A) by striking "The Secretary" in subsection (a) and inserting in lieu thereof "Except as provided in section 70122, the Secretary"; and

(B) in subsection (b)—

(i) by inserting "AND REENTRIES AND STATE SPONSORED SPACEPORTS" after "LAUNCHES" in the subsection heading;

(ii) by striking "by the private sector" in paragraph (1) and inserting in lieu thereof "and reentries by the private sector and State sponsored spaceports" after "space launches"; and

(iii) by inserting "and reentry" after "space launch" in paragraph (2);

(5) in section 70104—

(A) by amending the section designation and heading to read as follows:

"§ 70104. Restrictions on launches, operations, and reentries";

(B) by inserting "or reentry site, or to reenter a reentry vehicle," after "operate a launch site" each place it appears in subsection (a);

(C) by inserting "or reentry" after "launch or operation" in subsection (a)(3) and (4);

(D) in subsection (b)—

(i) by striking "launch license" and inserting in lieu thereof "license";

(ii) by inserting "or reenter" after "may launch"; and

(iii) by inserting "or reentering" after "related to launching"; and

(E) in subsection (c)—

(i) by amending the subsection heading to read as follows: "PREVENTING LAUNCHES AND REENTRIES.—";

(ii) by inserting "or reentry" after "prevent the launch"; and

(iii) by inserting "or reentry" after "decides the launch";

(6) in section 70105—

(A) by inserting "(1)" before "A person may apply" in subsection (a);

(B) by striking "receiving an application" both places it appears in subsection (a) and inserting in lieu thereof "accepting an application in accordance with criteria established pursuant to subsection (b)(2)(D)";

(C) by inserting at the end of subsection (a) the following: "The Secretary shall submit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a written notice not later than 7 days after any occurrence when a license is not issued within the deadline established by this subsection.";

(D) by adding at the end of subsection (a) the following new paragraph:

"(2) In carrying out paragraph (1), the Secretary may establish procedures for certification of the safety of launch vehicles, reentry vehicles, safety systems, procedures, services, or personnel that may be used in conducting licensed commercial space launch or reentry activities.";

(E) by inserting "or a reentry site, or the reentry of a reentry vehicle," after "operation of a launch site" in subsection (b)(1);

(F) by striking "or operation" and inserting in lieu thereof ", operation, or reentry" in subsection (b)(2)(A);

(G) by striking "and" at the end of subsection (b)(2)(B);

(H) by striking the period at the end of subsection (b)(2)(C) and inserting in lieu thereof "; and";

(I) by adding at the end of subsection (b)(2) the following new subparagraph:

"(D) regulations establishing criteria for accepting or rejecting an application for a license under this chapter within 60 days after receipt of such application."; and

(J) by inserting ", including the requirement to obtain a license," after "waive a requirement" in subsection (b)(3);

(7) in section 70106(a)—

(A) by inserting "or reentry site" after "observer at a launch site";

(B) by inserting "or reentry vehicle" after "assemble a launch vehicle"; and

(C) by inserting "or reentry vehicle" after "with a launch vehicle";

(8) in section 70108—

(A) by amending the section designation and heading to read as follows:

"§ 70108. Prohibition, suspension, and end of launches, operation of launch sites and reentry sites, and reentries";

and

(B) in subsection (a)—

(i) by inserting "or reentry site, or reentry of a reentry vehicle," after "operation of a launch site"; and

(ii) by inserting "or reentry" after "launch or operation";

(9) in section 70109—

(A) by amending the section designation and heading to read as follows:

"§ 70109. Preemption of scheduled launches or reentries";

(B) in subsection (a)—

(i) by inserting "or reentry" after "ensure that a launch";

(ii) by inserting ", reentry site," after "United States Government launch site";

(iii) by inserting "or reentry date commitment" after "launch date commitment";

(iv) by inserting "or reentry" after "obtained for a launch";

(v) by inserting ", reentry site," after "access to a launch site";

(vi) by inserting ", or services related to a reentry," after "amount for launch services"; and

(vii) by inserting "or reentry" after "the scheduled launch"; and

(C) in subsection (c), by inserting "or reentry" after "prompt launching";

(10) in section 70110—

(A) by inserting "or reentry" after "prevent the launch" in subsection (a)(2); and

(B) by inserting "or reentry site, or reentry of a reentry vehicle," after "operation of a launch site" in subsection (a)(3)(B);

(11) in section 70111—

(A) by inserting "or reentry" after "launch" in subsection (a)(1)(A);

(B) by inserting "and reentry services" after "launch services" in subsection (a)(1)(B);

(C) in subsection (a)(1), by inserting after subparagraph (B) the following:

"The Secretary shall coordinate the establishment of criteria and procedures for determining the priority of competing requests from the private sector and State governments for property and services under this section.";

(D) by inserting "or reentry services" after "or launch services" in subsection (a)(2);

(E) by inserting "or reentry" after "commercial launch" both places it appears in subsection (b)(1);

(F) by inserting "or reentry services" after "launch services" in subsection (b)(2)(C);

(G) by inserting after subsection (b)(2) the following new paragraph:

"(3) The Secretary shall ensure the establishment of uniform guidelines for, and consistent implementation of, this section by all Federal agencies.";

(H) by striking "or its payload for launch" in subsection (d) and inserting in lieu thereof "or reentry vehicle, or the payload of either, for launch or reentry"; and

(I) by inserting ", reentry vehicle," after "manufacturer of the launch vehicle" in subsection (d);

(12) in section 70112—

(A) in subsection (a)(1), by inserting "launch, reentry, or site operator" after "(1) When a";

(B) by inserting "or reentry" after "one launch" in subsection (a)(3);

(C) by inserting "or reentry services" after "launch services" in subsection (a)(4);

(D) in subsection (b)(1), by inserting "launch, reentry, or site operator" after "(1) A";

(E) by inserting "or reentry services" after "launch services" each place it appears in subsection (b);

(F) by inserting "applicable" after "carried out under the" in paragraphs (1) and (2) of subsection (b);

(G) by striking ", Space, and Technology" in subsection (d)(1);

(H) by inserting "OR REENTRIES" after "LAUNCHES" in the heading for subsection (e);

(I) by inserting "or reentry site or a reentry" after "launch site" in subsection (e); and

(J) in subsection (f), by inserting "launch, reentry, or site operator" after "carried out under a";

(13) in section 70113(a)(1) and (d)(1) and (2), by inserting "or reentry" after "one launch" each place it appears;

(14) in section 70115(b)(1)(D)(i)—

(A) by inserting "reentry site," after "launch site,"; and

(B) by inserting "or reentry vehicle" after "launch vehicle" both places it appears;

(15) in section 70117—

(A) by inserting "or reentry site, or to reenter a reentry vehicle" after "operate a launch site" in subsection (a);

(B) by inserting "or reentry" after "approval of a space launch" in subsection (d);

(C) by amending subsection (f) to read as follows:

"(f) LAUNCH NOT AN EXPORT; REENTRY NOT AN IMPORT.—A launch vehicle, reentry vehicle, or payload that is launched or reentered is not, because of the launch or reentry, an export or import, respectively, for purposes of a law controlling exports or imports."; and

(D) in subsection (g)—

(i) by striking "operation of a launch vehicle or launch site," in paragraph (1) and inserting in lieu thereof "reentry, operation of a launch vehicle or reentry vehicle, operation of a launch site or reentry site,"; and

(ii) by inserting "reentry," after "launch," in paragraph (2); and

(16) by adding at the end the following new sections:

"§70120. Regulations

"The Secretary of Transportation, within 6 months after the date of the enactment of this section, shall issue regulations to carry out this chapter that include—

"(1) guidelines for industry to obtain sufficient insurance coverage for potential damages to third parties;

"(2) procedures for requesting and obtaining licenses to operate a commercial launch vehicle or reentry vehicle;

"(3) procedures for requesting and obtaining operator licenses for launch or reentry;

"(4) procedures for requesting and obtaining launch site or reentry site operator licenses; and

"(5) procedures for the application of government indemnification.

"§70121. Report to Congress

"The Secretary of Transportation shall submit to Congress an annual report to accompany the President's budget request that—

"(1) describes all activities undertaken under this chapter, including a description of the process for the application for and approval of licenses under this chapter and recommendations for legislation that may further commercial launches and reentries; and

"(2) reviews the performance of the regulatory activities and the effectiveness of the Office of Commercial Space Transportation.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a)(6)(B) shall take effect upon the effective date of final regulations issued pursuant to section 70105(b)(2)(D) of title 49, United States Code, as added by subsection (a)(6)(I).

SEC. 103. EXCEPTIONS TO EMPLOYMENT RESTRICTIONS.

(a) INAPPLICABILITY OF CERTAIN POST-EMPLOYMENT RESTRICTIONS.—Subsections (a) and (c) of section 207 of title 18, United States Code, and section 27(d) of the Office of Federal Procurement Policy Act (41 U.S.C. 423(d)) shall not apply to employees or former employees of the National Aeronautics and Space Administration seeking employment with an entity that is awarded the Space Flight Operations Contract for the Space Shuttle.

(b) EXCEPTION.—Subsection (a) shall not apply to an employee or former employee who, while employed with the National Aeronautics and Space Administration—

(1) served, at the time of selection of the contractor for the contract referred to in subsection (a) or the award of such contract, as the procuring contracting officer, the source selection authority, a member of the source selection evaluation board, or the chief of a financial or technical evaluation team;

(2) served as the program manager, deputy program manager, or administrative contracting officer for the contract; or

(3) personally made for the National Aeronautics and Space Administration a decision to award the contract or a modification of the contract.

SEC. 104. LAUNCH VOUCHER DEMONSTRATION PROGRAM.

Section 504 of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1993 (15 U.S.C. 5803) is amended—

(1) in subsection (a)—

(A) by striking "the Office of Commercial Programs within"; and

(B) by striking "Such program shall not be effective after September 30, 1995.";

(2) by striking subsection (c); and

(3) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

SEC. 105. PROMOTION OF UNITED STATES GLOBAL POSITIONING SYSTEM STANDARDS.

(a) FINDING.—The Congress finds that the Global Positioning System, including satellites, signal equipment, ground stations, data links, and associated command and control facilities, has become an essential element in civil, scientific, and military space development because of the emergence of a United States commercial industry which provides Global Positioning System equipment and related services.

(b) INTERNATIONAL COOPERATION.—The Congress therefore encourages the President to—

(1) undertake a coordinated effort within the executive branch to promote cooperation with foreign governments and international organizations to advance United States interests with respect to the Global Positioning System standards and augmentations; and

(2) ensure the operation of the Global Positioning System on a continuous worldwide basis free of direct user fees.

SEC. 106. ACQUISITION OF SPACE SCIENCE DATA.

(a) ACQUISITION FROM PRIVATE SECTOR.—The Administrator shall, to the maximum extent possible and while fully satisfying the scientific requirements of the National Aeronautics and Space Administration, acquire, where cost effective, space science data from the private sector.

(b) TREATMENT OF SPACE SCIENCE DATA AS COMMERCIAL ITEM UNDER ACQUISITION LAWS.—Acquisitions of space science data by the Administrator shall be carried out in accordance with applicable acquisition laws and regulations (including chapters 137 and 140 of title 10, United States Code), except that space science data shall be considered to be a commercial item for purposes of such laws and regulations (including section 2306a of title 10, United States Code (relating to cost or pricing data), section 2320 of such title (relating to rights in technical data) and section 2321 of such title (relating to validation of proprietary data restrictions)).

(c) DEFINITION.—For purposes of this section, the term "space science data" includes scientific data concerning the elemental and mineralogical resources of the moon and the planets, Earth environmental data obtained through remote sensing observations, and solar storm monitoring.

(d) SAFETY STANDARDS.—Nothing in this section shall be construed to prohibit the Federal Government from requiring compliance with applicable safety standards.

(e) LIMITATION.—This section does not authorize the National Aeronautics and Space Administration to provide financial assistance for the development of commercial systems for the collection of space science data.

TITLE II—REMOTE SENSING

SEC. 201. LAND REMOTE SENSING POLICY ACT OF 1992 AMENDMENTS.

The Land Remote Sensing Policy Act of 1992 is amended—

(1) in section 2 (15 U.S.C. 5601)—

(A) by amending paragraph (5) to read as follows:

"(5) Commercialization of land remote sensing is a near-term goal, and should remain a long-term goal, of United States policy.";

(B) by striking paragraph (6) and redesignating paragraphs (7) through (16) as paragraphs (6) through (15), respectively; and

(C) in paragraph (11), as so redesignated by subparagraph (B) of this paragraph, by striking "determining the design" and all that follows through "international consortium" and inserting in lieu thereof "ensuring the continuity of Landsat quality data";

(2) in section 101 (15 U.S.C. 5611)—

(A) by inserting the following after subsection (b)(4):

"The Director of the Office of Science and Technology Policy shall, no later than 60 days after the date of the enactment of the Space Commercialization Promotion Act of 1996, transmit the management plan to the

Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.";

(B) in subsection (c)—

(i) by inserting "and" at the end of paragraph (6);

(ii) by striking paragraph (7); and

(iii) by redesignating paragraph (8) as paragraph (7); and

(C) in subsection (e)(1)—

(i) by inserting "and" at the end of subparagraph (A);

(ii) by striking ", and" at the end of subparagraph (B) and inserting in lieu thereof a period; and

(iii) by striking subparagraph (C);

(3) in section 201 (15 U.S.C. 5621)—

(A) by inserting "(1)" after "NATIONAL SECURITY.—" in subsection (b);

(B) in subsection (b)(1), as so designated by subparagraph (A) of this paragraph, by striking "No license" and inserting in lieu thereof "Except as provided in paragraph (3), no license";

(C) by adding at the end of subsection (b) the following new paragraphs:

"(2) The Secretary, within 6 months after the date of the enactment of the Space Commercialization Promotion Act of 1996, shall publish in the Federal Register a complete and specific list of all information required to comprise a complete application for a license under this title. An application shall be considered complete when the applicant has provided all information required by the list most recently published in the Federal Register before the date the application was first submitted. Unless the Secretary has, within 30 days after receipt of an application, notified the applicant of information necessary to complete an application, the Secretary may not deny the application on the basis of the absence of any such information.

"(3) The Secretary shall grant a license under this title to any United States commercial provider (as such term is defined in section 2 of the Space Commercialization Promotion Act of 1996) whose application is in full compliance with the requirements of this title.";

(D) in subsection (c), by amending the second sentence thereof to read as follows: "If the Secretary has not granted the license within such 120-day period, the Secretary shall inform the applicant, within such period, of any pending issues and actions required to be carried out by the applicant or the Secretary in order to result in the granting of a license."; and

(E) in subsection (e)(2)(B), by striking "and the importance of promoting widespread access to remote sensing data from United States and foreign systems";

(4) in section 202 (15 U.S.C. 5622)—

(A) by striking "section 506" in subsection (b)(1) and inserting in lieu thereof "section 507";

(B) in subsection (b)(2), by striking "as soon as such data are available and on reasonable terms and conditions" and inserting in lieu thereof "on reasonable terms and conditions, including the provision of such data in a timely manner";

(C) in subsection (b)(6), by striking "any agreement" and inserting in lieu thereof "any significant or substantial agreement relating to land remote sensing"; and

(D) by inserting after paragraph (6) of subsection (b) the following:

"The Secretary may not terminate, modify, or suspend a license issued pursuant to this title on the basis of an agreement the Secretary receives notification of under paragraph (6) unless the Secretary has, within 30 days after receipt of such notification, transmitted to the licensee a statement that such agreement is inconsistent with the national security or international obligations of the United States, including an explanation of such inconsistency.";

(5) in section 203 (15 U.S.C. 5623)—

(A) in subsection (a)(2), by striking "under this title and" and inserting in lieu thereof "under this title or";

(B) in subsection (a)(3), by striking "provide penalties" and inserting in lieu thereof "seek, in a United States District Court with personal jurisdiction over the licensee, penalties"; and

(C) in subsection (b), by striking "(a)(3),";

(6) in section 204 (15 U.S.C. 5624), by striking "may" and inserting in lieu thereof "shall";

(7) in section 205(c) (15 U.S.C. 5625(c)), by striking "if such remote sensing space system is licensed by the Secretary before commencing operation" and inserting in lieu thereof "if such private remote sensing space system will be licensed by the Secretary before commencing its commercial operation";

(8) by adding at the end of title II the following new section:

"SEC. 206. NOTIFICATION.

"(a) LIMITATIONS ON LICENSEE.—Not later than 30 days after a determination by the Secretary to require a licensee to limit collection or distribution of data from a system licensed under this title, the Secretary shall provide written notification to Congress of such determination, including the reasons therefor, the limitations imposed on the licensee, and the period during which such limitations apply.

"(b) TERMINATION, MODIFICATION, OR SUSPENSION.—Not later than 30 days after an action by the Secretary to seek an order of injunction or other judicial determination pursuant to section 203(a)(2), the Secretary shall provide written notification to Congress of such action and the reasons therefor.";

(9) in section 301 (15 U.S.C. 5631)—

(A) by inserting ", that are not being commercially developed" after "and its environment" in subsection (a)(2)(B); and

(B) by adding at the end the following new subsection:

"(d) DUPLICATION OF COMMERCIAL SECTOR ACTIVITIES.—The Federal Government shall not undertake activities under this section which duplicate activities available from the commercial sector, unless such activities would result in significant cost savings to the Federal Government.";

(10) in section 302 (15 U.S.C. 5632)—

(A) by striking "(a) GENERAL RULE.—";

(B) by striking ", including unenhanced data gathered under the technology demonstration program carried out pursuant to section 303," and inserting in lieu thereof "that is not otherwise available from the commercial sector"; and

(C) by striking subsection (b);

(11) by repealing section 303 (15 U.S.C. 5633);

(12) in section 401(b)(3) (15 U.S.C. 5641(b)(3)), by striking ", including any such enhancements developed under the technology demonstration program under section 303,";

(13) in section 501(a) (15 U.S.C. 5651(a)), by striking "section 506" and inserting in lieu thereof "section 507";

(14) in section 502(c)(7) (15 U.S.C. 5652(c)(7)), by striking "section 506" and inserting in lieu thereof "section 507";

(15) in section 506 (15 U.S.C. 5656)—

(A) by inserting "(1)" after "COMMUNICATIONS COMMISSION.—" in subsection (a);

(B) by inserting at the end of subsection (a) the following new paragraph:

"(2) The Federal Communications Commission, within 6 months after the date of the enactment of the Space Commercialization Promotion Act of 1996, shall publish in the Federal Register a complete and specific list of all information required to comprise a complete application described in paragraph (1). An application shall be considered complete when the applicant has provided all information required by the list most recently published in the Federal Register before the date the application was first submitted. Unless the Federal Communications Commission has, within 30 days after receipt of an application, notified the applicant of information necessary to complete an application, the Federal Communications Commission may not deny the application on the basis of the absence of any such information."; and

(C) by adding at the end the following new subsection:

"(e) FEES.—The Federal Communications Commission shall ensure that any licensing or other fees that a private remote sensing space system operator subject to the licensing requirements of title II is required to pay such Commission shall be proportional to the cost to the Commission of the radio licensing process for such person relative to the cost to the Commission of licensing other entities subject to the fee."; and

(16) in section 507 (15 U.S.C. 5657)—

(A) by amending subsection (a) to read as follows:

"(a) RESPONSIBILITY OF THE SECRETARY OF DEFENSE.—The Secretary shall consult with the Secretary of Defense on all matters under this Act affecting national security. The Secretary of Defense shall be responsible for determining those conditions, consistent with this Act, necessary to meet national security concerns of the United States, and for notifying the Secretary promptly of such conditions. Not later than 60 days after receiving a request from the Secretary, the Secretary of Defense shall recommend to the Secretary any conditions for a license issued under title II, consistent with this Act, that the Secretary of Defense determines are needed to protect the national security of the United States. If no such recommendation has been received by the Secretary within such 60-day period, the Secretary shall deem activities proposed in the license application to be consistent with the protection of the national security of the United States.";

(B) by striking subsection (b)(1) and (2) and inserting in lieu thereof the following:

"(b) RESPONSIBILITY OF THE SECRETARY OF STATE.—(1) The Secretary shall consult with the Secretary of State on all matters under this Act affecting international obligations of the United States. The Secretary of State shall be responsible for determining those conditions, consistent with this Act, necessary to meet international obligations of the United States and for notifying the Secretary promptly of such conditions. Not later than 60 days after receiving a request from the Secretary, the Secretary of State shall recommend to the Secretary any conditions for a license issued under title II, consistent with this Act, that the Secretary of State determines are needed to meet international obligations of the United States. If no such recommendation has been received by the Secretary within such 60-day period, the Secretary shall deem activities proposed in the license application to be consistent with the international obligations and policies of the United States.

"(2) Appropriate United States Government agencies are authorized and encouraged to provide to developing nations, as a component of international aid, resources for purchasing remote sensing data, training, and analysis from United States commercial providers."; and

(C) in subsection (d), by striking "Secretary may require" and inserting in lieu thereof "Secretary shall, where appropriate, require".

SEC. 202. ACQUISITION OF EARTH REMOTE SENSING DATA.

(a) ACQUISITION FROM PRIVATE SECTOR.—For purposes of meeting Government goals for Mission to Planet Earth, the Administrator shall, to the maximum extent possible and while fully satisfying the scientific requirements of the National Aeronautics and Space Administration, acquire, where cost effective, space-based and airborne Earth remote sensing data, services, distribution, and applications from the private sector.

(b) TREATMENT AS COMMERCIAL ITEM UNDER ACQUISITION LAWS.—Acquisitions by the Administrator of the data, services, distribution, and applications referred to in subsection (a) shall be carried out in accordance with applicable acquisition laws and regulations (including chapters 137 and 140 of title 10, United States Code), except that such data, services, distribution, and applications shall be considered to be a commercial item for purposes of such laws and regulations (including section 2306a of title 10, United States Code (relating to cost or pricing data), section 2320 of such title (relating to rights in technical data) and section 2321 of such title (relating to validation of proprietary data restrictions)).

(c) STUDY.—(1) The Administrator shall conduct a study to determine the extent to which the baseline scientific requirements of Mission to Planet Earth can be met by the private sector, and how the National Aeronautics and Space Administration will meet such requirements which cannot be met by the private sector.

(2) The study conducted under this subsection shall—

(A) make recommendations to promote the availability of information from the National Aeronautics and Space Administration to the private sector to enable the private sector to better meet the baseline scientific requirements of Mission to Planet Earth;

(B) make recommendations to promote the dissemination to the private sector of information on advanced technology research and development performed by or for the National Aeronautics and Space Administration; and

(C) identify policy, regulatory, and legislative barriers to the implementation of the recommendations made under this subsection.

(3) For purposes of carrying out this subsection, determination of the baseline scientific requirements of Mission to Planet Earth shall be carried out by the Goddard Space Flight Center. The Commercial Remote Sensing Program at the Stennis Space Center shall be responsible for identifying private sector data, services, distributions, and applications that can meet the scientific requirements of Mission to Planet Earth. The Administrator shall be responsible for determining the extent to which the baseline scientific requirements of Mission to Planet Earth can be met by the private sector, and shall ensure that the Stennis Space Center plays a major coordinating role.

(4) The results of the study conducted under this subsection shall be transmitted to the Congress within 9 months after the date of the enactment of this Act.

(d) SAFETY STANDARDS.—Nothing in this section shall be construed to prohibit the Federal Government from requiring compliance with applicable safety standards.

TITLE III—FEDERAL ACQUISITION OF SPACE TRANSPORTATION SERVICES

SEC. 301. REQUIREMENT TO PROCURE COMMERCIAL SPACE TRANSPORTATION SERVICES.

(a) IN GENERAL.—Except as otherwise provided in this section, the Federal Government shall acquire space transportation services from the private sector whenever such services are required in the course of its activities. To the maximum extent practicable, the Federal Government shall plan missions to accommodate the space transportation services capabilities of United States commercial providers.

(b) EXCEPTIONS.—The Federal Government shall not be required to acquire space transportation services under subsection (a) if, on a case-by-case basis, the Administrator or, in the case of a national security issue, the Secretary of the Air Force, determines that—

(1) a payload requires the unique capabilities of the space shuttle;

(2) cost effective space transportation services that meet specific mission requirements would not be reasonably available from United States commercial providers when required;

(3) the use of space transportation services from United States commercial providers poses an unacceptable risk of loss of a unique scientific opportunity;

(4) the use of space transportation services from United States commercial providers is inconsistent with national security objectives;

(5) the use of space transportation services from United States commercial providers poses an unacceptable risk to foreign policy objectives;

(6) it is more cost effective to transport a payload in conjunction with a test or demonstration of a space transportation vehicle owned by the Federal Government; or

(7) a payload can make use of the available cargo space on a Space Shuttle mission as a secondary payload, and such payload is consistent with the requirements of research, development, demonstration, scientific, commercial, and educational programs authorized by the Administrator.

(c) DELAYED EFFECT.—Subsection (a) shall not apply to space transportation services and space transportation vehicles acquired or owned by the Federal Government before the date of the enactment of this Act, or with respect to which a contract for such acquisition or ownership has been entered into before such date.

(d) HISTORICAL PURPOSES.—This section shall not be construed to prohibit the Federal Government from acquiring, owning, or maintaining space transportation vehicles solely for historical display purposes.

SEC. 302. ACQUISITION OF SPACE TRANSPORTATION SERVICES.

(a) TREATMENT OF SPACE TRANSPORTATION SERVICES AS COMMERCIAL ITEM UNDER ACQUISITION LAWS.—Acquisitions of space transportation services by the Federal Government shall be carried out in accordance with applicable acquisition laws and regulations (including chapters 137 and 140 of title 10, United States Code), except that space transportation services shall be considered to be a commercial item for purposes of such laws and regulations (including section 2306a of title 10, United States Code (relating to cost or pricing data), section 2320 of such title (relating to rights in technical data) and section 2321 of such title (relating to validation of proprietary data restrictions)).

(b) SAFETY STANDARDS.—Nothing in this section shall be construed to prohibit the Federal Government from requiring compliance with applicable safety standards.

SEC. 303. LAUNCH SERVICES PURCHASE ACT OF 1990 AMENDMENTS.

The Launch Services Purchase Act of 1990 (42 U.S.C. 2465b et seq.) is amended—

(1) by striking section 202;

(2) in section 203—

(A) by striking paragraphs (1) and (2); and

(B) by redesignating paragraphs (3) and (4) as paragraphs (1) and (2), respectively;

(3) by striking sections 204 and 205; and

(4) in section 206—

(A) by striking "(a) COMMERCIAL PAYLOADS ON THE SPACE SHUTTLE.—"; and

(B) by striking subsection (b).

SEC. 304. USE OF EXCESS INTERCONTINENTAL BALLISTIC MISSILES.

(a) IN GENERAL.—The Federal Government shall not—

(1) convert any missile described in subsection (c) to a space transportation vehicle configuration or otherwise use any such missile to place a payload in space; or

(2) transfer ownership of any such missile to another person,

except as provided in subsection (b).

(b) AUTHORIZED FEDERAL USES.—(1) A missile described in subsection (c) may be converted for use as a space transportation vehicle by the Federal Government if—

(A) except as provided in paragraph (2), at least 120 days before such conversion the agency seeking to use the missile as a space transportation vehicle transmits to the Committee on National Security and the Committee on Science of the House of Representatives, and to the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate, a report that contains—

(i) a certification that the use of such missile—

(I) would result in significant cost savings to the Federal Government when compared to the cost of acquiring space transportation services from United States commercial providers; and

(II) meets all mission requirements of the agency, including performance, schedule, and risk requirements; and

(ii) comments obtained from United States commercial providers in response to prior public notice published in the Commerce Business Daily;

(B) the use of such missile is consistent with international obligations of the United States; and

(C) the Secretary of Defense approves of such conversion.

(2) The requirement under paragraph (1)(A) that the report described in that subparagraph must be transmitted at least 120 days before conversion of the missile shall not apply if the Secretary of Defense determines that compliance with that requirement would be inconsistent with meeting immediate national security requirements.

(c) MISSILES REFERRED TO.—The missiles referred to in this section are missiles owned by the United States that were formerly used by the Department of Defense for national defense purposes as intercontinental ballistic missiles and that have been retired from service in compliance with international obligations of the United States.

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

Pennsylvania [Mr. WALKER] and the gentleman from California [Mr. BROWN] each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is with great pleasure that I bring before the House H.R. 3936, the Space Commercialization Promotion Act of 1996. Commercial space activities by U.S. companies generated over $6.2 billion of revenue in 1994 and $7.5 billion of revenue in 1995.

This legislation aims to improve the legal and regulatory conditions that currently handicap the commercial space industry. The present environment accommodates Federal, civil, and military space programs, not business opportunities. By providing investment incentives and risk reduction measures for investors, H.R. 3936 will encourage private sector participation in the space industry.

Through this bill we are striving to provide the stable business environment that businesses need to invest their money, build commercial space businesses, offer new and better services to the American people, and employ more Americans in high-skilled jobs.

Briefly this bill amends the Commercial Space Launch Act to take into account the legal and technical advances that have occurred since its enactment; gives the Department of Transportation the responsibility and authority to license reentry from orbit, in anticipation of the day when commercial experiments will be returned to Earth, and the reusable launch vehicle will be in operation; updates the Launch Services Purchase Act of 1990, so that government will act more like a commercial buyer when it places payloads in space; makes changes to the Land Remote Sensing Policy Act of 1992, updating it to take into account the experience we have gained over the last few years in licensing the operators of remote sensing satellites; eliminates, in a very narrow situation, some of the postemployment restrictions that could prevent NASA civil servants with critical skills in space shuttle operations from transferring to the new single prime contractor; and encourages NASA to purchase scientific data about the Earth and solar system from the private sector.

During my years of service on the Committee on Science, I have been an ardent advocate of space commercialization and the promise that it holds for a new economic frontier. For all of the wonderful accomplishments NASA has achieved in designing and building space transportation vehicles, sending humans to the Moon, and exploring our solar system and beyond, this Nation has only begun to realize the potential of doing business in space. It is not for lack of imagination; there are entrepreneurs who envision all kinds of space commerce, from on-orbit power stations to revolutionary pharmaceuticals.

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It is because it still costs too much to get to space and because our commercial laws, some of which have been on the books for years, were not written to take into account the possibility of space commerce.

Some of the most visionary and creative people I have ever met are in the space business. That is why when we began drafting this legislation we went right to the source. We held a Space Business Roundtable and several hearings, to which we invited industry experts and representatives from the executive branch, academia and space advocacy groups.

We found not a dearth of ideas, but a wealth of enthusiasm from individuals from all over the country who are making it their life's work to plumb the opportunities that space-based commerce presents. They are not looking to us for subsidies, but they are looking to us to modernize the fundamental underpinnings of present commercial law so that their new businesses can thrive.

This bill builds on the foundation we laid in earlier legislation. Much remains to be done beyond this bill, but that will be the challenge of future Congresses.

In closing, I want to acknowledge the cooperation of the Committees on Government Reform and Oversight, Commerce, and National Security on the issues over which we share jurisdiction. I am also grateful for the support of my committee colleagues, the gentleman from Wisconsin, JIM SENSENBRENNER, the gentleman from Texas, RALPH HALL, and the gentleman from California, GEORGE BROWN.

Mr. Speaker, I urge the passage of this bill.

Ms. GREENE of Utah. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentlewoman from Utah.

Ms. GREENE of Utah. Mr. Speaker, I appreciate the gentleman's yielding to me.

It is my understanding that NASA, as part of its research into a completely reusable launch vehicle, in developing the X-33, will be flight testing this over populated areas, or at least proposes to do that over populated areas, including my State of Utah, and that NASA is in the process of reviewing what sort of indemnification would be necessary for the private contractor that would be building the X-33.

We have not as yet had any public or congressional hearings regarding such indemnification issues or the safety of such overflights over populated areas. It is my understanding this legislation does not have any impact on those questions of indemnification for X-33 overflight testing, and this is an issue that can be raised in the next Congress after we have had these hearings.

Is that the gentleman's understanding?

Mr. WALKER. Mr. Speaker, reclaiming my time, the gentlewoman is correct with regard to the bill. It contains no such language with regard to that issue.

I would agree with the gentlewoman that the issue remains for the next Congress and should be pursued after appropriate hearings have been held.

Ms. GREENE of Utah. Mr. Speaker, I thank the gentleman.

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

Mr. BROWN of California. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I want to thank the gentleman for his work on this committee and thank him for this opportunity to rise to express concern about the bill pending before us.

I have not read, frankly, the final language of the bill, which I understand, however, is far better than the original proposal. Late this morning I understand a number of changes were approved that make the bill acceptable enough that the chairman and NASA are not opposing it.

However, Mr. Speaker, I cannot let this bill pass without expressing my concern about its potential impact on the Mission to Planet Earth Program, which is administered at Goddard Space Flight Center in Maryland. Over and over this program has been attacked by opponents who fail, I think, to realize the enormous asset that its data will be to the private sector. Long-term climate forecasting will prove tremendously useful to businesses ranging from agricultural to retailing and construction, and as we saw so vividly in North Carolina, earlier notice of major natural disasters can only help in response of the Government and the private sector to provide for relief and evacuation.

I am disappointed, therefore, that the House Committee on Science included more than a $300 million cut in authorization for Mission to Planet Earth. Today I am disappointed they are bringing to the floor a bill that requires a study of partial privatization of this important program.

NASA already recognizes that the private sector may well be able to play a significant role in Mission to Planet Earth. The agency's fiscal 1997 budget included $50 million for data acquisition. NASA requested information from companies that are interested in participating and 11 so far have replied. Their proposals will be carefully reviewed by the scientific experts at Goddard to ensure that they are helpful.

While I recognize that the Stennis Center has proven expertise in commercialization, we should not take control of the Mission to Planet Earth funding away from Goddard Space Flight Center, which has a top notch international reputation in the field.

I understand that the bill before us would team Goddard and Stennis for the study with the final authority resting with Administrator Goldin. I am pleased at that. Some might say why not study this? The fact is that Mission to Planet Earth has been studied over and over and over and over again. The program has been reduced 60 percent by a series of internal and external reviews. Surely if more commercialization makes sense, that fact would have been uncovered during those studies. The fact is that each of these studies costs money and staff time.

Finally, Mr. Speaker, I want to emphasize my longstanding view that Federal employees often do as good a job or better than their private sector counterparts. I have been to Goddard many times. I am sure many of my colleagues have as well. Each time I am impressed by the evident dedication and competence of its work force, both the more than 3,000 civil servants and the approximately 8,000 private sector contractors who work there.

I get frustrated therefore, sometimes, with those that believe everything is done better in the private sector. Time and time again that popular rhetoric has been proved wrong.

That is not in any way to diminish the private sector. Obviously, it is the private sector that has made this Nation the greatest economy that the world has ever known and provided the highest standard of living for the people of this Nation that the world has ever known. However, our public sector employees have also provided, frankly, the most efficient and effective civil service the world has ever known.

I hope that in the rush to pass this bill in the closing days of the Congress we will not forget the fine work done by the Federal workers who manage Mission to Planet Earth or the incredible promise of this important program.

Mr. BROWN of California. Mr. Speaker, I yield myself such time as I may consume and say, in response to the distinguished gentleman from Maryland, I understand fully his concern about the role that Goddard would play in this whole subject of space commercialization.

I share his very strong support for the Mission to Planet Earth and the very important role that Goddard plays there. I assure him that we have worked diligently to make sure that the language would not preclude the full utilization of Goddard, and we believe that the corrections that have been made by the committee should resolve the matter to his satisfaction.

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

Mr. BROWN of California. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I want to thank the gentleman for those comments. I know that he has been and continues to be a very strong supporter of Mission to Planet Earth, and I want to tell him that I very much appreciative his focus on this issue and appreciate his comments.

Mr. BROWN of California. Mr. Speaker, reclaiming my time, I thank the gentleman for his comments.

Mr. Speaker, I rise today in support of H.R. 3936, the Space Commercialization Promotion Act of 1996, as amended.

This bill represents a bipartisan effort to continue Congress' support for the development of a robust and growing commercial space sector, support that stretches back to the earliest years of the Space Age. Members of the Committee on Science on both sides of the aisle believe that when it makes sense, we can begin to capitalize on our past Federal investments in the space program and look to the private sector to play an increasingly important role.

That is not to say that a vibrant commercial sector obviates the need for a continuing strong Federal commitment to space research and development. Rather, it is a simple recognition that commercial space activities offer the potential to make a significant contribution to the Nation's economic health and to its international competitiveness.

One need only look at the growth of the multibillion dollar satellite communication industry for confirmation of the view that private-public investments in R&D can deliver significant benefits down the road. From the first limited experiments in communicating by satellites that were carried out at the dawn of the Space Age almost 40 years ago, we have reached the point at which communication satellites are an integral part of the world's telecommunications infrastructure. Even more exciting developments are on the horizon, enabled by investments made in space R&D.

Yet it was not just technological advancements that led to the preeminent position that American companies have achieved in the rapidly evolving satellite communication market. It was also the result of wise policy decisions made by previous Congresses and previous administrations in the 1960's. Now, another space-related industry, commercial remote sensing, seems poised for a similar explosion of growth, in part due to policies enacted by Congress in the 1980's and the 1990's.

The legislation that is being considered today under suspension is relatively modest in scope, but I believe that it continues the bipartisan effort to help ensure the health and growth of the Nation's emerging commercial space sector.

It represents the fruits of various policy initiatives undertaken by the Committee on Science, including some initiated in the 103d Congress. Among its provisions are ones that update several provisions of the Land Remote Sensing Act of 1992 and of the Commercial Space Launch Act. It also codifies administration policies on the Global Positioning System and on the use of excess ballistic missile assets.

The bill before the House today is an amendment to the original text of H.R. 3936 that addresses many of the concerns that I had when the bill was introduced, including the concerns that were expressed by the gentleman from Maryland. It also incorporates provisions requested by the Committee on Government Reform and Oversight, which was given joint referral along with the Committee on Science.

I believe that the resulting legislation before us today represents a constructive step in Congress' continuing efforts to nurture this still evolving sector of our economy, and I urge my colleagues to suspend the rules and to pass the bill.

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

Mr. WALKER. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. SENSENBRENNER], chairman of the Subcommittee on Space and Aeronautics.

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

Mr. Speaker, I rise in support to this legislation. In addition to all the reasons given by my colleagues from Pennsylvania and California on why it should pass, let me add one, and that is that unless we update our commercial launch legislation, we are going to become, as a Nation, more and more uncompetitive with foreign countries for the commercial space launch business, particularly nonmarket countries such as Russia, China, and the Ukraine.

I do think it is important to rebut somewhat the allegations that have been made by the gentleman from Maryland [Mr. HOYER]. First of all, this Congress has not been parsimonious with Mission to Planet Earth. The appropriation legislation that was approved by the House provides about a billion dollars for fiscal year 1997 for this purpose. That is a little bit less than was requested, but it still is a significant amount of money, $1 billion.

The problem exists in providing a proper balance for the various types of programs that NASA is involved in. Both the OMB budget lines and the Republican balanced budget budget lines give NASA a declining amount of money between now and the year 2002.

The OMB line is about $2 billion less than that which the Congress approved, but the fact is that NASA's

budget is going to be pinched as time goes on and we cannot provide for unchecked increases in any of NASA's accounts.

The fear that I have, looking at both the OMB and the Republican budget lines is that if we do have unchecked increases in Mission to Planet Earth, then NASA's science will be squeezed almost down to a zero amount, and that would be a shame if we ended up squeezing science in fiscal year 1998 and fiscal year 1999 because the scientific accomplishments with NASA's robotic programs have been literally amazing in the 35 years of NASA's existence.

So let us face it, we do not have enough money for everything. We would like to have more, but at the same time we have to have a proper balance between the various accounts. I think that the appropriation bill and the Committee on Science authorization bill does that. The reductions in the request for Mission to Planet Earth end up being reflected in more money being spent in NASA's science accounts.

We want to have both a healthy Mission to Planet Earth and a healthy Committee on Science budget for the next 2 or 3 fiscal years. I think that this bill will provide for the leveraging of the Government dollars in Mission to Planet Earth. And if we can attract private sector dollars to replace public sector dollars, so much the better.

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

Mr. Speaker, let me just comment briefly about the remarks of the gentleman from Wisconsin [Mr. SENSENBRENNER], my distinguished colleague and my friend.

I agree with the thrust of what he has said. There is no question but what the NASA budget over the next several years is going to be under considerable pressure from any budget that I have seen up to the present time, and it is necessary that we exercise extremely good judgment in how these reductions are going to be allocated.

There are not reductions in the rate of growth, these are actual dollar reductions of a substantial amount.

The fears which the gentleman from Maryland [Mr. HOYER] expressed are reasonable when understood in context. The Mission to Planet Earth budget line in the NASA Program is a very large item. It was subjected to approximately a 20 percent cut, which I think is more than the science budgets and others. And I will interpret Mr. HOYER's comments as merely asking that there be reasonably comparable treatment to all of these budget lines and not that the Mission to Planet Earth be given any special consideration.

I know that we will be looking closely at this particular situation in future years, and I look forward to working with Mr. SENSENBRENNER in trying to work out, that is assuming I return to Congress, working with him in making sure that whatever reductions NASA has to take are fairly and equitably distributed throughout all of the very important items in their budget.

I share the gentleman's view that there are many extremely exciting and productive science programs which need to be given full attention, and I hope that we will be able to do that as well as maintaining as strong a program as we possibly can involving the Mission to Planet Earth.

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

Mr. WALKER. Mr. Speaker, I yield 2½ minutes to the gentleman from Florida [Mr. WELDON].

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding and I rise in strong support of this legislation.

Mr. Speaker, I want to thank the gentleman from Wisconsin [Mr. SENSENBRENNER], and as well in particular, the chairman of the full committee, the gentleman from Pennsylvania, [Mr. WALKER], who I know has been working on this issue for more than a year now. This is good legislation. It is going to be very, very helpful to our emerging commercial space industries to help them to be more competitive in future years.

In particular we have an emerging situation in my district where the Florida Spaceport Authority is now less than 1 year away from its first commercial space launch. It has been a very slow process in getting the appropriate regulatory authority from the Office of Commercial Space Transportation, allowing them to be able to proceed in this. Fortunately, it appears as though the appropriate regulations will be coming forward. And I know that this legislation will be helping our commercial space industry in Florida and Spaceport Florida to be competitive in the future.

I also want to commend the chairman for including in this legislation language that will enable the National Aeronautics and Space Administration to more easily shift critical NASA employees over to the emerging shuttle contractor positions to thus ensure the continued safe operation of our space shuttle. Our space shuttle, as most are aware, went off yesterday morning flawlessly. Indeed every time it launches it is on the news. It is the pride of our Nation.

In order to continue in the future as we change the management structure of the shuttle program, that the program continues to function in an efficient but as well in a perfectly safe way, we need to make sure that the critical personnel who are now in civil service positions shift over to the contractor positions and that there is no inappropriate obstacle in existing Federal law to stand in the way of the continued safe operation of the shuttle.

So, in closing, I just want to congratulate the chairman and take this moment to congratulate him on the legacy that he is leaving our Nation, for his hard work on behalf of science, space and technology, and say that I know he will be very much missed in the future by myself and many of us on the committee.

Mr. WALKER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first I would say thank you to the gentleman from Florida for his kind words. I also do not want to dwell on this, but I want to come back to the point made by the gentleman from California and the gentleman from Maryland as well as the discussion of the gentleman from Wisconsin, just to say thank you to the gentleman from California for him and his staff working with us on some language that I think did address the concerns raised by the gentleman from Maryland.

Under this bill the Goddard Space Center will continue to be the lead center on all of these matters, including the study of Mission to Planet Earth. But the fact is that what you have is an emerging set of technologies that may prove to be valuable to Mission to Planet Earth.

While it is true that it has been studied intensely by any number of people, the fact is that these new technologies do hold the promise of being able to give us a robust program at a perhaps savings, and that is what we are looking at here. And by having Goddard take the lead and having Stennis come in with some of the things they have found in terms of commercial applications, we think it would strengthen the Mission to Planet Earth mission over the year and do so within budget constraints that it is going to be operating under. Between us we have come up with the right language and approach here that satisfies the various needs, and I thank the gentleman from California and his staff for their cooperation in helping us develop that.

Mr. BROWN of California. Mr. Speaker, I yield myself such time as I may consume just to make a concluding remark.

Let me thank the gentleman for his comments. He has been extremely cooperative in modifying the language here to provide certain reassurances that will be helpful in connection with this.

I also want to note that the remarks of the gentleman from Florida are very appropriate. We have a large and flourishing space launch there that is the preeminent spaceport at this time in the country. If there is nobody here from Alaska or Hawaii or some of the other States which also hope to have

flourishing spaceports, may I make a comment that California also desires to get into this race and we have the beginnings of our own commercial launch facility in California which may be championed by the gentlewoman from California [Mrs. SEASTRAND]. We hope that at some point we will be able to offer both through the private sector and perhaps through some government business, a major launch facility in California.

The point here is that we see the emergence of a major new economic activity that pervades the entire United States, including Alaska and Hawaii, in competition for this business. And I think that the gentleman from Pennsylvania [Mr. WALKER] and I both give very strong allegiance to the importance of competition and ascertaining what is the best source of any particular program and what can benefit the taxpayers of this country most. I anticipate that this developing competition is going to be good for the whole country and I look forward to it.

This bill is intended to facilitate that and I again urge my colleagues to support it.

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

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

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Pennsylvania [Mr. WALKER] that the House suspend the rules and pass the bill, H.R. 3936, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SOCIAL SECURITY MISCELLANEOUS AMENDMENTS ACT OF 1996

Mr. BUNNING of Kentucky. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4039) to make technical and clarifying amendments to recently enacted provisions relating to titles II and XVI of the Social Security Act and to provide for a temporary extension of demonstration project authority in the Social Security Administration, as amended.

The Clerk read as follows:

H.R. 4039

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Social Security Miscellaneous Amendments Act of 1996".

SEC. 2. TECHNICAL AMENDMENTS RELATING TO DRUG ADDICTS AND ALCOHOLICS.

(a) CLARIFICATIONS RELATING TO THE EFFECTIVE DATE OF THE DENIAL OF DISABILITY BENEFITS TO DRUG ADDICTS AND ALCOHOLICS.—

(1) AMENDMENTS RELATING TO DISABILITY BENEFITS UNDER TITLE II.—Section 105(a)(5) of the Contract with America Advancement Act of 1996 (Public Law 104–121; 110 Stat. 853) is amended—

(A) in subparagraph (A), by striking "by the Commissioner of Social Security" and "by the Commissioner"; and

(B) by adding at the end the following new subparagraph:

"(D) For purposes of this paragraph, an individual's claim, with respect to benefits under title II of the Social Security Act based on disability, which has been denied in whole before the date of the enactment of this Act, may not be considered to be finally adjudicated before such date if, on or after such date—

"(i) there is pending a request for either administrative or judicial review with respect to such claim, or

"(ii) there is pending, with respect to such claim, a readjudication by the Commissioner of Social Security pursuant to relief in a class action or implementation by the Commissioner of a court remand order.".

(2) AMENDMENTS RELATING TO SUPPLEMENTAL SECURITY INCOME DISABILITY BENEFITS UNDER TITLE XVI.—Section 105(b)(5) of such Act (Public Law 104–121; 110 Stat. 853) is amended—

(A) in subparagraph (A), by striking "by the Commissioner of Social Security" and "by the Commissioner"; and

(B) by adding at the end the following new subparagraph:

"(D) For purposes of this paragraph, an individual's claim, with respect to supplemental security income benefits under title XVI of the Social Security Act based on disability, which has been denied in whole before the date of the enactment of this Act, may not be considered to be finally adjudicated before such date if, on or after such date—

"(i) there is pending a request for either administrative or judicial review with respect to such claim, or

"(ii) there is pending, with respect to such claim, a readjudication by the Commissioner of Social Security pursuant to relief in a class action or implementation by the Commissioner of a court remand order.".

(b) CORRECTIONS TO EFFECTIVE DATE OF PROVISIONS CONCERNING REPRESENTATIVE PAYEES AND TREATMENT REFERRALS OF DRUG ADDICTS AND ALCOHOLICS.—

(1) AMENDMENTS RELATING TO TITLE II DISABILITY BENEFICIARIES.—Section 105(a)(5)(B) of such Act (Public Law 104–121; 110 Stat. 853) is amended to read as follows:

"(B) The amendments made by paragraphs (2) and (3) shall take effect on July 1, 1996, with respect to any individual—

"(i) whose claim for benefits is finally adjudicated on or after the date of the enactment of this Act, or

"(ii) whose entitlement to benefits is based upon an entitlement redetermination made pursuant to subparagraph (C).".

(2) AMENDMENTS RELATING TO SUPPLEMENTAL SECURITY INCOME RECIPIENTS.—Section 105(b)(5)(B) of such Act (Public Law 104–121; 110 Stat. 853) is amended to read as follows:

"(B) The amendments made by paragraphs (2) and (3) shall take effect on July 1, 1996, with respect to any individual—

"(i) whose claim for benefits is finally adjudicated on or after the date of the enactment of this Act, or

"(ii) whose eligibility for benefits is based upon an eligibility redetermination made pursuant to subparagraph (C).".

(c) REPEAL OF OBSOLETE REPORTING REQUIREMENTS.—Subsections (a)(3)(B) and (b)(3)(B)(ii) of section 201 of the Social Security Independence and Program Improvements Act of 1994 (Public Law 103–296; 108 Stat. 1497, 1504) are repealed.

(d) EFFECTIVE DATES.—

(1) The amendments made by subsections (a) and (b) shall be effective as though they had been included in the enactment of section 105 of the Contract with America Advancement Act of 1996 (Public Law 104–121; 110 Stat. 852 et seq.).

(2) The repeals made by subsection (c) shall take effect on the date of the enactment of this Act.

SEC. 3. CLARIFICATION REGARDING REVIEW OF DETERMINATIONS BY STATE DISABILITY DETERMINATION SERVICES.

Section 221(d) of the Social Security Act (42 U.S.C. 421(d)) is amended—

(1) by inserting "(1)" after "(d)"; and

(2) by adding at the end the following new paragraph:

"(2) No determination under this section shall be reviewed by any person, tribunal, or governmental agency, except as provided in paragraph (1).".

SEC. 4. EXTENSION OF DISABILITY INSURANCE PROGRAM DEMONSTRATION PROJECT AUTHORITY.

(a) IN GENERAL.—Section 505 of the Social Security Disability Amendments of 1980 (Public Law 96–265; 94 Stat. 473), as amended by section 12101 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (Public Law 99–272; 100 Stat. 282), section 10103 of the Omnibus Budget Reconciliation Act of 1989 (Public Law 101–239; 103 Stat. 2472), section 5120(f) of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101–508; 104 Stat. 1388–282), and section 315 of the Social Security Independence and Program Improvements Act of 1994 (Public Law 103–296; 108 Stat. 1531), is further amended—

(1) in paragraph (1) of subsection (a), by adding at the end the following new sentence: "The Commissioner may expand the scope of any such experiment or demonstration project to include any group of applicants for benefits under such program with impairments which may reasonably be presumed to be disabling for purposes of such experiment or demonstration project, and may limit any such experiment or demonstration project to any such group of applicants, subject to the terms of such experiment or demonstration project which shall define the extent of any such presumption.";

(2) in paragraph (3) of subsection (a), by striking "June 10, 1996" and inserting "June 10, 1997";

(3) in paragraph (4) of subsection (a), by inserting "and on or before October 1, 1996," after "1995,"; and

(4) in subsection (c), by striking "October 1, 1996" and inserting "October 1, 1997".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 5. PERFECTING AMENDMENTS RELATED TO WITHHOLDING FROM SOCIAL SECURITY BENEFITS.

(a) INAPPLICABILITY OF ASSIGNMENT PROHIBITION.—Section 207 of the Social Security Act (42 U.S.C. 407) is amended by adding at the end the following new subsection:

"(c) Nothing in this section shall be construed to prohibit withholding taxes from any benefit under this title, if such withholding is done pursuant to a request made in accordance with section 3402(p)(1) of the Internal Revenue Code of 1986 by the person entitled to such benefit.".

(b) PROPER ALLOCATION OF COSTS OF WITHHOLDING BETWEEN THE TRUST FUNDS AND THE

GENERAL FUND.—Section 201(g) of such Act (42 U.S.C. 401(g)) is amended—

(1) by inserting before the period in paragraph (1)(A)(ii) the following: "and the functions of the Social Security Administration in connection with the withholding of taxes from benefits, as described in section 207(c), pursuant to requests by persons entitled to such benefits";

(2) by inserting before the period at the end of paragraph (1)(A) the following: "and the functions of the Social Security Administration in connection with the withholding of taxes from benefits, as described in section 207(c), pursuant to requests by persons entitled to such benefits";

(3) in paragraph (1)(B)(i)(I), by striking "subparagraph (A)," and inserting "subparagraph (A)) and the functions of the Social Security Administration in connection with the withholding of taxes from benefits, as described in section 207(c), pursuant to requests by persons entitled to such benefits,";

(4) in paragraph (1)(C)(iii), by inserting before the period the following: "and the functions of the Social Security Administration in connection with the withholding of taxes from benefits, as described in section 207(c), pursuant to requests by persons entitled to such benefits";

(5) in paragraph (1)(D), by inserting after "section 232" the following: "and the functions of the Social Security Administration in connection with the withholding of taxes from benefits as described in section 207(c)"; and

(6) in paragraph (4), by inserting after the first sentence the following: "The Boards of Trustees of such Trust Funds shall prescribe before January 1, 1997, the method of determining the costs which should be borne by the general fund in the Treasury of carrying out the functions of the Social Security Administration in connection with the withholding of taxes from benefits, as described in section 207(c), pursuant to requests by persons entitled to such benefits.".

SEC. 6. TREATMENT OF PRISONERS.

(a) IMPLEMENTATION OF PROHIBITION AGAINST PAYMENT OF TITLE II BENEFITS TO PRISONERS.—

(1) IN GENERAL.—Section 202(x)(3) of the Social Security Act (42 U.S.C. 402(x)(3)) is amended—

(A) by inserting "(A)" after "(3)"; and

(B) by adding at the end the following new subparagraph:

"(B)(i) The Commissioner shall enter into an agreement, with any interested State or local institution comprising a jail, prison, penal institution, correctional facility, or other institution a purpose of which is to confine individuals as described in paragraph (1)(A), under which—

"(I) the institution shall provide to the Commissioner, on a monthly basis and in a manner specified by the Commissioner, the names, social security account numbers, dates of birth, confinement commencement dates, and, to the extent available to the institution, such other identifying information concerning the individuals confined in the institution as the Commissioner may require for the purpose of carrying out paragraph (1); and

"(II) except as provided in clause (ii), the Commissioner shall pay to the institution, with respect to information described in subclause (I) concerning each individual who is confined therein as described in paragraph (1)(A), to whom a benefit under this title is payable for the month preceding the first month of such confinement, and whose benefit under this title ceases to be payable as a result of the application of this subsection, $400 (subject to reduction under clause (iii)) if the institution furnishes the information to the Commissioner within 30 days after the date such individual's confinement in such institution begins, or $200 (subject to reduction under clause (iii)) if the institution furnishes the information after 30 days after such date but within 90 days after such date.

"(ii) No amount shall be payable to an institution with respect to information concerning an individual under an agreement entered into under clause (i) if, prior to the Commissioner's receipt of the information, the Commissioner has determined that benefits under this title are no longer payable to such individual as a result of the application of this subsection.

"(iii) The dollar amounts specified in clause (i)(II) shall be reduced by 50 percent if the Commissioner is also required to make a payment to the institution with respect to the same individual under an agreement entered into under section 1611(e)(1)(I).

"(iv) There shall be transferred from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as appropriate, such sums as may be necessary to enable the Commissioner to make payments to institutions required by clause (i)(II). Sums so transferred shall be treated as direct spending for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 and excluded from budget totals in accordance with section 13301 of the Budget Enforcement Act of 1990.

"(v) The Commissioner is authorized to provide, on a reimbursable basis, information obtained pursuant to agreements entered into under clause (i) to any Federal or federally-assisted cash, food, or medical assistance program for eligibility purposes.".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply as if included in the enactment of section 203(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

(b) ELIMINATION OF TITLE II REQUIREMENT THAT CONFINEMENT STEM FROM CRIME PUNISHABLE BY IMPRISONMENT FOR MORE THAN 1 YEAR.—

(1) IN GENERAL.—Section 202(x)(1)(A) of such Act (42 U.S.C. 402(x)(1)(A)) is amended—

(A) in the matter preceding clause (i), by striking "during" and inserting "throughout";

(B) in clause (i), by striking "an offense punishable by imprisonment for more than 1 year (regardless of the actual sentence imposed)" and inserting "a criminal offense"; and

(C) in clause (ii)(I), by striking "an offense punishable by imprisonment for more than 1 year" and inserting "a criminal offense".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall be effective with respect to benefits payable for months after February 1997.

(c) INCLUSION OF TITLE II ISSUES IN STUDY AND REPORT REQUIREMENTS RELATING TO PRISONERS.—

(1) Section 203(b)(1) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193) is amended—

(A) in subparagraph (A), by striking "section 1611(e)(1)" and inserting "sections 202(x) and 1611(e)(1)"; and

(B) in subparagraph (B), by striking "section 1611(e)(1)(I)" and inserting "section 202(x)(3)(B) or 1611(e)(1)(I)".

(2) Section 203(c) of such Act is amended by striking "section 1611(e)(1)(I)" and all that follows and inserting the following: "sections 202(x)(3)(B) and 1611(e)(1)(I) of the Social Security Act.".

(3) The amendments made by paragraph (1) shall apply as if included in the enactment of section 203(b) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193). The amendment made by paragraph (2) shall apply as if included in the enactment of section 203(c) of such Act.

(d) CONFORMING TITLE XVI AMENDMENTS.—

(1) PRECLUSION OF TITLE XVI PAYMENT WHEN INFORMATION FURNISHED BY AN INSTITUTION IS ALREADY KNOWN BY THE COMMISSIONER.—Section 1611(e)(1)(I) of the Social Security Act (as added by section 203(a)(1) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193)) is amended—

(A) in clause (i)(II), by inserting "except as provided in clause (ii)," after "(II)";

(B) by redesignating clauses (ii) and (iii) as clauses (iv) and (v), respectively; and

(C) by inserting after clause (i) the following new clause:

"(ii) No amount shall be payable to an institution with respect to information concerning an inmate under an agreement entered into under clause (i) if, prior to the Commissioner's receipt of the information, the Commissioner has determined that the inmate is no longer an eligible individual or eligible spouse for purposes of this title as a result of the application of this paragraph.".

(2) FIFTY PERCENT REDUCTION IN TITLE XVI PAYMENT IN CASE INVOLVING COMPARABLE TITLE II PAYMENT.—Section 1611(e)(1)(I) of such Act (as amended by paragraph (1)) is amended further—

(A) in clause (i)(II), by inserting "(subject to reduction under clause (iii))" after "$400" and after "$200"; and

(B) by inserting after clause (ii) the following new clause:

"(iii) The dollar amounts specified in clause (i)(II) shall be reduced by 50 percent if the Commissioner is also required to make a payment to the institution with respect to the same individual under an agreement entered into under section 202(x)(3)(B).".

(3) EXPANSION OF CATEGORIES OF INSTITUTIONS ELIGIBLE TO ENTER INTO AGREEMENTS WITH THE COMMISSIONER.—Section 1611(e)(1)(I)(i) of such Act (as added by section 203(a)(1) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193)) is amended in the matter preceding subclause (I) by striking "institution" and all that follows through "section 202(x)(1)(A)," and inserting "institution comprising a jail, prison, penal institution, or correctional facility, or with any other interested State or local institution a purpose of which is to confine individuals as described in section 202(x)(1)(A)(ii),".

(4) LIMITATION ON CATEGORIES OF INMATES WITH RESPECT TO WHOM PAYMENT MAY BE MADE.—Section 1611(e)(1)(I)(i)(II) of such Act (as added by section 203(a)(1) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193)) is amended by striking "inmate of the institution" and all that follows through "in such institution and" and inserting "individual who is eligible for a benefit under this title for the month preceding the first month throughout which the individual is an inmate of the jail, prison, penal institution, or correctional facility, or is confined in the institution as described in section 202(x)(1)(A)(ii), and who".

(5) TECHNICAL CORRECTION.—Section 1611(e)(1)(I)(i)(II) of such Act (as amended by the preceding provisions of this subsection)

is amended further by striking "subparagraph" and inserting "paragraph".

(6) EFFECTIVE DATE.—The amendments made by this subsection shall apply as if included in the enactment of section 203(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193). The references to section 202(x)(1)(A)(ii) of the Social Security Act in section 1611(e)(1)(I)(i) of such Act as amended by paragraphs (3) and (4) shall be deemed a reference to such section 202(x)(1)(A)(ii) as amended by subsection (b)(1)(C).

(e) EXEMPTION FROM COMPUTER MATCHING REQUIREMENTS.—

(1) IN GENERAL.—Section 552a(a)(8)(B) of title 5, United States Code, is amended—

(A) by striking "or" at the end of clause (vi);

(B) by adding "or" at the end of clause (vii); and

(C) by inserting after clause (vii) the following new clause:

"(viii) matches performed pursuant to section 202(x) or 1611(e)(1) of the Social Security Act;".

(2) CONFORMING AMENDMENT.—Section 1611(e)(1)(I)(iv) of the Social Security Act (as added by section 203(a)(1) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193) and redesignated by subsection (d)(1)(B)) is amended further by striking "(I) The provisions" and all that follows through "(II) The Commissioner" and inserting "The Commissioner".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kentucky [Mr. BUNNING] and the gentleman from Virginia [Mr. PAYNE] each will control 20 minutes.

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

GENERAL LEAVE

Mr. BUNNING of Kentucky. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4039.

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

There was no objection.

Mr. BUNNING of Kentucky. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4039, the Social Security Miscellaneous Amendments Act of 1996.

A few months ago, the Social Security Administration came to us, and asked for legislation to make technical or perfecting changes they needed to implement current law. Andy Jacobs and I then introduced this legislation, which was favorably reported by the Ways and Means Committee on a bipartisan basis. Andy's constructive, bipartisan leadership on Social Security issues will be greatly missed.

Again, let me make it clear that the administration requested these technical provisions.

According to the Social Security Administration, these amendments are needed to clarify, first, the drug addicts and alchoholics provisions enacted under Public Law 104–121, thereby closing a loophole and preventing payment of benefits not intended by Congress; second, to clarify that the only judicial review available to disability applicants is the normal judicial review of the final decision of the Commissioner of Social Security, and that the State disability determination services and their employees, like Federal officials, cannot be sued for their official acts when making disability decisions under the Social Security Act; third, to grant SSA continued demonstration project authority; and fourth, to perfect provisions of the Uruguay Round Agreements Act, allowing for optional tax withholding from Social Security benefits.

In addition to the technical provisions requested by SSA, H.R. 4039 includes provisions that further restrict payment of Social Security benefits to prisoners. These provisions are virtually identical to ones included in the recently enacted welfare reform bill affecting prisoners who receive supplemental security income benefits.

They restrict payment of benefits to all criminals incarcerated throughout a month, and provide a financial incentive to correctional facilities to report their incarceration to SSA. The provisions save the Social Security trust funds $35 million over 7 years. I want to commend my colleague on the Ways and Means Committee, Mr. HERGER, for his leadership on this issue.

I also want to thank both the minority staff and SSA staff for providing their assistance in formulating this package.

The Social Security Subcommittee has worked diligently to assist SSA by providing the legislative corrections that SSA said that it needed to fulfill its responsibilities to Congress and the American public.

Neither the Congress nor the American public wants to see Social Security benefits paid to drug addicts, alcoholics, or criminals who should not receive them.

I hope that for the sake of the hard-working American public, the Senate will see fit to act quickly so that current programs may continue to run as they should, and the intent of Congress to stop Social Security payments to drug addicts, alcoholics, and prisoners will be fulfilled. I urge support of H.R. 4039.

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

Mr. PAYNE of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4039. I have had the pleasure of serving on the Subcommittee on Social Security of the Committee on Ways and Means during this session of Congress, serving with Chairman JIM BUNNING who has worked tirelessly this session to bring about a Social Security Administration that deals fairly and effectively with Social Security. I have had the pleasure of serving with the gentleman from Indiana, ANDY JACOBS, who is retiring after 30 years, who has spent his entire career working on Social Security, protecting it and making it better. And I want to commend both of these gentlemen for the effective and bipartisan method in which they have constructed the business of the Social Security Subcommittee.

Mr. Speaker, I rise in support of H.R. 4039. This bill, as Chairman BUNNING has pointed out, makes a number of technical and miscellaneous changes in Social Security. It clarifies the effective date of the newly enacted law denying Social Security benefits to drug addicts and alcoholics.

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It extends for 1 year the disability demonstration project authority of the Social Security Administration. It prohibits lawsuits directly against State disability determinations services. And in addition, the bill authorizes incentive payments to prisons and local jails to encourage jailers to turn over to the Social Security Administration the names of prisoners who are receiving Social Security payments. A number of years ago, the Congress prohibited the payment of Social Security benefits to prisoners, yet the Social Security Administration is having a difficult time obtaining the names of Social Security recipients incarcerated in the hundreds of local jails around the country. So this provision will offer an incentive to all institutions, both large and small ones, to provide the names of prisoners receiving Social Security benefits.

The Social Security Administration can then make sure that no prisoner continues to receive benefits while institutionalized.

Mr. Speaker, these are technical changes coupled with some improvements in the administration of the Social Security Program, and I urge their adoption.

Mr. CHRISTENSEN. Mr. Speaker, today represents another step in our efforts to end wasteful Government spending and end the practice of supporting criminals at the taxpayers expense.

Too many individuals serving time in our Nation's prisons currently receive regular Social Security payments, despite the fact that it's against the law. Current law prohibits prisoners from receiving old age, survivors, and disability [OASDI] benefits while incarcerated if they are convicted of any crime punishable by imprisonment of more than 1 year. Also, State and local correctional institutions are required to make available, upon written request, the name and Social Security number of any individual convicted and confined in a penal institution or correctional facility. However, despite current law prisoners are still robbing the taxpayers of their hard-earned money.

The House-passed version of the Personal Responsibility and Work Opportunity Act of 1996, corrected this wrong by prohibiting prisoners from receiving supplemental security income [SSI] and OASDI benefits while incarcerated. It also provided new financial incentives for State and local correctional institutions to report information on inmates to the Social Security Administration so that taxpayer supported benefits could promptly end. Unfortunately, the OASDI provisions were not included in the final version of the bill before it was signed into law.

Section 6 of H.R. 4039, the Social Security clarifying amendments, would restore the same prohibitions against payments of SSI benefits to OASDI benefits—saving the U.S. taxpayers $35 million over 7 years. I strongly support these efforts to end the abuses in the Social Security benefits programs because it is time to stop frivolously spending the taxpayers money and get tough on criminals. This effort is one more necessary component to reforming our Federal prison system. For too long, liberal judges, slick lawyers, and misguided policies have turned prisons into playhouses. To fix that, I have put together legislation called the Criminal Correction and Victim Assistance Act that makes it clear once and for all that our prisons are not country clubs.

The bill would make Federal prisoners work 48 hours a week and study 12 hours more. It would place a 25-percent levy on prisoner wages to go toward victim restitution and the protection of our police officers. It would curb out-of-control frivolous lawsuits by Federal prisoners. The bill would also ban the use of televisions in Federal prisons. And it would prohibit weightlifting by Federal prisoners. Why should taxpayers be forced to pay for criminals to become stronger and more deadly so that they can then prey upon our families and children upon release? I was glad to see the ban on TV's and weights as well as the lawsuit curbs included in a measure which was signed into law this year.

All of these steps, including banning Social Security benefits for convicted criminals while incarcerated, send the signal that America will no longer tolerate those who prey on law-abiding families.

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

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

The SPEAKER pro tempore (Mr. GOODLATTE). The question is on the motion offered by the gentleman from Kentucky [Mr. BUNNING] that the House suspend the rules and pass the bill, H.R. 4039, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was, as amended, was passed.

A motion to reconsider was laid on the table.

DOLLEY MADISON COMMEMORATIVE COIN ACT

Mr. CASTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1684) to require the Secretary of the Treasury to mint coins in commemoration of the 250th anniversary of the birth of James Madison, as amended.

The Clerk read as follows:

H.R. 1684

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Dolley Madison Commemorative Coin Act".

SEC. 2. COIN SPECIFICATIONS.

(a) $1 SILVER COINS.—In commemoration of the 150th anniversary of the death of Dolley Madison, the Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall mint and issue not more than 500,000 1 dollar coins, which shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.500 inches; and

(3) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of section 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 3. SOURCES OF BULLION.

The Secretary shall obtain silver for minting coins under this Act only from stockpiles established under the Strategic and Critical Materials Stock Piling Act.

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the 150th anniversary of the death of Dolley Madison and the life and achievements of the wife of the 4th President of the United States.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year "1999"; and

(C) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with the executive director of Montpelier, the National Trust for Historic Preservation, and the Commission of Fine Arts; and

(2) reviewed by the Citizens Commemorative Coin Advisory Committee.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(c) COMMENCEMENT OF ISSUANCE.—The Secretary may issue coins minted under this Act beginning January 1, 1999.

(d) TERMINATION OF MINTING AUTHORITY.—No coins may be minted under this Act after December 31, 1999.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in subsection (d) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

(d) SURCHARGES.—All sales shall include a surcharge of $10 per coin.

SEC. 7. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods and services necessary for carrying out the provisions of this Act.

(b) EQUAL EMPLOYMENT OPPORTUNITY.—Subsection (a) shall not relieve any person entering into a contract under the authority of this Act from complying with any law relating to equal employment opportunity.

SEC. 8. DISTRIBUTION OF SURCHARGES.

Subject to section 10(a), all surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the National Trust for Historic Preservation in the United States (hereafter in this Act referred to as the "National Trust") to be used—

(1) to establish an endowment to be a permanent source of support for Montpelier, the home of James and Dolley Madison and a museum property of the National Trust; and

(2) to fund capital restoration projects at Montpelier.

SEC. 9. FINANCIAL ASSURANCES.

(a) NO NET COST TO THE GOVERNMENT.—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this Act will not result in any net cost to the United States Government.

(b) PAYMENT FOR COINS.—A coin shall not be issued under this Act unless the Secretary has received—

(1) full payment for the coin;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration Board.

SEC. 10. CONDITIONS ON PAYMENT OF SURCHARGES.

(a) PAYMENT OF SURCHARGES.—Notwithstanding any other provision of law, no amount derived from the proceeds of any surcharge imposed on the sale of coins issued under this Act shall be paid to the National Trust unless—

(1) all numismatic operation and program costs allocable to the program under which such coins are produced and sold have been recovered; and

(2) the National Trust submits an audited financial statement which demonstrates to the satisfaction of the Secretary of the Treasury that, with respect to all projects or purposes for which the proceeds of such surcharge may be used, the National Trust has raised funds from private sources for such projects and purposes in an amount which is equal to or greater than the maximum

amount the National Trust may receive from the proceeds of such surcharge.

(b) ANNUAL AUDITS.—

(1) ANNUAL AUDITS OF RECIPIENTS REQUIRED.—The National Trust shall provide, as a condition for receiving any amount derived from the proceeds of any surcharge imposed on the sale of coins issued under this Act, for an annual audit, in accordance with generally accepted government auditing standards by an independent public accountant selected by the National Trust, of all such payments to the National Trust beginning in the first fiscal year of the National Trust in which any such amount is received and continuing until all such amounts received by the National Trust with respect to such surcharges are fully expended or placed in trust.

(2) MINIMUM REQUIREMENTS FOR ANNUAL AUDITS.—At a minimum, each audit of the National Trust pursuant to paragraph (1) shall report—

(A) the amount of payments received by the National Trust during the fiscal year of the National Trust for which the audit is conducted which are derived from the proceeds of any surcharge imposed on the sale of coins issued under this Act;

(B) the amount expended by the National Trust from the proceeds of such surcharges during the fiscal year of the National Trust for which the audit is conducted; and

(C) whether all expenditures by the National Trust from the proceeds of such surcharges during the fiscal year of the National Trust for which the audit is conducted were for authorized purposes.

(3) RESPONSIBILITY OF NATIONAL TRUST TO ACCOUNT FOR EXPENDITURES OF SURCHARGES.—The National Trust shall take appropriate steps, as a condition for receiving any payment of any amount derived from the proceeds of any surcharge imposed on the sale of coins issued under this Act, to ensure that the receipt of the payment and the expenditure of the proceeds of such surcharge by the National Trust in each fiscal year of the National Trust can be accounted for separately from all other revenues and expenditures of the National Trust.

(4) SUBMISSION OF AUDIT REPORT.—Not later than 90 days after the end of any fiscal year of the National Trust for which an audit is required under paragraph (1), the National Trust shall—

(A) submit a copy of the report to the Secretary of the Treasury; and

(B) make a copy of the report available to the public.

(5) USE OF SURCHARGES FOR AUDITS.—The National Trust may use any amount received from payments derived from the proceeds of any surcharge imposed on the sale of coins issued under this Act to pay the cost of an audit required under paragraph (1).

(6) WAIVER OF SUBSECTION.—The Secretary of the Treasury may waive the application of any paragraph of this subsection to the National Trust for any fiscal year after taking into account the amount of surcharges which the National Trust received or expended during such year.

(7) AVAILABILITY OF BOOKS AND RECORDS.—The National Trust shall provide, as a condition for receiving any payment derived from the proceeds of any surcharge imposed on the sale of coins issued under this Act, to the Inspector General of the Department of the Treasury or the Comptroller General of the United States, upon the request of such Inspector General or the Comptroller General, all books, records, and workpapers belonging to or used by the National Trust, or by any independent public accountant who audited the National Trust in accordance with paragraph (1), which may relate to the receipt or expenditure of any such amount by the National Trust.

(c) USE OF AGENTS OR ATTORNEYS TO INFLUENCE COMMEMORATIVE COIN LEGISLATION.—No portion of any payment to the National Trust from amounts derived from the proceeds of surcharges imposed on the sale of coins issued under this Act may be used, directly or indirectly, by the National Trust to compensate any agent or attorney for services rendered to support or influence in any way legislative action of the Congress relating to the coins minted and issued under this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware [Mr. CASTLE] and the gentleman from New York [Mr. FLAKE] will each control 20 minutes.

The Chair recognizes the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. I yield myself such time as I may consume.

Mr. Speaker, we are here today to suspend the rules and pass three commemorative coin bills: H.R. 1684, H.R. 1776, and H.R. 2026. All three of these bills have played by the new rules of the commemorative coin process. Each has acquired the cosponsorship of over two-thirds of this House, and each has gained the endorsement of the Citizens Commemorative Coin Advisory Committee. Furthermore, the sponsors of these bills have agreed to abide by the terms of this subcommittee's bill, H.R. 2614, the Commemorative Coin Reform Act of 1995.

These accommodations by the various bill sponsors are in recognition that, as we heard at our July 1995 hearing, the Commemorative Coin Program is clearly in trouble. These problems persist, primarily because too many coins have been produced. These three have been obtained more than 290 cosponsors, demonstrating that the Banking Committee rules in the 104th Congress have not raised the standard to the point that all coin legislation is blocked, and that if a group follows the rules, they have a reasonable opportunity to get coin legislation to the floor.

Nonetheless these successes should not be taken as invitations for many more coin projects to advance. CCCAC guidelines call for no more than two programs per year and it will clearly take a while for the collecting public to digest the massive Olympic Program that appears to have again resulted in losses to the mint.

Passage of our commemorative coin reform legislation by the Senate will help control runaway coin programs and protect the Federal Government and the taxpayer from further losses. As necessary we will recommend even tighter regulations should it appear that more coins are being proposed than the market will absorb. In any event, the days of large issues are finished, and future mintages will be allocated based on the success or failure of programs that have already been approved.

H.R. 1684 is the first of these bills before the House today. It calls for the Secretary of the Treasury to mint coins in commemoration of the 150th anniversary of the death of Dolley Madison. Dolley Madison was one of the earliest heroines in American history. She served as First Lady for Thomas Jefferson who was widowed by the time he served as President and later for her husband, James Madison. During the War of 1812, when invading British troops burned the White House, Dolley Madison, at some personal risk, saved an historic portrait of George Washington. The National Trust for Historic Preservation today owns Montpelier, the Virginia estate where Dolley Madison and James Madison lived. Proceeds from this coin will go to help endow preservation of the building and the estate.

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

Mr. FLAKE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of the Dolley Madison Commemorative Coin Act, and I will urge my colleagues to support this bill as well. I do so, with the appreciation that today we are honoring the originator of the role of First Lady, and the fact we are helping to preserve one of our Nation's historical treasures: the Montpelier, Virginia home of James Madison.

In authorizing this coin and the two to follow, the subcommittee again has taken cautious steps to protect the integrity of the commemorative coin process. We have received the recommendation of the Citizen's Commemorative Coin Advisory Committee, and we have waited until the legislation has garnered overwhelming support in the form of bipartisan cosponsorship. Most important, however, we have incorporated House passed legislation which requires tighter financial control of the mint's resources, and the auditing disclosures of recipient organizations.

The subcommittee has strived to maintain integrity in the commemorative process. It is our aim to limit the authorization of commemoratives, and during the past 2 years, I believe we met this goal by only authorizing four new coins over the next 4 years. Given these accomplishments, I would urge my colleagues to support this bill, support Dolley Madison, and help preserve Montpelier.

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

Mr. CASTLE. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Virginia [Mr. BLILEY].

Mr. BLILEY. Mr. Speaker, I want to thank the chairman of the subcommittee and also the ranking member for their cooperation.

Mr. Speaker, early in this Congress, I, along with the rest of the Virginia delegation introduced the James Madison Commemorative Coin Act. This legislation instructs the U.S. Treasury to mint $1 commemorative coins to honor the 250th anniversary of the birth of James Madison.

The proceeds from the sale of this coin, once the Treasury has recovered all production costs, will go to the National Trust for Historic Preservation to be used to establish an endowment to be a permanent source of support for Montpelier, the home of James and Dolley Madison. In addition, profits from this coin will help fund a capital restoration project at Montpelier, which is in dire need of repairs.

I am proud to report 313 of our colleagues share my desire to see Montpelier protected and have cosponsored H.R. 1684. As this coin required the approval of the Citizen's Commemorative Coin Advisory Committee, Representative CASTLE, the chairman of the Subcommittee on Domestic and International Monetary Policy, asked the Coin Committee to review H.R. 1684.

The Citizen's Commemorative Coin Advisory Committee found H.R. 1684 met all of its necessary criteria for approval except one—the rule against honoring the same person twice in a period of 10 years.

In 1993, James Madison was depicted on a coin observing the bicentennial of the Bill of Rights. Recognizing the need to protect Montpelier, the Citizen's Commemorative Coin Advisory Committee unanimously approved an alternate proposal—a coin honoring Dolley Madison in 1999, the 150th anniversary of her death. An amendment was adopted at the subcommittee level of H.R. 1684, which will instruct the Treasury to mint a Dolley Madison Commemorative Coin in 1999.

A commemorative coin honoring Dolley Madison would be the first coin to honor a First Lady. Furthermore, Dolley Madison would be only the third woman to be so honored. I can think of no First Lady who deserves this honor more.

Dolley Madison was the originator of the role of First Lady as it exists today. She rejected the somewhat aloof and monarchical role crafted by previous First Ladies and redefined the position to be as she was—democratic and accessible, yet always stylish and always elegant.

By nature, kind and gracious—and married to a very shy man—Dolley Madison took on the responsibility for crafting the social activities that are so essential to the affairs of state. This was more than just throwing successful parties—it was a bridge between the official work of Washington and the private social life of the first couple.

She was such a compelling and popular figure that she acted as hostess for the widowed Thomas Jefferson while her husband served as Jefferson's Secretary of State. Thus, Dolley Madison's term as First Lady extended from 1801 to 1817—over 16 years.

Charles Cotesworth Pickney, who ran against James Madison for the Presidency, saw first hand how the Nation loved Dolley Madison. After losing to Madison, Charles Pickney said, "I was beaten by Mr. and Mrs. Madison. I might have had a better chance had I faced (Mr.) Madison alone." With the elections approaching, I know many of us would be lucky to have Dolley Madison in our corner.

While Dolley Madison served in the White House as First Lady with unprecedented grace, I feel certain Mrs. Madison would be upset at the condition of her and her husband's home at Montpelier.

Dolley Madison was forced to sell the 2,700 acre estate at Montpelier in 1844. Thereafter, Montpelier changed hands six times before being purchased in 1900 by the industrialist William Henry duPont. Montpelier remained in private ownership until 1984 when, upon the death of Marion duPont Scott, the estate was bequeathed to the National Trust for Historic Preservation. In her will, Ms. Scott directed the National Trust to maintain Montpelier as, "an historic shrine * * * to James Madison and his times."

Unfortunately, during the years of private ownership, the physical structure of Madison's home fell into disrepair.

The house appears sound at first glance, however, there are many basic structural repairs which are needed. While the National Trust has invested over $5 million in repairs, the development and the operation of Montpelier as a museum and Presidential home, much work remains to be done. Because of the property's scale, many additional infrastructure and capital improvements still are needed for Montpelier to become fully adapted for public use.

It is these improvements which will be undertaken with the proceeds from the Dolley Madison Commemorative Coin. With the funds from the minting of this coin in 1999, Montpelier will be able to realize its full potential.

Visitors arriving at Montpelier will be able to walk the grounds James Madison did as he formed the ideas which would become the principles on which our Nation is based. It was at Montpelier where the ideas which became the basis for the Federalist Papers and the Bill of Rights were formed.

With the passage of H.R. 1684, future generations will be able to visit Montpelier and study the Madisons' legacy. I urge my colleagues to support H.R. 1684 to ensure the Madisons' home is protected for future generations.

In closing, Mr. Speaker, I would like to thank Representative CASTLE for his help on H.R. 1684 as well as bringing this legislation before his subcommittee for consideration. Also, I would like to thank Representative PETE GEREN. Without Congressman GEREN's hard work, we might not have gotten the 290 cosponsors needed in order to bring this legislation to the floor.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Delaware [Mr. CASTLE] that the House suspend the rules and pass the bill, H.R. 1684, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to require the Secretary of the Treasury to mint coins in commemoration of the 150th anniversary of the death of Dolley Madison"

A motion to reconsider was laid on the table.

GEORGE WASHINGTON COMMEMORATIVE COIN ACT OF 1996

Mr. CASTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2026) to require the Secretary of the Treasury to mint coins in commemoration of the 200th anniversary of the death of George Washington, as amended.

The Clerk read as follows:

H.R. 2026

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "George Washington Commemorative Coin Act of 1996".

SEC. 2. COIN SPECIFICATIONS.

(a) $5 GOLD COINS.—The Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall mint and issue not more than 100,000 5 dollar coins, which shall—

(1) weigh 8.359 grams;

(2) have a diameter of 0.850 inches; and

(3) contain 90 percent gold and 10 percent alloy.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of section 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 3. SOURCES OF BULLION.

The Secretary shall obtain gold for minting coins under this Act pursuant to the authority of the Secretary under other provisions of law.

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of George Washington.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year "1999"; and

(C) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with the Mount Vernon Ladies' Association and the Commission of Fine Arts; and

(2) reviewed by the Citizens Commemorative Coin Advisory Committee.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(c) COMMENCEMENT OF ISSUANCE.—The Secretary shall issue coins minted under this Act beginning May 1, 1999.

(d) TERMINATION OF MINTING AUTHORITY.—No coins may be minted under this Act after November 31, 1999.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in subsection (d) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

(d) SURCHARGES.—All sales shall include a surcharge of $35 per coin.

SEC. 7. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods and services necessary for carrying out the provisions of this Act.

(b) EQUAL EMPLOYMENT OPPORTUNITY.—Subsection (a) shall not relieve any person entering into a contract under the authority of this Act from complying with any law relating to equal employment opportunity.

SEC. 8. DISTRIBUTION OF SURCHARGES.

Subject to section 10(a), all surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the Mount Vernon Ladies' Association (hereafter in this Act referred to as the "Association") and shall be used—

(1) to supplement the Association's endowment for the purpose of providing a permanent source of support for the preservation of George Washington's home; and

(2) to provide financial support for the continuation and expansion of the Association's efforts to educate the American public about George Washington.

SEC. 9. FINANCIAL ASSURANCES.

(a) NO NET COST TO THE GOVERNMENT.—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this Act will not result in any net cost to the United States Government.

(b) PAYMENT FOR COINS.—A coin shall not be issued under this Act unless the Secretary has received—

(1) full payment for the coin;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration Board.

SEC. 10. CONDITIONS ON PAYMENT OF SURCHARGES.

(a) PAYMENT OF SURCHARGES.—Notwithstanding any other provision of law, no amount derived from the proceeds of any surcharge imposed on the sale of coins issued under this Act shall be paid to the Association unless—

(1) all numismatic operation and program costs allocable to the program under which such coins are produced and sold have been recovered; and

(2) the Association submits an audited financial statement which demonstrates to the satisfaction of the Secretary of the Treasury that, with respect to all projects or purposes for which the proceeds of such surcharge may be used, the Association has raised funds from private sources for such projects and purposes in an amount which is equal to or greater than the maximum amount the Association may receive from the proceeds of such surcharge.

(b) ANNUAL AUDITS.—

(1) ANNUAL AUDITS OF RECIPIENTS REQUIRED.—The Association shall provide, as a condition for receiving any amount derived from the proceeds of any surcharge imposed on the sale of coins issued under this Act, for an annual audit, in accordance with generally accepted government auditing standards by an independent public accountant selected by the Association, of all such payments to the Association beginning in the first fiscal year of the Association in which any such amount is received and continuing until all such amounts received by the Association with respect to such surcharges are fully expended or placed in trust.

(2) MINIMUM REQUIREMENTS FOR ANNUAL AUDITS.—At a minimum, each audit of the Association pursuant to paragraph (1) shall report—

(A) the amount of payments received by the Association during the fiscal year of the Association for which the audit is conducted which are derived from the proceeds of any surcharge imposed on the sale of coins issued under this Act;

(B) the amount expended by the Association from the proceeds of such surcharges during the fiscal year of the Association for which the audit is conducted; and

(C) whether all expenditures by the Association from the proceeds of such surcharges during the fiscal year of the Association for which the audit is conducted were for authorized purposes.

(3) RESPONSIBILITY OF ASSOCIATION TO ACCOUNT FOR EXPENDITURES OF SURCHARGES.—The Association shall take appropriate steps, as a condition for receiving any payment of any amount derived from the proceeds of any surcharge imposed on the sale of coins issued under this Act, to ensure that the receipt of the payment and the expenditure of the proceeds of such surcharge by the Association in each fiscal year of the Association can be accounted for separately from all other revenues and expenditures of the Association.

(4) SUBMISSION OF AUDIT REPORT.—Not later than 90 days after the end of any fiscal year of the Association for which an audit is required under paragraph (1), the Association shall—

(A) submit a copy of the report to the Secretary of the Treasury; and

(B) make a copy of the report available to the public.

(5) USE OF SURCHARGES FOR AUDITS.—The Association may use any amount received from payments derived from the proceeds of any surcharge imposed on the sale of coins issued under this Act to pay the cost of an audit required under paragraph (1).

(6) WAIVER OF SUBSECTION.—The Secretary of the Treasury may waive the application of any paragraph of this subsection to the Association for any fiscal year after taking into account the amount of surcharges which the Association received or expended during such year.

(7) AVAILABILITY OF BOOKS AND RECORDS.—The Association shall provide, as a condition for receiving any payment derived from the proceeds of any surcharge imposed on the sale of coins issued under this Act, to the Inspector General of the Department of the Treasury or the Comptroller General of the United States, upon the request of such Inspector General or the Comptroller General, all books, records, and workpapers belonging to or used by the Association, or by any independent public accountant who audited the Association in accordance with paragraph (1), which may relate to the receipt or expenditure of any such amount by the Association.

(c) USE OF AGENTS OR ATTORNEYS TO INFLUENCE COMMEMORATIVE COIN LEGISLATION.—No portion of any payment to the Association from amounts derived from the proceeds of surcharges imposed on the sale of coins issued under this Act may be used, directly or indirectly, by the Association to compensate any agent or attorney for services rendered to support or influence in any way legislative action of the Congress relating to the coins minted and issued under this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware [Mr. CASTLE] and the gentleman from New York [Mr. FLAKE] each will control 20 minutes.

The Chair recognizes the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the next bill of this series is H.R. 2026, a bill to require the Secretary of the Treasury to mint 100,000 $5 gold coins in commemoration of the 200th anniversary of the death of George Washington. The beneficiaries of this coin's surcharges will be the Ladies of Mount Vernon who look after the memory of our first President and work to preserve the physical plant of his home at Mount Vernon. This coin has been on the recommended list of the Citizens Commemorative Coin Advisory Committee since their annual report of 1994. This year it gained the cosponsorship of over 300 members and

is presented to this House free of any controversy.

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

Mr. FLAKE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I offer my support for this bill, and will urge my colleagues to do the same. H.R. 2026, like H.R. 1684, has met all the criteria for favorable consideration. It commemorates a significant figure on a significant date; it will ensure that the mint recovers its costs; and it has been endorsed by the CCCAC. Moreover, by passing this legislation, we will ensure the continued success of George Washington's Mount Vernon residence, which as we all know, is one the Capital region's most popular historical tourist attractions.

I will close by congratulating our colleagues, Mr. MORAN and Mr. DAVIS of northern Virginia, for their assistance in garnering the bipartisan support needed for committee consideration; for not only is this a northern Virginian treasure, it is also an asset that our Nation must always support.

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

Mr. CASTLE. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia [Mr. DAVIS].

Mr. DAVIS. Mr. Speaker, since the beginning of the 104th Congress, I have been working with the entire Virginia delegation to move this important piece of legislation through Congress. With the assistance of my fellow Virginian, Congressman JIM MORAN, and other cosponsors, H.R. 2062, the George Washington Commemorative Coin Act of 1996, has gained broad bipartisan support in the House.

It is especially fitting that the House pass this legislation honoring George Washington on this date, for it was on September 17, 1796, 200 year ago today, that he authored his farewell address upon his retirement from government, warning our Nation of the dangers of factions or partisanship and national deficits.

H.R. 2062 authorizes the Secretary of the Treasury to issue 100,000 $5 gold coins in commemoration of the bicentennial of George Washington's death in 1799.

The theme of the coin, and it is going to be issued in 1999, the theme of the coin will commemorate an important national historical figure on an anniversary of great national significance.

The proceeds of the coin will benefit historic Mount Vernon which welcomes over 1 million visitors annually from every State in the Union. Although George Washington's image continues to be one of the most familiar in our Nation, Americans are gradually losing touch with the accomplishments, the character and the leadership of this singularly American hero.

Washington's service to the Nation goes far beyond his remarkable leadership during the Revolutionary War and his precedent-setting first term as the President of the United States. Washington was also considered the first farmer of America, a conservationist and environmentalist far ahead of his time.

He helped to found the Nation's Capital. He supported education with both political influence and personal donations, and he sent an important message to the entire world when he freed his slaves in his will.

□ 1745

Washington was not just a great man, he was a good man who always strived to do what was best for his Nation. The commemorative coin will renew in Washington's vast achievements while supporting broad-based educational programs designed to reach millions of Americans.

Historic Mount Vernon is ideally suited to organize and implement an ongoing educational program in 1999. To date, more than 65 million visitors have toured Washington's home. Millions more have been educated through classroom kits, television and radio programs, publications, and special field trips. In 1999 Mount Vernon is planning scholarly conferences, a major traveling exhibit, several new publications and a host of other programs which will touch the hearts and minds of all Americans.

As we approach the new millennium it is imperative that we, as Americans, not lose sight of the monumental contributions made by George Washington to our Nation.

In an eulogy delivered several days after his death, Henry Light-Horse Harry Lee said that George Washington was a citizen first in war, first in peace, and first in the hearts of his countrymen. By moving this commemorative coin forward, we will help to ensure that future generations of Americans truly understand this statement.

I would also like to extend my sincere appreciation to the Citizens Commemorative Coin Advisory Committee, and to the gentleman from Delaware [Mr. CASTLE] and his subcommittee, and the ranking member, the gentleman from New York [Mr. FLAKE] for their efforts with the commemorative coin program and for supporting the George Washington Commemorative Coin Act of 1996.

Mr. Speaker, I include for the RECORD Washington's Farewell Address.

To the people of the United States.

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those, out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured, that this resolution has not been taken, without strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust, were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed towards the organization and administration of the government, the best exertions of which a very fallible judgment was capable. Not unconscious in the outset, of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and, every day, the increasing weight of years admonishes me more and more, that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country, for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead amidst appearances sometimes dubious, vicissitudes of fortune often discouraging—in situations in which not unfrequently, want of success has countenanced the spirit of criticism,—the constancy of your support was the essential prop

of the efforts, and a guarantee of the plans, by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows that heaven may continue to you the choicest tokens of its beneficence—that your union and brotherly affection may be perpetual—that the free constitution, which is the work of your hands, may be sacredly maintained—that its administration in every department may be stamped with wisdom and virtue—that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete by so careful a preservation, and so prudent a use of this blessing, as will acquire to them the glory of recommending it to the applause, the affection and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of your tranquility at home: your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. But, as it is easy to foresee that, from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed; it is of infinite movement, that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth, or choice, of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together; the independence and liberty you possess, are the work of joint counsels, and joint efforts, of common dangers, sufferings and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here, every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The *North*, in an unrestrained intercourse with the *South*, protected by the equal laws of a common government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry. The *South*, in the same intercourse, benefiting by the same agency of the *North*, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the *North*, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The *East*, in a like intercourse with the *West*, already finds, and in the progressive improvement of interior communications by land and water, will more and more find a valuable vent for the commodities which it brings from abroad, or manufactures at home. The *West* derives from the *East* supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the *secure* enjoyment of indispensable *outlets* for its own productions, to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as one nation. Any other tenure by which the *West* can hold this essential advantage, whether derived from its own separate strength; or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts, greater strength, greater resource proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union, an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries not tied together by the same government; which their own rivalship alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues, would stimulate and embitter. Hence likewise, they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its hands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by geographical discriminations—*Northern* and *Southern*—*Atlantic* and *Western*; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourself too much against the jealousies and heart burnings which spring from these misrepresentations: they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head: they have seen, in the negotiation by the executive, and in the unanimous ratification by the senate of the treaty with Spain, and in the universal satisfaction at the event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic states, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government, better calculated than your former, for an intimate union, and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government. But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power, and the right of the people to establish government, presupposes

the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency. They serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the nation the will of party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men, will be enable to subvert the power of the people, and to usurp for themselves the reigns of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect, in the forms of the constitution, alterations which will impair the energy of the system; and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments, as of other human institutions: that experience is the surest standard by which to test the real tendency of the existing constitution of a country: that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change from the endless variety of hypothesis and opinion: and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular references to the founding them on geographical discrimination. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind, (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit of party are sufficient to make it in the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill founded jealousies and false alarms; kindles the animosity of one part against another; foments occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This within certain limits is probably true; and in governments of a monarchial cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest instead of warming, it should consume.

It is important likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments ancient and modern: some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the constitution designates. But let there be no change by usurpation; for through this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil, any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principle.

It is substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering, also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions, in time of peace, to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should cooperate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper object (which is always a choice of difficulties), ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time debate.

Observe good faith and justice towards all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it; can it be that Providence has not

connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! Is it rendered impossible by its vices?

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachment for others, should be excluded; and that, in place of them, just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity, or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another, disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence, frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times, it makes the animosity of the nation's subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions, to the favorite nation, or privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained, and by exciting jealously, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted or deluded citizens who devote themselves to the favorite nation, facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding with the appearances of virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils! Such an attachment of a small or weak, towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence, (I conjure you to believe me fellow citizens,) the jealousy of a free people ought to be constantly awake; since history and experience prove, that foreign influence is one of the most baneful foes of republican government. But that jealously, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little *political* connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests, which to us have none, or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, and a liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another; that is must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect, or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations, but if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have, at least, believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both houses of congress, the spirit of that measure has continually governed me, uninfuenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound, in duty and interest, to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without any thing more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress, without interruption, to that degree of strength, and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration, I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to

which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service, with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it, which is so natural to a man who views in it the native soil of himself and his progenitors for several generations; I anticipate with pleasing expectation that in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow citizens, the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors and dangers.

GEO. WASHINGTON.

UNITED STATES,
17th September, 1796.

Mr. FLAKE. Mr. Speaker, I yield such time as he may consume to the gentleman from northern Virginia [Mr. MORAN].

Mr. MORAN. Mr. Speaker, I thank my distinguished colleagues and friends, the gentleman from New York [Mr. FLAKE] and the gentleman from Virginia [Mr. DAVIS], for working with me in a bipartisan way to get this authorization to mint 100,000 gold $5 coins. They will be minted in 1999, commemorating the 200th anniversary of the death of George Washington, our first President.

I think I can speak for Mr. DAVIS and probably all my colleagues, that getting 290 signatures is not like rolling off a log. This has taken us much of the year, and we would not have done this if it was not of some consequence. Even the fact that the Coin Commission recommended it, it still is difficult to get people's attention to focus on it.

But this is a uniquely important coin because once we reimburse the taxpayers fully for the cost of minting this coin, the Mount Vernon Ladies Association will use the proceeds for the preservation of Mount Vernon, which was George Washington's home in northern Virginia at the southern end of the parkway. We invite all our colleagues and people listening to visit that beautiful birthplace, the home of George Washington.

The funds will also enhance the ladies association's efforts to educate the American public about George Washington's life. Few people know that this, in fact, is the 200th anniversary of George Washington's farewell address this very day. It still has resonance, it has tremendous profundity, wisdom in that address, but too few people are aware of it. This will enable us to spread that kind of educational information.

Many of our textbooks include now only a small fraction of information about George Washington's life and times. Forty years ago there was a lot about it. But over the years our history textbooks have reduced, more and more, the life of George Washington, and it should not be diminished.

So this is an effort to see to it that it will not be diminished, and the Mount Vernon Ladies Association is going to host a series of programs in conjunction with the bicentennial of Washington's death in 1999. There will be seminars, programs for schoolchildren and adults, construction of two new buildings which will provide the opportunity for people of all ages to learn about George Washington in the context of the 18th century life where he was the most prominent figure.

Proceeds from the sale of these coins will help to finance all these events and ensure that the nearly 1 million visitors who pass through Mount Vernon every year are fully informed about how important George Washington was to the founding of this country.

This commemorative coin, as I say, has been endorsed by the Commemorative Coin Advisory Committee. There is no reason why we should not support this legislation. It is urgent given the particular timing of it. We need to do it now, and certainly we need to give these proceeds to the Mount Vernon Ladies Association to spread information about a man who had a pivotal role in the direction of this country.

Mr. CASTLE. Mr. Speaker, I have no further speakers, and I will yield myself a moment or two just to comment on the distinguished gentleman from Virginia's comments on the 290 names. Of course that is all intentional, to make sure that these are worthwhile doing, and I am glad that he and the gentleman from Virginia [Mr. DAVIS] had to go to a little bit of effort to do that. It makes us feel that it is at least working in some way or other, but we are very supportive of this legislation. We congratulate both of these gentlemen on the wonderful job they have done.

Mr. FLAKE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to thank the gentlemen from Virginia, Mr. MORAN and Mr. DAVIS, for their work with the committee and allowing us to bring this bill to the floor with the support that it has had.

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

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

The SPEAKER pro tempore (Mr. GOODLATTE). The question is on the motion offered by the gentleman from Delaware [Mr. CASTLE] that the House suspend the rules and pass the bill, H.R. 2026, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

BLACK REVOLUTIONARY WAR PATRIOTS COMMEMORATIVE COIN ACT

Mr. CASTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1776) to require the Secretary of the Treasury to mint coins in commemoration of black revolutionary war patriots, as amended.

The Clerk read as follows:

H.R. 1776

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Black Revolutionary War Patriots Commemorative Coin Act".

SEC. 2. COIN SPECIFICATIONS.

(a) $1 SILVER COINS.—In commemoration of Black Revolutionary War patriots and the 275th anniversary of the birth of the 1st Black Revolutionary War patriot, Crispus Attucks, who was the 1st American colonist killed by British troops during the Revolutionary period, the Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall mint and issue not more than 500,000 1 dollar coins, each of which shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.500 inches; and

(3) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of section 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 3. SOURCES OF BULLION.

The Secretary shall obtain silver for minting coins under this Act only from stockpiles established under the Strategic and Critical Materials Stock Piling Act.

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design—

(A) on the obverse side of the coins minted under this Act shall be emblematic of the 1st Black Revolutionary War patriot, Crispus Attucks; and

(B) on the reverse side of such coins shall be emblematic of the Black Revolutionary War Patriots Memorial.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year "1998"; and

(C) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with the Black Revolutionary War Patriots Foundation and the Commission of Fine Arts; and

(2) reviewed by the Citizens Commemorative Coin Advisory Committee.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(c) COMMENCEMENT OF ISSUANCE.—The Secretary may issue coins minted under this Act beginning January 1, 1998 .

(d) TERMINATION OF MINTING AUTHORITY.—No coins may be minted under this Act after December 31, 1998.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in subsection (d) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

(d) SURCHARGES.—All sales shall include a surcharge of $10 per coin.

SEC. 7. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods and services necessary for carrying out the provisions of this Act.

(b) EQUAL EMPLOYMENT OPPORTUNITY.—Subsection (a) shall not relieve any person entering into a contract under the authority of this Act from complying with any law relating to equal employment opportunity.

SEC. 8. DISTRIBUTION OF SURCHARGES.

Subject to section 10(a), all surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the Black Revolutionary War Patriots Foundation for the purpose of raising an endowment to support the construction of a Black Revolutionary War Patriots Memorial.

SEC. 9. FINANCIAL ASSURANCES.

(a) NO NET COST TO THE GOVERNMENT.—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this Act will not result in any net cost to the United States Government.

(b) PAYMENT FOR COINS.—A coin shall not be issued under this Act unless the Secretary has received—

(1) full payment for the coin;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration Board.

SEC. 10. CONDITIONS ON PAYMENT OF SURCHARGES.

(a) PAYMENT OF SURCHARGES.—Notwithstanding any other provision of law, no amount derived from the proceeds of any surcharge imposed on the sale of coins issued under this Act shall be paid to the Black Revolutionary War Patriots Foundation unless—

(1) all numismatic operation and program costs allocable to the program under which such coins are produced and sold have been recovered; and

(2) the Black Revolutionary War Patriots Foundation submits an audited financial statement which demonstrates to the satisfaction of the Secretary of the Treasury that, with respect to all projects or purposes for which the proceeds of such surcharge may be used, the Foundation has raised funds from private sources for such projects and purposes in an amount which is equal to or greater than the maximum amount the Foundation may receive from the proceeds of such surcharge.

(b) ANNUAL AUDITS.—

(1) ANNUAL AUDITS OF RECIPIENTS REQUIRED.—The Black Revolutionary War Patriots Foundation shall provide, as a condition for receiving any amount derived from the proceeds of any surcharge imposed on the sale of coins issued under this Act, for an annual audit, in accordance with generally accepted government auditing standards by an independent public accountant selected by the Foundation, of all such payments to the Foundation beginning in the first fiscal year of the Foundation in which any such amount is received and continuing until all such amounts received by the Foundation with respect to such surcharges are fully expended or placed in trust.

(2) MINIMUM REQUIREMENTS FOR ANNUAL AUDITS.—At a minimum, each audit of the Black Revolutionary War Patriots Foundation pursuant to paragraph (1) shall report—

(A) the amount of payments received by the Foundation during the fiscal year of the Foundation for which the audit is conducted which are derived from the proceeds of any surcharge imposed on the sale of coins issued under this Act;

(B) the amount expended by the Foundation from the proceeds of such surcharges during the fiscal year of the Foundation for which the audit is conducted; and

(C) whether all expenditures by the Foundation from the proceeds of such surcharges during the fiscal year of the Foundation for which the audit is conducted were for authorized purposes.

(3) RESPONSIBILITY OF FOUNDATION TO ACCOUNT FOR EXPENDITURES OF SURCHARGES.—The Black Revolutionary War Patriots Foundation shall take appropriate steps, as a condition for receiving any payment of any amount derived from the proceeds of any surcharge imposed on the sale of coins issued under this Act, to ensure that the receipt of the payment and the expenditure of the proceeds of such surcharge by the Foundation in each fiscal year of the Foundation can be accounted for separately from all other revenues and expenditures of the Foundation.

(4) SUBMISSION OF AUDIT REPORT.—Not later than 90 days after the end of any fiscal year of the Black Revolutionary War Patriots Foundation for which an audit is required under paragraph (1), the Foundation shall—

(A) submit a copy of the report to the Secretary of the Treasury; and

(B) make a copy of the report available to the public.

(5) USE OF SURCHARGES FOR AUDITS.—The Black Revolutionary War Patriots Foundation may use any amount received from payments derived from the proceeds of any surcharge imposed on the sale of coins issued under this Act to pay the cost of an audit required under paragraph (1).

(6) WAIVER OF SUBSECTION.—The Secretary of the Treasury may waive the application of any paragraph of this subsection to the Black Revolutionary War Patriots Foundation for any fiscal year after taking into account the amount of surcharges which such Foundation received or expended during such year.

(7) AVAILABILITY OF BOOKS AND RECORDS.—The Black Revolutionary War Patriots Foundation shall provide, as a condition for receiving any payment derived from the proceeds of any surcharge imposed on the sale of coins issued under this Act, to the Inspector General of the Department of the Treasury or the Comptroller General of the United States, upon the request of such Inspector General or the Comptroller General, all books, records, and workpapers belonging to or used by the Foundation, or by any independent public accountant who audited the Foundation in accordance with paragraph (1), which may relate to the receipt or expenditure of any such amount by the Foundation.

(c) USE OF AGENTS OR ATTORNEYS TO INFLUENCE COMMEMORATIVE COIN LEGISLATION.—No portion of any payment to the Black Revolutionary War Patriots Foundation from amounts derived from the proceeds of surcharges imposed on the sale of coins issued under this Act may be used, directly or indirectly, by the Foundation to compensate any agent or attorney for services rendered to support or influence in any way legislative action of the Congress relating to the coins minted and issued under this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware [Mr. CASTLE] and the gentleman from New York [Mr. FLAKE] each will control 20 minutes.

The Chair recognizes the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1776 is the last commemorative coin bill to be considered here today. It commemorates and serves to remind us all of the selfless sacrifice by thousands of individual black patriots during our revolutionary war. The proceeds of the 500,000 silver $1 coins authorized under this legislation will go toward helping to build a memorial to these patriots that will be situated on the Mall. The coin will feature a likeness of Crispus Attucks, a black man who was killed in the Boston Massacre, the first American victim of the Revolutionary War. This project came to fruition as a result of the sponsors working closely with the Citizens Commemorative Coin Advisory Committee and carefully observing Banking Committee rules to produce a coin that meets all the strict new relevant criteria, including the taxpayer protection language of the Commemorative Coin Reform Act of 1995.

I urge its immediate adoption, and I reserve the balance of my time.

Mr. FLAKE. Mr. Speaker, I yield myself such time as I may consume.

Too often, Mr. Speaker, we witness the significant contributions of segments of our society being relegated to the footnotes of history. We hear instead a history myopic in its view of those who laid the foundation for this Nation, and the people whose sacrifices were of equal value are undervalued, mislabeled, and often forgotten. Today, by passing H.R. 1776, we expand the focus of history's view of African-

Americans contribution to the liberty and freedom we enjoy as Americans.

H.R. 1776 will celebrate the birth, 275 years ago, of Crispus Attucks who was the first casualty in the American Revolution. Attucks was a black man killed by British troops in Boston on March 5, 1770, during an event that would become known as the Boston Massacre. Moreover, some 5,000 other black patriots fought during the Revolutionary War and its major battles of Lexington, Bunker Hill, Valley Forge, Concord, and others. Today we will ensure that people understand the heroism of Attucks, and men like Peter Salem who was the hero of Bunker Hill when he slew the British commander.

Perhaps a more compelling reason to commemorate these men by this coin, and by commemorating them on the Mall, is that despite being relegated to second-class citizenship and servitude, they fought for the values of freedom upon which this country was founded. They recognized the genius of equality, freedom, justice, and liberty. They and others wished to share this American vision, and recognized that the cost of these freedoms was through the blood sweat and tears lost on the battlefield.

For the sacrifices of these black patriots, and the sacrifices of all the founders, we owe a great debt, and we must never forget that the steel-like strength of our Democracy was forged on the backs of many. H.R. 1776 accomplishes this goal, and I urge its unanimous passage.

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

Mr. CASTLE. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Speaker, I am very pleased to speak in strong support of H.R. 1776.

This is an important small bill that I introduced with my distinguished colleagues, the gentleman from Oklahoma, Mr. J.C. WATTS, and the gentleman from New Jersey, Mr. PAYNE, with enormous backing from many, many Members on both sides of the aisle. It directs the Secretary of the Treasury in 1998 to mint 500,000 coins in recognition of the African-American patriots who fought for our Nation's independence and our individual freedom.

The bill specifically commemorates the 275th anniversary of the birth of Crispus Attucks as the first to fall during the American Revolution. He is a prominent black figure in American history and a person whose life every one of our children should understand. He is a powerful symbol of black patriots' courageous contributions during this defining moment that created our Nation.

H.R. 1776 has overwhelming bipartisan support with more than 300 cosponsors in the House of Representatives. Its companion legislation introduced by Senators JOHN CHAFEE and CAROL MOSELEY-BRAUN has the support of more than 60 Senate cosponsors.

H.R. 1776 will recognize the contribution of African-Americans during this historic period of our Nation's history when we came into being, and distribution of these unique coins will help augment the significant fundraising efforts of the black patriots memorial to succeed in funding the black Revolutionary War patriots memorial.

As my colleagues know, in 1986 Congress approved legislation I introduced with the support of many of my friends here on both sides of the aisle to authorize the construction of a memorial to the black soldiers who fought and died during our Nation's war for freedom and independence. The memorial's design has been approved, and it will be located in Constitution Gardens on the national Mall between the Washington Monument and the Lincoln Memorial. It will be the first monument on the Mall which specifically honors the achievements of African-Americans.

I would have to say, Mr. Speaker, that sometimes people in America think that as individual citizens they have no influence in this body. I would tell my colleagues that many years ago my friend Maurice Barbosa, a lawyer from Plainville, CT, the adjoining town to my hometown, came to me with this idea. This was his vision.

Mr. Speaker, through him and his hard work and through so many in this body, we were able to authorize that memorial to get it designed and approved, and it will finally sit on the Mall, the first monument to acknowledge and to honor the achievements of African-Americans, and so I thank Maurice Barbosa and Wayne Smith, the current head of the Black Patriots Foundation, for the wonderful work that he and his comrades are doing.

□ 1800

For over two centuries, the compelling contribution of over 5,000 African-American slaves and freedmen who served in the militia or provided civilian assistance during the Revolutionary War has, for the most part, gone unnoticed. These soldiers fought shoulder to shoulder with white soldiers, heroically sacrificing so we could stand here today, a free people and a world leader.

After years of work on this commemorative coin effort, I am delighted that this House is now recognizing the courageous contributions of our black Revolutionary War patriots. Passage of this legislation will send an emphatic message that we are one nation because people of all races and ethnic origins were willing to fight for and then build a new nation of free and equal citizens. If we fail to understand our past, we cannot assume a future worthy of our visionary ancestors.

This memorial is about cherishing, affirming, and comprehending our past each day we build our future. I urge my colleagues to support this unique commemorative coin legislation, and help the Black Patriots Foundation realize the dream of a memorial to black Revolutionary War patriots here in Washington, DC.

Mr. FLAKE. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey, Mr. DONALD PAYNE, chairperson of the Congressional Black Caucus.

Mr. PAYNE of New Jersey. Mr. Speaker, as one who has been involved in this endeavor from the beginning, I am pleased that our efforts are coming to fruition today. I want to thank the chairman, the gentleman from Delaware, Mr. CASTLE, for moving this important measure through, and thank the gentleman from New York, FLOYD FLAKE, the ranking member, for all of his contributions.

Let me express special appreciation to the sponsor of this bill, the gentlewoman from Connecticut, Ms. NANCY JOHNSON, who you have just heard, for all of the hard work she has done on this bill for so many years. It has been a pleasure working with her through this process.

Our legislation directs the Secretary of the Treasury to mint 500,000 coins in 1998 recognizing the sacrifices of African American soldiers in the Revolutionary War. Proceeds from the sale of this coin will help the construction of the first monument on the National Mall here in Washington to specifically honor the contributions of the African-American war patriots.

It is fitting that we pay tribute to the pride and patriotism of heroes such as Crispus Attucks, as the gentleman from New York [Mr. FLAKE], mentioned, a runaway slave who became the first casualty of the American Revolution. As our country was struggling to become free of British tyranny, this young runaway slave gave his life during the Boston Massacre on March 5, 1770.

African-American patriots fought in most of the major battles of the Revolutionary War. They were at Lexington and Concord; they were at the Battle of Bunker Hill at Trenton, in New Jersey, the battles on Long Island, at Valley Forge and Yorktown.

It was a black minuteman, as we have heard, Peter Salem, who became the hero of the Battle of Bunker Hill, when they said, don't shoot until you see the whites of their eyes, because our armies were low on ammunition. He took down the British commander. African Americans went on to serve with distinction in every conflict since that time.

Let me just digress for a minute to say in the War of 1812 and in the Civil War, with the 54th Regiment that Frederick Douglass convinced President Lincoln to allow them to fight for

their freedom, and it turned the tide of the Civil War that at that time was at a stalemate.

In the Spanish American War, there were black Americans on the Maine, and it was the Rough Riders that went into the Battle of San Juan Hill, where Teddy Roosevelt was at the point of annihilation, but the Rough Riders were pinned down and the Buffalo Soldiers came and relieved them.

So as we move on, World War I, Neham Roberts, a man from north New Jersey and his partner, after several weeks captured 20 Germans as they were wounded in the foxholes and in the lines, and they brought these persons in as prisoners of war.

In World War II, Archie Callahan from Norton, NJ, died on December 7 in Pearl Harbor in 1941.

Mr. Speaker, with the passage of today's measure, let us remember that after that, in Korea, and in Vietnam, in the Persian Gulf war, let us remember that our nation was born of shared sacrifices, with people of all backgrounds coming together for a common cause of freedom. The best way for us to honor the memory of these fallen Revolutionary War heroes is to promote the same spirit of unity on which this Nation was founded.

Mr. CASTLE. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Oklahoma [Mr.WATTS].

Mr. WATTS of Oklahoma. Mr. Speaker, I rise in support of H.R. 1776, the Black Revolutionary War Patriots Commemorative Coin Act. I commend our chairman, the gentleman from Delaware [Mr. CASTLE], and the ranking member, the gentleman from New York [Mr. FLAKE], for moving this commemorative coin.

This House has noticed an absence and therefore a very real need for commemoration in honor of people who helped to birth the Nation, people who actually gave the supreme sacrifice during this Nation's defining moment.

As Harriett Beecher Stowe wrote about the black men and women who served in the Revolutionary War,

> It was not for their own land they fought, nor even for the land which had adopted them, but for a land that had enslaved them and whose laws, even in freedom, more often oppressed than protected. Bravery under such circumstances has a peculiar beauty and merit.

The fact is, Mr. Speaker, men and women of all colors have been involved in every aspect of this country from its founding days. We are full partners in the history, bloodshed and tears that have made this Nation great.

Unfortunately, not all of us know our Nation's history, where we came from and what makes us who we are today. H.R. 1776, the Black Revolutionary War Patriots Commemorative Coin Act, renders honor to those who are exceptionally deserving of lasting historical recognition, and teaches us vis-a-vis "history in our hands" that we all had a stake in this Nation's founding and that we all are equal partners.

H.R. 1776 authorizes the U.S. Mint to strike 500,000 silver dollars in 1998 commemorating the 275th anniversary of the birth of Crispus Attucks. Crispus Attucks, a black man, became the first American casualty of the Revolutionary War when he was killed by British troops in Boston on March 5, 1770, in an event that would come to be known as the Boston Massacre.

H.R. 1776, introduces by the gentlewoman from Connecticut [NANCY JOHNSON], the gentleman from New Jersey [DONALD PAYNE], and myself enjoys the support of an overwhelming, bipartisan majority of 318 House cosponsors. The Senate companion bill enjoys the backing of 63 Senate cosponsors.

The proceeds from the sale of these commemorative coins will go toward the construction of the Black Revolutionary War Patriots Memorial on the National Mall honoring Crispus Attucks and the other 5,000 black men and women who fought for and supported American independence during the Revolutionary War.

Not only will the commemorative coin teach us all an important aspect of our Nation's history, but the memorial will continue the legacy of reminding us that we are truly one Nation and full partners in the history, bloodshed and tears that have made this Nation great.

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

Mr. FLAKE. Mr. Speaker, I yield 4 minutes to the gentlewoman from Texas, Ms. SHEILA JACKSON-LEE.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman from New York for yielding time to me, and I do appreciate very much his leadership, along with that of the gentleman from Delaware [Mr. CASTLE] for moving this very historic legislation to the floor of the House.

Let me also thank the distinguished gentlewoman from Connecticut, Mrs. JOHNSON, the gentleman from Oklahoma, Mr. J.C. WATTS, and also the chairman of the Black Caucus for their inspiration and leadership on something that really goes beyond these walls and this Chamber today.

For as we all have come to a point of recognizing that this is a nation created for all to be considered equal, even as the Declaration of Independence stated in those early years, we all are created equal, with certainly inalienable rights of life, liberty, and the pursuit of happiness, it was well known that those of us of African American descent were at that time enslaved in this country. How fitting it is to acknowledge that there were those willing to give the most and the most costly of sacrifices, their life, to fight for the freedom of this Nation, which included the freedom of all citizens.

So I am very much in support of the Black Revolutionary War Patriots Commemorative Coin Act, H.R. 1776, which, as rendered, will allow for the selling of a coin that would then allow for the constructing of an appropriate memorial to these great men who offered their lives for America.

It is interesting, as a young girl studying history in our public schools in this country, during the era that I was raised there was not much in giving credence to those African American slaves, who were in fact very much a part of the American history and the American structure and the American liberation.

So it is now fitting that I can say to my 11-year-old son, Jason, as he is entering into the fifth grade, that we now have an opportunity, along with many other monuments that have come over the last 10 years, to acknowledge those early patriots who happened to have been slaves, happened to have been former slaves but of African descent.

It is important to acknowledge all Americans who fought in the American Revolutionary War, and to recognize that they fought for democracy, not for party or for creed, not for color, but for freedom.

How gratified we can all be that Crispus Attucks, who was killed in the Boston Massacre, during one of the first of many confrontations at the beginning of this country's struggle for independence, finally will be honored by the passage of this legislation.

How befitting it will be to have schoolchildren traveling from as far as Los Angeles, CA, Seattle, WA, or the 18th Congressional District in Houston, TX, from Cleveland, OH, to Jamaica, New York, to Miami, FL, to be able to come to the Washington Mall, and to be able to see the acknowledgment of Revolutionary War heroes, black patriots, former slaves who gave their life for this country.

Let me acknowledge that this was a bipartisan effort, with over 300 cosponsors, of H.R. 1776, and that is why today, September 17, 1996, it is extremely fitting for us to join together to pay tribute to these patriots.

I do hope that we in the spirit of this legislation can carry forward the message that when it comes to freedom and equality and opportunity, Americans will stand together, Republican, Democratic, Independent alike, and stand for what is right, and that is to respect those who gave the most prized measure, and that is their life.

This is fitting as we watch African Americans serve throughout the Revolutionary War, the War of 1812, the Civil War of the 1800's, 1860's, and then moving into World War I and World War II, noting the Tuskegee Airmen, and, of course, the Korean war, Vietnam, in the Persian Gulf, and now. We must realize that was is no respecter of color, and freedom must be enjoyed by all of us.

I congratulate the sponsor and cosponsor of this legislation, and rise to support it.

Mr. Speaker, I rise in strong support of H.R. 1776, the Black Revolutionary War Patriots Commemorative Coin Act, in order to construct a long overdue monument to the black Revolutionary War patriots on the Mall.

I would like to commend and thank Congresswoman NANCY JOHNSON and DONALD PAYNE for their leadership in proposing this legislation to honor some of our Nation's most outstanding revolutionary heroes. As an original cosponsor of H.R. 1776, I would like to thank the Members from both sides of the aisle who are cosponsors of this legislation.

Those who fought in the American Revolutionary War did so for the ideal of democracy—not for party or for creed, nor for color, but for freedom.

Crispus Attucks, who was killed in the Boston Massacre, during one of the first of many confrontations at the beginning of this country's struggle for independence will be honored by the passage of the legislation.

This bill directs the Secretary of the Treasury to mint $1 silver coins in commemoration of black Revolutionary War patriots. This legislation further directs that coin sale surcharges be paid to the Black Revolutionary War Patriots Foundation for raising an endowment to support construction of the Patriots Memorial here in Washington, DC.

With over 300 cosponsors of H.R. 1776, I would like to thank my fellow colleagues for this strong show of bipartisanship.

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would make a closing comment or two.

Mr. Speaker, first of all, of all the bills, three bills we are handling today, this particular piece of legislation I think had the greatest struggle in that they were dealing with other sources of funding; they were dealing with an authorization issue as well as, obviously, obtaining signatures.

I think all those involved with the Black Revolutionary War Patriots Foundation, which is the correct full name, deserve to be congratulated on their perseverance for what I consider to be an extremely good cause. It was with some degree of pride that we were able to have a hearing, have them actually come before us and be able to approve this legislation. We wish them great success.

I hope that anyone who is listening to this will be ready to buy any or all of these coins. We want them to succeed down the road. But this one in particular I think is one that took a great deal of work, so I congratulate all those individuals.

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

Mr. FLAKE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to just say this is a great day when we can come to the floor and have coins that commemorate Dolley Madison, George Washington, and the black patriots. I think it speaks well for our country.

Mr. BARRETT of Wisconsin. I rise in strong support of H.R. 1776, the Black Revolutionary War Patriots Commemorative Coin Act, and to honor the thousands of African-American patriots who fought in the Revolutionary War and risked their lives for our freedom.

I am a proud cosponsor of this critical legislation and its importance cannot be overstated. African-Americans participated in every phase of the struggle for American independence. Yet far too many of our children are learning the history of the Revolutionary War without knowing the names and heroics of these outstanding American patriots. Indeed, we must move forward on this legislation so that no young American will pass through school without learning that African-Americans were essential participants in our forefathers' fight for freedom.

There was Crispus Attucks, the first person to die in the Revolution, who gave his life in the Boston Massacre. There was James Robinson, who fought in the Revolutionary War as well as in the War of 1812, but was not granted his freedom until after the Civil War in 1865. There was James Forten, who was born free in Philadelphia and later became a very wealthy and powerful businessman, employing more than forty men both black and white in his sail business. Forten amassed more than $100,000 from his business which he used in his fight for the freedom and independence of hundreds of African-Americans, during and after the war.

African-Americans served with Gen. George Washington at Valley Forge during the winter of 1777–78, and African-Americans were present as the British were driven out of Yorktown in the waning days of the war. More than 5,000 African-American patriots in total, their story must be told.

H.R. 1776 will allow the minting of 500,000 silver one dollar coins to assist in the effort to build a National monument honoring African-American Revolutionary War patriots. Fittingly, the Treasury Department would be able to begin minting the coins in 1998—the 275th anniversary of the birth of Crispus Attucks under this legislation.

But this legislation is just a start—a building block which will allow us to finance a glorious monument on the National Mall, dedicated to the black soldiers of the Revolutionary War. And while this tribute is long overdue, it will ensure that all Americans will never forsake the courageous efforts of the African-American soldiers who selflessly fought for the independence of our Nation, even when their own freedom as a people was not wholly recognized.

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

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

The SPEAKER pro tempore (Mr. GOODLATTE). The question is on the motion offered by the gentleman from Delaware [Mr. CASTLE] that the House suspend the rules and pass the bill, H.R. 1776, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: A bill to require the Secretary of the Treasury to mint coins in commemoration of black Revolutionary War patriots and the 275th anniversary of the first black Revolutionary War patriot, Crispus Attucks.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CASTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the three coin bills which were just passed, H.R. 1684, H.R. 2026, and H.R. 1776.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order: H.R. 3802, by the yeas and nays; House Joint Resolution 191, de novo; S. 533, de novo; H.R. 3723, de novo; and H.R. 3803, by the yeas and nays.

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

□ 1815

ELECTRONIC FREEDOM OF INFORMATION ACT AMENDMENTS OF 1996

The SPEAKER pro tempore (Mr. GOODLATTE). The pending business is the question of suspending the rules and passing the bill, H.R. 3802, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. HORN] that the House suspend the rules and pass the bill, H.R. 3802, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 402, nays 0, not voting 31, as follows:

[Roll No. 414]

YEAS—402

Abercrombie	Barcia	Bereuter
Ackerman	Barr	Berman
Allard	Barrett (NE)	Bevill
Andrews	Barrett (WI)	Bilbray
Archer	Bartlett	Bilirakis
Armey	Barton	Bishop
Baesler	Bass	Bliley
Baker (CA)	Bateman	Blumenauer
Baker (LA)	Becerra	Blute
Baldacci	Beilenson	Boehlert
Ballenger	Bentsen	Boehner

Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cummings
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Neumann
Ney
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—31

Bachus
Chapman
Conyers
Cubin
Dellums
Durbin
Edwards
Fazio
Fields (TX)
Furse
Ganske
Hayes
Heineman
Jefferson
Johnson, E.B.
Johnston
Largent
Laughlin
Lewis (CA)
Markey
McCrery
Mink
Nethercutt
Norwood
Pastor
Peterson (FL)
Rangel
Thompson
White
Whitfield
Wicker

□ 1833

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONFERRING HONORARY U.S. CITIZENSHIP TO MOTHER TERESA

The SPEAKER pro tempore (Mr. GOODLATTE). The pending business is the question of suspending the rules and passing the joint resolution, House Joint Resolution 191, as amended.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. FLANAGAN] that the House suspend the rules and pass the joint resolution, House Joint Resolution 191, as amended.

The question was taken.

Mr. FLANAGAN. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 405, nays 0, not voting 28, as follows:

[Roll No. 415]

YEAS—405

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cummings
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Neumann
Ney
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn

Radanovich
Rahall
Ramstad
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—28

Bachus
Cubin
Dellums
Durbin
Edwards
Fazio
Fields (TX)
Furse
Ganske
Hayes
Heineman
Jefferson
Johnson, E. B.
Johnston
Largent
Laughlin
McCrery
Meyers
Mink
Nethercutt
Norwood
Pastor
Peterson (FL)
Rangel
Thompson
White
Whitfield
Wicker

□ 1842

So (two-thirds having voted in favor thereof) the rules were suspended, the joint resolution was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: "Joint resolution to confer honorary citizenship of the United States on Agnes Gonxha Bojaxhiu, also known as Mother Teresa".

A motion to reconsider was laid on the table.

CLARIFYING RULES GOVERNING REMOVAL OF CASES TO FEDERAL COURT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 533.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. MOORHEAD] that the House suspend the rules and pass the Senate bill, S. 533.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the Senate bill was passed.

A motion to reconsider was laid on the table.

ECONOMIC ESPIONAGE ACT OF 1996

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3723, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana [Mr. BUYER] that the House suspend the rules and pass the bill, H.R. 3723, as amended.

The question was taken.

Mr. COOLEY. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 399, nays 3, not voting 31, as follows:

[Roll No. 416]

YEAS—399

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

NAYS—3

Cooley
Stark
Wilson

NOT VOTING—31

Bachus
Cubin
Dellums
Durbin
Edwards
Fazio
Fields (TX)
Flanagan
Furse
Ganske
Hastings (FL)
Hayes
Heineman
Jefferson
Johnson, E. B.
Johnston
Largent
Laughlin
Markey
McCrery
Mink
Montgomery
Nethercutt
Norwood
Pastor
Peterson (FL)
Rangel
Thompson
Waters
White
Wicker

□

Messrs. ZIMMER, MINGE, and BURTON of Indiana changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GEORGE BUSH SCHOOL OF GOVERNMENT AND PUBLIC SERVICE ACT

The SPEAKER pro tempore (Mr. GOODLATTE). The pending business is the question of suspending the rules and passing the bill, H.R. 3803, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. GOODLING] that the House suspend the rules and pass the bill, H.R. 3803, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 279, nays 116, not voting 38, as follows:

[Roll No. 417]

YEAS—279

Abercrombie
Ackerman
Archer
Armey
Baker (LA)
Baldacci
Ballenger
Barrett (NE)
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blute
Boehlert
Boehner
Bonilla
Bonior
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chapman
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Combest
Costello
Coyne
Cramer
Crapo
Cummings
de la Garza
DeLauro
DeLay
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Doolittle
Dornan
Doyle
Dreier
Dunn
Ehlers
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fields (LA)
Flake
Foglietta
Ford
Fowler
Fox
Franks (CT)
Frelinghuysen
Frisa
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodling
Gordon
Goss
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hilliard
Hinchey
Hobson
Hoke
Holden
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Klink
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Latham
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
Longley
Lowey
Lucas
Manton
Markey
Martinez
Mascara
Matsui
McCollum
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Meek
Menendez
Meyers
Mica
Millender-McDonald
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Nadler
Neal
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Oxley
Packard
Pallone
Paxon
Payne (VA)
Pelosi
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Rahall
Reed
Regula
Richardson
Riggs
Roberts
Rogers
Ros-Lehtinen
Roth
Roybal-Allard
Rush
Sabo
Sawyer
Saxton
Schiff
Scott
Serrano
Shaw
Shays
Sisisky
Skeen
Skelton
Smith (NJ)
Smith (TX)
Solomon
Spence
Spratt
Stenholm
Stockman
Stokes
Studds
Stump
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Ward
Waxman
Weldon (PA)
Weller
Whitfield
Williams
Wilson
Wise
Wolf
Wynn
Young (AK)
Young (FL)
Zeliff

NAYS—116

Allard
Baesler
Baker (CA)
Barcia
Barr
Barrett (WI)
Bartlett
Bono
Brown (OH)
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins (GA)
Condit
Conyers
Cooley
Cox
Cremeans
Cunningham
Danner
Deal
DeFazio
Deutsch
Dickey
Duncan
Ehrlich
Ensign
Fawell
Filner
Flanagan
Foley
Forbes
Frank (MA)
Franks (NJ)
Funderburk
Goodlatte
Graham
Gutknecht
Hancock
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hilleary
Hoekstra
Hostettler
Hunter
Hutchinson
Inglis
Istook
Jones
Kanjorski
Kaptur
Kleczka
Klug
LaTourette
Lewis (GA)
LoBiondo
Lofgren
Luther
Maloney
Manzullo
Martini
McCarthy
McDermott
McKinney
Meehan
Metcalf
Miller (CA)
Miller (FL)
Minge
Myrick
Neumann
Ney
Owens
Parker
Payne (NJ)
Peterson (MN)
Radanovich
Ramstad
Rivers
Roemer
Rohrabacher
Roukema
Royce
Salmon
Sanders
Sanford
Scarborough
Schaefer
Schroeder
Schumer
Seastrand
Sensenbrenner
Shadegg
Skaggs
Slaughter
Smith (MI)
Smith (WA)
Souder
Stearns
Stupak
Talent
Tate
Tiahrt
Wamp
Waters
Watt (NC)
Watts (OK)
Weldon (FL)
Woolsey
Yates
Zimmer

NOT VOTING—38

Andrews
Bachus
Borski
Bryant (TX)
Crane
Cubin
Davis
Dellums
Dooley
Durbin
Edwards
Fazio
Fields (TX)
Furse
Ganske
Hastings (FL)
Hayes
Heineman
Hyde
Jefferson
Johnson, E. B.
Johnston
Largent
Laughlin
Levin
McCrery
Mink
Nethercutt
Norwood
Pastor
Peterson (FL)
Rangel
Rose
Shuster
Stark
Thompson
White
Wicker

□ 1900

Mrs. ROUKEMA and Mr. CUNNINGHAM changed their vote from "yea" to "nay."

Mr. BROWNBACK changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. PASTOR. Mr. Speaker, due to a mechanical problem on my flight to Washington, I was delayed in Chicago and was not present for rollcall votes Nos. 414–417. Had I been present, I would have voted "aye" on all four of these bills.

PERMISSION FOR SPEAKER TO ENTERTAIN CERTAIN MOTIONS TO SUSPEND RULES ON WEDNESDAY, SEPTEMBER 18, 1996

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that, notwithstanding clause 1 of Rule XXVII, the Speaker may entertain motions to suspend the rules and pass the following bills on Wednesday, September 18, 1996: H.R. 2594, H.R. 2940, H.R. 3923, H.R. 3348, H.R. 4040, S. 1995, and S. 1636.

These are the suspension bills that we were unable to finish earlier.

The SPEAKER pro tempore (Mr. GOODLATTE). Is there objection to the request of the gentleman from New York?

There was no objection.

ELECTION OF MEMBERS TO COMMITTEE ON SMALL BUSINESS AND COMMITTEE ON VETERANS' AFFAIRS

Mrs. KENNELLY. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 523) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 523

Resolved, That the following named Members be, and that they are hereby, elected to the following standing committees of the House of Representatives:

To the Committee on Small Business: Mr. BECERRA of California, Mr. CLYBURN of South Carolina, Ms. NORTON of the District of Columbia, and Ms. WATERS of California;

To the Committee on Veterans' Affairs: Mr. PETERSON of Minnesota.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TEENAGE DRUG USE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I had the privilege in being home in the district to listen to the most important components of democracy and that is the people, the 18th Congressional District. We held a hearing in city council chambers in the 18th District on September 16 regarding the scourge of teenage drug use.

The enlightening fact that I think should be evidenced around the Nation is that no one with good common sense, no one running for office, seeking reelection, running for the first time, rises to any podium, takes any microphone, goes to any newspapers, stands before any audience and says, I am glad and I am enthusiastic about increased use of drugs by teenagers. So for us to make this a partisan issue during this election year makes us miss the point. The real issue is, how do we respond to our young people who have lost their way and begin to think that the frivolity of drug use is the way of the future?

I would offer to say to you that the hearing that we held in Houston, listening to the U.S. attorney for the southern district of Texas, the special agent in charge of the DEA, the FBI, the Harris County medical examiner, juvenile court judge and a myriad of community leaders and individuals who have hands-on experience with drug usage. First of all, they rebut and they clearly indicate that building more Federal prisons, giving political year gimmickry and loud talking will not be a solution. Housing juveniles with adults will not be a solution. Suggesting that you can single-handedly as a politician cut teenage drug use in half is not a solution.

What these individuals said, which was a directed comment on the fact that it does take a family, a community, a village, a State, a Nation to raise the future generation, was that parents must become more involved in the concept of moral leadership, indicating that it is not the right thing to do to experiment with drugs. I know there is a study that says that those parents who are of the baby boomer generation are a little bit intimidated. Well, a parent is a parent. I refuse to accept that.

As I listened to those who are on the battlefield on this issue, individuals who raise concerns about making sure that those who wanted to be treated for drug addiction could have treatment on demand, a reasoned response so that those drug addicts would not be lost, that would also provide parents with education to help them be able to teach their children against the evils of drugs but also the dangers of drugs, one thing that we have not done with the prevention programs dealing with drugs is to include the wide net of teachers and as well parents. That is an important issue.

We have not responded to those who have been rehabilitated to create jobs, but yet the Presidential candidate who is now running, who seeks the Presidency, believes that he can raise points and raise opportunity with political rhetoric of incarcerating those who might use drugs. This is not a political issue. It is an issue of family and children. It is an issue that needs a collective mind-set.

So I come to the floor of the House to say that I will be supporting legislation that encompasses parents in educational opportunities to encourage them and give them support and in giving their children the right instruction, teachers and schools. I will be supporting legislation and sponsoring legislation that says that the Federal Drug Forfeiture Asset Act should include more opportunity for its usage by taking some of those funds that are captured from those who sell drugs, the property of those who sell drugs, and provide those funds for AIDS research, for treatment and prevention of those using drugs.

We need to get down to the bottom line and the bottom line is that we do have a crisis in this Nation. I hope more of my colleagues will go home to their districts, listen to the people who are on the front line, listen to parents and teachers and, yes, listen to rehabilitated drug addicts who said to me last evening, I am prepared to work with you every step of the way. Provide us with jobs, give us treatment on demand. Give us the opportunity to turn the heads of children who would experiment with designer drugs, causing the loss of life of a very dear teen in our community, a bright athlete. We are prepared to work with you in the real solutions. We just want the political rhetoric to stop.

I am here on the floor of the House today on September 17 to say, I agree with you 100 percent. The political rhetoric will stop and those of us who want to get to work will get to work and stem the tide of drug use among teenagers in this Nation.

A TRIBUTE TO THE FIRST AMERICAN-BORN ARCHBISHOP OF THE GREEK ORTHODOX CHURCH OF AMERICA—ARCHBISHOP SPYRIDON

The SPEAKER pro tempore (Mrs. MYERS of Kansas). Under a previous order of the House, the gentleman from Florida [Mr. BILIRAKIS] is recognized for 5 minutes.

Mr. BILIRAKIS. Madam Speaker, I rise today to recognize a very special occasion, and that is the enthronement of the newly elected Archbishop of the Greek Orthodox Archdiocese of America, Archbishop Spyridon.

On September 21, 1996, the enthronement ceremony will take place in New York for Archbishop Spyridon—the first American-born leader of Greek orthodoxy in the United States since the Archdiocese was founded in 1922.

Born on September 24, 1944, in Warren, Ohio, George Papageorgiou is the son of Clara and the late Dr. Constantine P. George. Spyridon is actually the Archbishop's religious name which he took in honor of a fourth-century Cypriot saint who was revered for his skills as a shepherd. He choose this name when he was ordained a deacon in 1968.

For the past 5 years, Archbishop Spyridon has lived in Venice, Italy. I would like to be one of the first to welcome him back to his homeland here in America. In fact, it gives me great pleasure to note that he graduated from Tarpon Springs High School which is located in my Florida congressional district. I might add, proudly, that I was born in that city and that my wife's and my parents and grandparents emigrated there in the early part of this century.

After high school, he returned to Greece to prepare for priesthood. He studied at the famous Theological School of Halki in Turkey where he graduated with highest honors. Unfortunately, the renowned Orthodox school was closed by the Turkish Government in 1971, contrary to Turkey's obligations under international law.

It is my hope that our new Archbishop will work with me and others to see that this school is again open to train such talented people.

With a thirst for knowledge, Archbishop Spyridon pursued postgraduate studies at the University of Geneva in Switzerland. Having been awarded a scholarship by the Ecumenical Patriarchate, he then studied Byzantine literature at Bochum University in Germany.

Archbishop Spyridon has served as secretary at the Permanent Delegation of the Ecumenical Patriarchate to the World Council of Churches from 1966 to 1967, and later as secretary of the Orthodox Center of the Ecumenical Patriarchate at Chambesy, Geneva. He was also the director of its news bulletin from 1976 to 1985.

Also from 1976 to 1985, he was assigned duties as dean of the Greek Orthodox community of St. Andrew in Rome. Prior to his post as Metropolitan of Italy, he was assigned to the Greek Orthodox Archdiocese of Austria and Exarchate of Italy.

Certainly, his achievements are many and varied. Archbishop Spyridon is fluent in English, French, German, Greek, and Italian.

His Eminence brings with him the knowledge and insight that comes from having lived in America and Europe. I am confident that his energy, enthusiasm, and leadership will serve the

Church well, as he pursues church unity between the Greek Orthodox Church and the other Orthodox communities in the United States.

In addition, I am sure that his dynamic personality will help him in addressing the interests and needs of both, the American-born and immigrant members of our church.

I wish him all the best for a bright future as the new spiritual leader of the Greek Orthodox Church of America.

□ 1930

OPPOSE THE DEPARTMENT OF THE INTERIOR'S PROPOSAL TO TAX OUTDOOR-RELATED ITEMS

The SPEAKER pro tempore (Mrs. MEYERS of Kansas). Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 5 minutes.

Mr. DREIER. Madam Speaker, I rise to inform my colleagues that this weekend I had the opportunity, as I suppose many have, of seeing a political advertisement on television; we are all being deluged with these ads that are coming on, and I saw, believe it or not, a Clinton-Gore campaign ad. In this ad they described what Bob Dole and Jack Kemp have put forward as a plan to allow the American people to keep more of their own hard-earned money. As Bob Dole says so well, it is not ours; it is theirs. They describe in that ad that action as a risky tax scheme. Those three words are used to describe the plan to bring about a 15-percent across-the-board tax cut for working families in this country.

Then, back from California and to Washington, to get this amazing report that has come forward. For starters we have seen the information that the Clinton proposed tax cut, actually over a 10-year period, is a tax increase of $64 billion, but, Madam Speaker, that is just the tip of the iceberg.

The latest development came forward from the Secretary of the Interior, Secretary Babbitt, who has informed us that he now wants to implement his Teeming with Wildlife Project. Now what does the Teeming with Wildlife Project consist of? It consists of a tax increase, a tax increase of from one-quarter of 1 percent to 5 percent on outdoor-related items.

Now, when one thinks of outdoor related items, this is a very far-reaching area. Some have mentioned bird seed as one of those items that would be taxed, and others have thought about the prospect of the taxation of backpacks, and I was thinking, as children have started school this month, of the increase in the tax for those children buying backpacks, and you think of the other things that relate to this: boots and parkas and all kinds of items, and this supposedly is going into a fund that is designed to fund education, recreation, and conservation projects.

Now, this administration is supposedly talking about a tax cut when the Secretary of Interior is proposing what obviously would be a tax increase, which he claims would raise approximately $350 million, that tax on our people who are hoping to enjoy some sort of outdoor activity. It is, I believe, preposterous to have this kind of proposal come forward. As a Representative who comes to this institution from the western part of the United States, I can think of little more that would be punitive than those that want to enjoy the great outdoors, and at the rate we are going on this there might be a surcharge that Secretary Babbitt may want to impose for just enjoying the fresh air that we have out West.

Madam Speaker, I believe that it is a very, very sad day when we have got these kinds of proposals coming forward, but tragically, Madam Speaker, they are indicative of the kinds of things that this administration has done with its massive increase on middle-class wage earners and that they propose to do in the future even though they called theirs a tax cut and they described a real tax cut, that proposed by the Dole-Kemp ticket as nothing more than a risky tax scheme.

Madam Speaker, I urge my colleagues to join in opposition to this ludicrous proposal which has come forward from the Department of the Interior.

THE PUBLIC ENTITLED TO EXPRESS VIEWS ON THE KAIPAROWITZ PLATEAU

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Utah [Ms. GREENE] is recognized for 5 minutes.

Ms. GREENE of Utah. Madam Speaker, it now appears more likely than not that tomorrow the President will announce that he has unilaterally decided to make sweeping changes to the management of nearly 2 million acres of Federal land. What process has brought us to this change?

There has been no environmental impact statement, there has been no compliance with FLPMA, there has been no compliance with NEPA, there have been no public hearings, there have been no congressional hearings, there has been no notice in the Federal Register and no public comment period to allow the people of this Nation the opportunity to comment on the President's proposal.

Instead, the President proposes to lock away nearly 2 million acres of land in Utah by Executive fiat by invoking the provision of the 1906 act known as the Antiquities Act to declare the largest national monument in the lower 48 States, and in doing so, the President will render worthless over 200,000 acres of Utah land belonging to the schoolchildren of Utah since 1896, set aside by this Congress to help finance the public education of the schoolchildren of Utah, not to mention what this decision will mean to other easements and rights-of-way existing in other lands in the area.

What is the President doing? It appears that the President is going to announce the creation of a new national monument on the Kaiparowitz Plateau of Utah. A national monument is a hard thing to argue against, and indeed the Utah delegation is not necessarily opposed to the idea of creation of a national monument in the State of Utah on the Kaiparowitz Plateau. The Kaiparowitz Plateau in places is beautiful, it is a unique environment, and it is for that reason that portions of the Kaiparowitz Plateau were included in the wilderness recommendation submitted by the Utah delegation in both the House and Senate this year.

Our disagreement with the President, however, is that it is not right, it is not democratic, with a small "d," it is not American to simply decide by one individual's decision to take 2 million acres of land and change the way it is used and managed for this generation and for generations of the future without an opportunity to allow the public to express their views. If the situation were reversed, if the President was announcing that 2 million acres of Federal land by his decision would be thrown open to development tomorrow, we would be outraged, and rightfully so.

My question to the President tonight is what is the President afraid of? What is he so afraid of in his proposal that he has not allowed the Governor or the two Senators and the elected Representatives of the people of Utah to even see this proposal less than 24 hours before he intends to make it? Why will not the President allow the people of this Nation, the people of Utah, the people of the Kaiparowits Plateau the opportunity to at least find out what it is the President proposes?

If the President can do it to Utah, he can do it to anyone, and, Madam Speaker, I would suggest to my colleagues in the House and in the Senate and the people across this country that the way to make decisions about our Federal resources, the way to make decisions about what kind of country we want to live in, the way to make decisions that impact the schoolchildren of this Nation is not to do it by stealth, is not to do it without involving the elected representatives of both parties in the decision.

Madam Speaker, regardless of what the terms of the President's announcement tomorrow may be, regardless of whether he has particular boundaries

in mind or simply announces his intention to move forward, the point is that the President has done this more in the style of the old Soviet Union than in the tradition of democracy in America. It is the wrong way to make public policy and, Mr. President, I call on you to let the people have a chance to decide what to do with the lands we own.

FUTURE OPPORTUNITY FOR OUR CHILDREN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. MICA] is recognized for 5 minutes.

Mr. MICA. Madam Speaker, I come before the House tonight to and I spoke earlier today about the lack of a national drug policy or strategy and failure of this administration to protect our young people. We now see skyrocketing drug use and abuse, and tonight I am here to talk about another thing that affects our young people, and that is their opportunity for the future, their opportunity to have jobs, their opportunity to have employment, their opportunity to have income in our society which has always provided such great opportunity.

You know, we have heard from this administration about the 10 million new jobs that are created, and in fact we need to just take a minute and look at those 10 million new jobs because I have talked to people that have 2 and some of them 3 of those 10 million new jobs. They are part-time jobs, they are low paying jobs, they are service jobs, and what in fact has happened they are not telling us.

The fact is that during the years from 1993 to 1995 we lost 8.4 million good paying jobs in this Nation, people who had good paying jobs in technical areas that paid a good living wage, and those jobs were destroyed, and they have not been replaced. They have been replaced only by these part-time low paying jobs, and that is what I hear when I go back to my district; and that is not what I want for my children or for the children of America.

You know I heard the most startling news. First I hear the news on the drugs for our teens that are offered up by this administration. Now I see the trade deficit. This is the headline in the Washington Times: "The Trade Deficit Worse in a Year, Productivity Crawls Higher." Trade deficit, startling trade deficits; they are running $10 billion a year.

That means every single month we are sending more and more money overseas and we are losing a trade war, and at the end of this session it galls me to see this happen, because we had a proposal, a good proposal, to reorganize our trade activities, our international trade activities, in Washington at the Federal level. Right now we have 19 agencies dealing with Federal trade.

This is the flow chart. This is the most disorganized, disjointed, unorganized mess you have ever seen: 19 agencies, right hand not knowing what the left hand is doing, spending $3 billion taxpayer dollars, and we are getting our pants beat in the trade war. And this they reject, the President helped defeat it, the new Secretary of Commerce helped defeat it.

Instead you know what they have done for us? They negotiated lousy trade deals, and then I see in my district what those lousy trade deals have done.

You cannot see this very well, my colleagues, but this is an auction notice to sell equipment in my State near my district in Florida. It is because they have wiped out through negotiating a bad NAFTA agreement, giving up the opportunity for this Nation to produce agriculture to sell to its own people, and internationally we once led in agriculture. This is selling the equipment.

And do you know what the farmers told me that went to this sale? They did not buy the equipment; they were selling equipment. That there were people with cellular phones speaking in Spanish, and this equipment is being shipped to Mexico.

So here we see the fruits. They destroyed a good plan for organization to have some sense made out of our trade effort. Now we are selling through their bad efforts our equipment at nickels on a dollar overseas.

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Madam Speaker, this is a national tragedy. What hope does this hold for our children: Lower-paying jobs, service jobs, part-time jobs, jobs without benefits? Here they are talking about $5.15 an hour. That is what their goal is, to pay $5.15 an hour, when in my State you get $8.75 an hour for not working on welfare, and you get medical benefits in addition.

So these are the choices that have been before this Congress. This is what we see this administration has done.

You have seen what we proposed. I proposed an organization to have our trade financing, to have our trade assistance, to have our trade negotiation together so we could help our businesses, rather than hurt our businesses and send our opportunities overseas.

Instead of building a bridge for tomorrow, we are building bridges to Mexico and to other countries, with our assistance, so our goods and services cannot be shipped there, but their goods and services can come here. We are shipping those opportunities overseas, because they will not listen. Do Members know why they will not listen? They cannot stand a new idea. It drives them crazy.

If they have done it this way, if it is disorganized this way, you keep it disorganized this way. If you have 33,000 people in the Department of Commerce and 20,000 plus are in Washington, DC, my God, we need every one of them here in Washington, DC.

Madam Speaker, I have had it and I hope the American people have had it, too.

UPCOMING HEARING IN THE COMMITTEE ON NATIONAL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. HUNTER] is recognized for 5 minutes.

Mr. HUNTER. Madam Speaker, I wanted to comment a little bit about the upcoming hearing that will be held tomorrow by the Committee on National Security, myself and the gentleman from Pennsylvania [Mr. WELDON], who is here, the chairman of the Committee on National Security, the gentleman from South Carolina, [Mr. SPENCE], and our other members.

We will have before us the Secretary of Defense and a number of other military leaders to explain some of the issues that have arisen from the bombing in Saudi Arabia that took place June 25 of this year, the bombing of the Khobar Barracks, in which 19 Americans were killed and several hundred, more than several hundred, were wounded.

Madam Speaker, I think this bombing and the way it took place is symbolic of the way the Clinton administration conducts national defense, at least the American preparation. And the situation we placed ourselves in, that our military leaders placed our uniformed people in, I think is symbolic of the weakness of the Clinton administration on defense, the naivete of the Clinton administration on defense, and the fact that they tend to be, time and again, taken by surprise in this very dangerous world.

Mr. Speaker, first, a number of Americans, since the Middle East is in the headlines again, a number of Americans are asking what we are requesting to do in Iraq. They are worried about what the administration has in terms of their plan, whether they have a goal, whether they have a military operation that really evaluates all the possible contingencies.

Many people we talked to throughout the country, our constituents, say to us, we think, if we have to, we will go in and do the same thing that George Bush did several years ago in Desert Storm.

I just want to report, Madam Speaker, to the House and to our constituents, that we cannot do today what we did in Desert Storm, because the Clinton administration has dangerously weakened our forces, your forces. They took your United States Army, that numbered 18 divisions, 8 of which we sent to Desert Storm, and they have cut that almost in half, to 10 divisions.

So we cannot send eight divisions to Desert Storm if we have to, because that only leaves two left for another contingency that could take place.

They have cut our fighter airwings, our air power, and reduced them from 23 fighter airwings, so we have roughly 50 percent of the United States air power that existed just a few years ago.

They have cut our U.S. Navy from 550 ships to about 350 ships. So Madam Speaker, the Clinton administration has dangerously weakened the United States.

With respect to the attack on the Khobar Barracks on June 25, the analysis that is coming forth from General Downing's report strongly criticizes the way the Department of Defense and the Clinton administration handled the security measures that existed immediately prior to this bombing.

Let me just go through some of the criticisms: They strongly criticized U.S. central command for failing to support the enhancement of force protection measures under an increased threat. Remember, when we say increased threat, that last November, 6 months before the bombing in Saudi Arabia at the Khobar Barracks, we had a bombing with a 250-pound bomb at Riyadh. That was November 13, 1995. We should have learned something from that.

But the Downing report criticizes the U.S. central command for failing to support the enhancement of force protection measures under an increased threat, and they criticize them for creating a confused set of command responsibilities. That means that the so-called czar, this force protection czar that was put in place, that was put in place with such an undermanning of responsibility and had so little authority, that in fact that was nobody in Saudi Arabia who really was in charge of force protection.

They are also criticized for passively accepting Air Force manning and rotation policies. What does that mean? That means that in this fighter airwing the tours are approximately 90 days. That means that the command turns over, 10 percent of the command turns over. Every week, 10 percent of your command is changed, so there is no continuity of leadership, such that a leader realizes he is going to be there for a while and has a chance to settle down, look at the security problems, and address those problems. So the rotation policy is an extremely bad policy and nobody addressed that.

Let me just say one other thing about the bombing, Madam Speaker, that took place in November, that should have warned us about the Khobar bombing. That was a 250-pound bomb. We should have known that there could be a similar bomb launched on our troops 6 months later at Khobar. That occurred. I hope people will watch the hearing tomorrow and follow this analysis in depth.

TWO MORE RIDICULOUS BIG GOVERNMENT TAXES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. KINGSTON] is recognized for 5 minutes.

Mr. KINGSTON. Madam Speaker, two more ridiculous big government taxes have been put out by the Clinton administration this week. The first one is under the name of safety in the workplace as respects violence. This is an OSHA proposal, the Occupational Safety and Health Administration, megabureaucrats who love to come into small businesses and tell them what they are already doing.

This is what their proposal is. They have, through a study, detected that there is a lot of violence at night at convenience stores, restaurants, and hotels, and places that are open 24 hours a day.

So what do the Washington big government bureaucrats do? Instead of saying, maybe, that we need to address violence in society, maybe more police officers, maybe look into something that we can do, instead of going to businesses and saying, how can we help you with the problems of violence, they go to businesses and say, what are you going to do about it?

So the businesses now, through a new OSHA proposal, will be required, if this passes, to have bulletproof glass; cash registers only at street level, so if people are driving by they can see if they are being held up or not; video cameras, speed bumps, speed bumps in hotels and restaurants because that will cut down on the violence. I can just see some drug dealer saying, come on, do not rob that convenience store, they have speed bumps there; that will keep me from doing it.

There is a requirement also that you have no more than $25 in your cash register at one time, and have paperwork and training for your employees.

This is what the Clinton administration's view of private businesses are about: We are from the government, we are going to go into the convenience stores, the hotels and the restaurants all up and down the interstates, and anywhere else they might be open 24 hours a day, and say this is what you have to have. If you do not have it, guess who will be happy to sue you? Their friends in the legal community. This is just big, crazy, insane Washington bureaucracy out of control, and these are Clinton appointees who are pushing it.

What else is on the Clinton agenda? A new tax on backpacks and bird calls. This one comes from the Department of the Interior. This is one that the Clinton-appointed Secretary of the Interior says "This is a win-win situation."

What they want to do is put up to a 5-percent tax on the following items, Madam Speaker: Backpacks. That means all you little schoolkids going off, you are going to have to start paying 5 percent more for the Clinton administration tax on you; camping stoves, camping fuel, camping tarpaulins, camping utensils. That little fork is going to cost you 5 percent more if Secretary Babbitt has his way. Dry bags. I guess nobody would take wet bags on a trip. Hiking boots, hiking equipment, spray skirts for kayaks, tents, paddles, wild bird baths, film, camera, lenses. Boy, I am glad they came out with this after the Olympics. Also photo disks, binoculars; and just think, binoculars are not the only one they are picking on, monoculars, also, so you cannot get around this; tripods, window mounts, hand lenses, "how-to" guides.

When I was a kid I used to like to, and still do, liked to collect reptiles and amphibians. There is a great field guide by a man named Roger Konack. If I bought that when I was a 10-year-old or my 11-year-old son buys it, Mr. Babbitt wants my son John to pay 5 percent more on a field guide, so when he goes out and identifies fishes, reptiles, amphibians, or other insects and buys other "how-to" guides, he is going to have to pay extra, because the Department of the Interior needs money.

This is the kind of mega-big-government thinking we do not need. This is why we do not need 4 more years of Bill Clinton and the megabureaucrats. We need to put people who have common sense and have normal values and realize that the middle-class people in America are sick and tired of their taxes going up.

In the 1950's, the average middle-class family paid 5-percent Federal income tax. Today that same middle-income family pays 24-percent Federal income tax.

People are sick and tired of it. They are working harder. They are getting less to show for it. They are concerned that their children are not going to be better off than they are. They are concerned that big government and Washington bureaucrats are stealing the American dream. Madam Speaker, I think under Bill Clinton that is what is going on.

We need to have commonsense reform in government. We need to have a balanced budget. We need to have local control of government decisions, not being made by Washington bureaucracy. We need to have commonsense in government, not bureaucrats making all the decisions.

Madam Speaker, I include for the RECORD the Teaming With Wildlife Product List.

The information referred to follows:

TEAMING WITH WILDLIFE PRODUCT LIST

The following list is a draft of those products being considered for a user fee. Before this list is incorporated into the draft legislation, we are asking companies, customers (users) and coalition members to provide

feedback on this list, as well as other details of the proposal. The products listed below would have a graduated user fee of ¼%–5% of the manufacturer's price. The user fee must not act as a barrier to a product's sale. Beside each category is a suggested level for the user fee. Feedback from companies and consumers will help determine the final list of products and the percent to apply to each.

OUTDOOR RECREATION EQUIPMENT (5%)

Backpacks
Camping stoves
Camping stove fuel
Camping tarps
Camping utensils (connected/folding)
Canoes
Canteens
Climbing equipment
Compasses
Cooking kits
Dry Bags
Flotation vests (selected classes—not standard life boat vests)
Hiking boots
Hiking staves
Kayaks/Spray skirts
Mountain bicycles
Outdoor sleeping mats
Skis/Poles/Boots (cross-country, downhill, telemark)
Sleeping bags
Snowshoes
Tents
Paddles
Portable water purifiers
Prepacked camp foods
Scuba diving masks/Snorkels/Goggles/Flippers
Snowboards
Stuff sacks
Wet suits/Air tanks/Regulators/Spearguns
Whitewater rafts

BACKYARD AND WILDLIFE PRODUCTS (5%)

Wild bird seed and other wild animal feed (except seed packaged for pet feed)
Wild animal and wild bird feeders such as hummingbird feeders, suet feeders and other types of feeders
Wild bird baths
Wild bird houses, bat houses, squirrel houses and houses constructed for use by other wildlife
Nest platforms for wild birds

BOOKS, VIDEOS, AUDIO (5%)

Field guides to bird identification, nest identification, animal tracks, mammals, fishes, butterflies, insects and other animal groups
"How-to" guides such as wildlife viewing guides, hiking and paddling guides, etc.
Audio tapes of wildlife calls
CD-Rom guides to wildlife and its enjoyment

BINOC, MONOC AND SPOT SCOPES (5%)

Binoculars
Hand lenses
Monoculars
Spotting scopes
Tripods
Window mounts

PHOTOGRAPHIC EQUIPMENT AND SUPPLIES (2–3%)

Cameras
Film
Lenses
Lens filters
Photo disc
Range finders (including those designed for use with photographic cameras and parts thereof)

RECREATIONAL VEHICLES (RV'S) (¼%–½%, NO MORE THAN $100)

Campers/Motor homes/Travel trailers

SPORT UTILITY VEHICLES (¼%, NO MORE THAN $100)

HOW THE ADMINISTRATION PLAYS THE BLAME GAME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WELDON] is recognized for 5 minutes.

Mr. WELDON of Pennsylvania. Madam Speaker, the blame game with this administration continues. It is absolutely amazing. They take the credit for anything they can take the credit for, but when it comes to taking the blame for poor decisions or for problems or failures, they run the other way.

Remember, if you will, back to August, Madam Speaker, when this Congress, in three historic moves, passed welfare reform legislation, medical legislation dealing with health care reform in this country, and the minimum wage bill. The President could have had us pass health care reform 2 years ago. We were ready to pass what finally passed this body, but he held it up, because he was not sure he wanted to support that, especially in light of Hillary's plan in the first 2 years of the administration. But he took credit for it.

Then we passed welfare reform. The President vetoed it twice, but then when he read the polls in August, he realized he had better switch and come out and support the bill. He took credit for that. Then he had the Vice President go before a national group and say publicly, but next year, if I am reelected, we will use the line item veto and we will undo those portions of welfare reform that we do not like.

Then we see the President take credit for minimum wage, even through in his first 2 years, with a Democrat House and Democrat Senate, he could have passed minimum wage with no problem. He did not even raise the issue. In fact, he said it was not the time to raise the minimum wage. This President sure can take the credit, but he cannot take the blame.

Madam Speaker, I am outraged, because tomorrow in the Committee on National Security we will have a hearing on the recently released report put together by the Pentagon on the reasons why we lost 19 young military personnel in Saudi Arabia, and again, this administration will walk away from any blame. They are going to do what they do best. They are going to blame the enlisted personnel. They are going to say, it was that commander on scene who should have done more to protect our troops. They are going to say that he should have taken more steps.

Madam Speaker, what about Secretary Perry? Because if we look at this report, it says that it was not just the commander who had responsibility, it was the CINC commander. Yet Secretary Perry has defended the CINC commander, probably because he reports directly to Secretary Perry.

Madam Speaker, what amazes me the most is this administration, to anyone visiting Washington, this administration is going to extreme lengths to surround the White House so you cannot get near it. You cannot drive within blocks of the White House, because this President wants himself protected.

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Why did this President not take the same steps when we had the bombing in November of 1995 that killed our troops, when we lost the troops in Somalia because, as Les Aspin said, it was not politically correct in Washington to send additional backup support?

Any why did this President and this Secretary of Defense not provide more support for those men and women that could have prevented that bombing from occurring? We are going to ask those questions tomorrow, Madam Speaker. In my opinion, the buck does not stop with that onsite commander. The buck stops not just with Bill Perry. The buck also stops with the President of the United States. As we have seen time and again, this administration thumbs its nose at our military, uses it when it can for its political purposes, and then walks away from responsibility when incidents occur where we lose lives or we have situations that threaten our security.

Madam Speaker, irregardless of what happens in this election, and I know who is going to win, and it is not going to be the current President, we have got to send a signal that we are not going to tolerate the blame game any longer.

One thing this administration does well and it does it over and over again, from Whitewater to the scandals involving the FBI files, to the scandals in the White House that were elaborated upon in the CONGRESSIONAL RECORD last Wednesday, some 39 of them, in every case, what does our President say?

"It's not my fault. I didn't have anything to do with that. It was somebody else." And again tomorrow, we are going to hear from this administration that it was not their fault, it was some on-scene commander in Saudi Arabia doing his job who they are now going to court-martial because they want him to walk away with all of the blame. And meanwhile Secretary Perry and this administration will walk away again saying, "It wasn't our fault. We didn't have anything to do with it."

Madam Speaker, I hope that this country understands what is going on in Washington. We have a President who will take credit for everything. When it does not rain in Washington, he will say that it was his doing. When the economy grows, he will say it was all his doing. But when there is blame

to be had, this President walks away and hides. It is outrageous.

TRIBUTE TO THE HONORABLE JAMES H. QUILLEN ON HIS RETIREMENT FROM CONGRESS

The SPEAKER pro tempore (Mrs. MEYERS of Kansas). Under the Speaker's announced policy of May 12, 1995, the gentleman from Tennessee [Mr. DUNCAN] is recognized for 60 minutes as the designee of the majority leader.

Mr. DUNCAN. Madam Speaker, I have requested this time tonight and have taken this special order to pay tribute to a great Tennessean, a true statesman, we think one of the finest men who has ever served in this body, and that is our good friend Congressman JAMES H. "JIMMY" QUILLEN.

Congressman QUILLEN has served the First District of Tennessee with great distinction and honor for 34 years. Now he is ending his 34th year and he has announced his retirement. Certainly he will be missed here, and he certainly has achieved and has earned the great respect and love of all of his constituents in east Tennessee.

I will be saying more about Congressman QUILLEN as we move through this special order, and I will save most of my remarks for the end. But there are several of Congressman QUILLEN'S colleagues here with me tonight who also want to take a few moments to pay their respects and say more things about Congressman QUILLEN.

We want to start first with another distinguished veteran of this House. In this day in which term limits are so popular, many people do not realize that almost half of the House is new just since 1994, just in the last 2½ years. And so there is more turnover in elective office than at any time in history. But some of our finest Members have been some of the people who have served very long tenures in this House. I could name so many. Bill Broomfield of Michigan, John Paul Hammerschmidt of Arkansas, Chalmers Wylie of Ohio, many, many others. But one man who has served almost the entire time with Congressman QUILLEN and who, I think, without any question is his closest friend in the House is a great leader from Indiana, Congressman JOHN MYERS who has served in this House as a leader, as an outstanding member of the Committee on Appropriations since 1966.

I want to pay tribute in introducing Congressman MYERS because we are losing a great, great man in Congressman MYERS, also, from this body, because he has also announced his retirement. But I want to yield at this time to Congressman JOHN MYERS of Indiana to make some remarks about Congressman QUILLEN.

Mr. MYERS of Indiana. I thank very much Congressman DUNCAN, JIMMY. As you were reading off the names of people who served with JIMMY QUILLEN, you left one name off, the name of John Duncan, a colleague of ours from Tennessee, your father, that we had the honor of serving with, one of the true gentlemen also of the House of Representatives, certainly a gentleman from Tennessee. We miss, of course, your father John, but his shoes are filled most appropriately with his son JIMMY DUNCAN. Thank you for taking this time today.

Madam Speaker, those of us who have served here for a few years have had the opportunity, the privilege of serving with a great many true Americans. Some have gone on to become President of the United States, some have moved down the aisle here to serve in the other body. Some have become Vice Presidents. Some have gone on to be ambassadors, Governors. Some have even retired.

But tonight we honor truly one of the great Americans whom we have had the opportunity to serve with, a veteran of World War II, the Navy in World War II, a patriot, a statesman, certainly a gentleman at all times, JAMES H. QUILLEN, whom we affectionately call JIMMY QUILLEN.

JIMMY was born in Virginia 80 years ago. At a very early age his parents moved across the line, over into Kingsport, TN, where JIMMY graduated from high school. He went on to become publisher of the local newspaper, moving that newspaper into prominence, doing a great job as a newspaper publisher in Kingsport. TN.

He then went on to the State Legislature. I believe he started serving in 1954, serving for 8 years in the State Legislature. He was nominated for Speaker of the Tennessee House, served in various capacities there, in the minority most often, and served honorably there. He has served in every Republican convention since 1956, most often as parliamentarian. And so we realize the potential and capability of our colleague from east Tennessee. He has received the Golden Bulldog Award, the highest award any Member of Congress can receive for their service, the conservative service, is the only way you can win the bulldog. He has received 27 consecutive. Every year the House Members have been awarded the golden bulldog, JIMMY QUILLEN has received that bulldog. It tells you something about the reputation, about the dedication of our friend JIMMY QUILLEN. He has served so many organizations in Tennessee. So many have honored him through the years. I think about anything in east Tennessee is named after him. I visited there on several occasions. In fact, JIMMY QUILLEN invited me my freshman year, 30 years ago, to come to his district and speak on Lincoln Day, a great honor for me to go into this very senior gentleman from Tennessee, to be asked as a freshman Hoosier from Indiana to come and speak in east Tennessee. I was honored, never been invited back, but it was a great honor for me to be honored by JIMMY QUILLEN, and his district in east Tennessee.

He was elected to the 88th Congress back on November 6, 1962, and has been reelected to each consecutive session of Congress. He now has served Tennessee and the House of Representatives longer than anyone in the history of Tennessee.

Our colleagues here from Tennessee, I doubt if any of you will anywhere near come close. As you have mentioned term limits and everything else, I just doubt if you will ever get the opportunity to serve as long as JIMMY QUILLEN. In any event it is going to be very difficult to follow in his footsteps, whoever follows him here.

As I mentioned earlier, I visited his district this summer. So many things, the university, the medical school, so many things are named after JAMES H. QUILLEN because they respect this service and appreciate his service in the Congress of the United States.

His wife Cecile that he married in 1952 has not been in good health in recent years. Every afternoon as soon as we finish business on Thursday or Friday you are going to see JIMMY casting that last ballot here, inserting his card and rushing out to the airport so he can go home and have dinner with Cecile on Friday evening. A very dedicated husband. He is dedicated to the service of our country in the same way. The country is going to be at a loss when we lose a gentleman of the service, the dedication, the caliber and the experience of JIMMY QUILLEN.

It has been an honor for those of us who have had the privilege of serving with JIMMY to say he is truly a great American and most importantly he is a friend. So we thank JIMMY for his service and whoever is his successor, use him as a symbol of the dedication, of the challenge that you will have. If you can follow in JIMMY QUILLEN'S footsteps and do just any place close to the job that he has done, you will be a great American.

JIMMY, thank you for your service.

Mr. DUNCAN. Thank you, JOHN MYERS, for a very moving and eloquent and appropriate tribute to our good friend Congressman QUILLEN.

I do want to mention before Congressman MYERS leaves that all of us know that Congressman QUILLEN has for many years sat in the second seat on the second row right here, the main seat that has always been featured on C-SPAN, so when I first got here, I developed a habit of sitting next to Congressman QUILLEN, and Don Sundquist sat there in the same row of seats, Don Sundquist, who is now our Governor of Tennessee.

JOHN MYERS has always sat in the first seat on this second row. So one night we told him that this was a Tennessee row and that if he was going to

sit there, we had to induct him in and swear him in as an honorary Tennessean. So we made him raise his right hand, and we paid JOHN MYERS the ultimate compliment and made this loyal Hoosier an honorary Tennessean.

So thank you very much for your remarks about Congressman QUILLEN and thank you for your service, your great service to this country.

Our next Speaker on behalf of Congressman QUILLEN is a man who has also served this Nation with great distinction and is doing so in an especially active and leading role in this Congress, "The historic 104th Congress," as David Broder has referred to it, and that is a man who has been so very kind and has worked so closely with Congressman QUILLEN over the years, Congressman JERRY SOLOMON, the chairman of the powerful House Rules Committee on which Congressman QUILLEN has served for the past 32 years. He did not serve his first term, but I think that is a record for a Republican in the history of the Rules Committee.

But perhaps you can straighten us out on that, Congressman JERRY SOLOMON of New York.

Mr. SOLOMON. I thank you, Congressman DUNCAN. Let me just say that Tennessee seems to have a habit of sending really good gentleman to this body. Your dad was just one of those. Sometimes some of us who have a tendency to get a little excited, we wish we had that kind of demeanor that your dad had, that JIMMY QUILLEN and even this guy JOHN MYERS, who is sitting down in front of me, have. I think it is an old trait that we all certainly could learn from.

I just want to say to you, JIM ever since you took your dad's place, one thing you have concentrated on since you came here was something that I cherish very much and that was the real line-item veto and, by golly, we finally got it through. On Ronald Reagan's birthday. That made him very happy, too.

I know there are some other speakers here from Tennessee, some good men and women. So I will be as brief as I can, but I just want in rising to express gratitude to this great American, the distinguished chairman emeritus of the House Rules Committee, JIM QUILLEN, I just want to pay tribute to him for all of the guidance and help that he has given me personally over the years.

When I first was elected to the House 18 years ago, I learned how the Rules Committee functioned by watching JIM, who was then the ranking member of that committee, JIM provided sage advice that just meant so much to me.

As chairman emeritus, JIM has been a source of wisdom and the institutional memory of that committee. Believe me, over 32 years of the 34 years that he served here, he has seen so much history, and it all goes through that Rules Committee.

I did a little research to find out just when it was that JIM joined the Rules Committee, as you said, and it turned out that he was elected 34 years ago and sworn in as a new member of, my gosh, what would that be, the 88th Congress. Then he joined the Rules Committee at the beginning of the second term in 1965, and just to put it into perspective, when that was, it was the same time that a new member came to this Congress and the man's name was Claude Pepper; he joined the Rules Committee at the same time, and I had the privilege of serving on that committee with both of them.

From a check of the official Rules Committee history, JIM's record of 32 years on the Rules Committee makes him the longest-serving Republican ever on that committee. As a matter of fact, he may be the longest serving on any committee. I have not researched it that far. But it is a record which is certainly not going to be challenged any time soon, especially not by this Member of Congress, and may never be matched.

It is a record that we can all be very, very proud of for JIM.

Madam Speaker, there are some remarkable stories about JIM QUILLEN that have been passed down as a part of the verbal heritage of the Rules Committee. We sit up there night and day, sometimes 18 hours a day, and the one that I like best about the time when JIM was trying to get a dam built in his district.

□ 2000

And, JIM, I am sure you know about this. There was one small problem, and the place where the dam was supposed to be built turned out to be the home of a small fish called the snail darter. The snail darter was an endangered species which could not be disturbed, yet Tennessee needed that dam. And JIM persuaded that the fish could get along just as well whether the dam was there or not.

So to demonstrate the adaptability of the snail darter, JIM put what he alleged was a snail darter in one of the clear glass water pitchers on the Committee on Rules table upstairs. And then with the snail darter swimming around in the water pitcher, JIM proceeded to remind the Member who was appearing before the committee at the time who had jurisdiction over the law that protected the snail darter just what an adaptable fish this snail darter really was.

Madam Speaker, JIM figured the snail darters would be just as happy a little way upstream or a little way downstream as they were right at the dam site.

Now, I do not know all the details, but I am told these snail darters are still swimming happily in that east Tennessee stream up above and both below the dam.

Another story is that JIM QUILLEN does for the Committee on Rules that never got put in the same way. As chairman emeritus, JIM always makes the motion to report the rule or whatever other action that the committee is going to take. I yield to him for that purpose. JIM has a distinguished Tennessee accent. When he makes a motion, he does not rush through the reading. He takes his time and he reads it like a true Tennessean. The motions are never going to be made in the same way. We will miss JIM the way he used to do it.

Then, finally, there was the time when the committee was questioning witnesses under the 5-minute rule, and JIM suggested that his time should be extended beyond the 5 minutes because he did not talk as fast as some of his Yankee friends, like me, on the Committee on Rules. And it was only fair to have more time for this Southerner because he took a little longer to get these words out.

Madam Speaker, JIM QUILLEN has been a great Member of this body. He has set a record as a member of the Rules Committee. The committee is never going to be quite the same without the gentlemanly commentary of JIM QUILLEN. And yes, we will miss JIM. We will miss him because he is not only an outstanding Congressman, he is a great American.

As our good friend JOHN MYERS said, we are so proud to call him a friend of all of ours, and I thank my colleague for yielding me this time.

Mr. DUNCAN. Thank you very much, Congressman SOLOMON, for those very kind words.

Both of our first two speakers, Congressman MYERS and Congressman SOLOMON, have been kind enough to say some nice things about my father. I appreciate that very much because I was very, very close to my own father. And I might say that he and Congressman QUILLEN were extremely close and came from very, very similar backgrounds, families of 10 children, and very, very little money, no money. Both arrived here 2 years apart.

Of the 34 years that Congressman QUILLEN has served, for 32 of those years he has served alongside a Duncan. We have had such a wonderful relationship, our family has, over the years with Congressman QUILLEN .

Our next Speaker is another great Tennessean. Tennessee has a history and a tradition of our State delegation, both Democrats and Republicans, working so harmoniously together for State projects. Certainly one of the leaders of that is our friend Congressman BART GORDON, who has served on the Committee on Rules with Congressman QUILLEN and is here with us tonight to make some remarks about his friend and our friend JIMMY QUILLEN. Congressman GORDON.

Mr. GORDON. Thank you, Congressman DUNCAN. I think you represent us very well when you mentioned working together from Tennessee, you illustrate that.

Madam Speaker, let me also very quickly say that I had the good fortune also to serve with the gentleman's father. And no matter what humble background from where he might have started, he left a great inheritance. That inheritance was a good and honest reputation, and I know that you carry that with distinction.

Madam Speaker, I am very pleased to have the opportunity to rise today and add my salute to JIMMY QUILLEN. Mr. QUILLEN is a great American, a great Tennessean and a great friend and colleague to all of us. I think the First District knows how well he represented them and how he represented them with great distinction, but they probably do not know the service he performed for our entire State.

There is not a manual when you get to Congress that says this is what you are supposed to do or even how you get to this Chamber or how do you get to the bathroom. It really is a word-of-mouth, and Mr. QUILLEN took all of us, all of us Tennesseans under his wing. He really was the mentor that showed us the right way, the responsible way to do things, and we are all very grateful for that.

He was also the glue that really bound together the Tennessee delegation. He was our dean. He was the chairman of the Tennessee Valley Authority [TVA] caucus. And whether we had a need to work together to save TVA from being sold or whether it was a need to help one district or another district in some particular interest there for constituents, Mr. QUILLEN was the one that brought us together, that helped us work together. That is a great legacy not only for his district but also for the entire State of Tennessee.

Madam Speaker, let me just very quickly say, Mr. QUILLEN thank you. You leave this body and this Nation a better place because of your service.

Mr. DUNCAN. Thank you very much, Congressman GORDON. Another great friend of all of ours is Congressman HAL ROGERS, another one of the cardinals, one of the senior members of the House Committee on Appropriations who represents a district that touches on much of Tennessee and who has much in common with all of us from that part of the country, our good friend and outstanding leader, Congressman HAL ROGERS from Somerset, KY.

Mr. ROGERS. Thank you, Congressman DUNCAN, for the time, and thank you for taking this special order.

Madam Speaker, I rise as well as the others to pay tribute to this great man. In this age of candidates and officeholders blown dry and buttoned down, much of us looking alike, JIMMY QUILLEN stands out. He is of the old school, and I say that in a very complimentary way. He is of the old school. JIMMY QUILLEN is a character. JIMMY QUILLEN is himself. He does not try to be anybody else, and I am glad that he does not. He has lent advice and leadership and guidance for all of us as we came along.

I represent a district in Kentucky just across the line from Tennessee, my district boundaries being on Tennessee. In fact, my old district before the reapportionments of the 1990's, my district boundaried that of JIMMY DUNCAN's father, John Duncan. In fact, he was born and raised in Oneida, TN, in Scott County, which is just across the line from where I live. So JIMMY DUNCAN and his father, John, and JIMMY QUILLEN and that bunch were all of the same attitude and same ideas.

So when I came here in 1981, January of 1981, JIMMY QUILLEN, of course, had been here by that time a long, long time, as had John Duncan. And those were two people that I just sort of fell in with because we talked the same language, and we had the same ideas, and we came from the same roots and identified with people who did not speak with an accent.

So JIMMY QUILLEN became sort of a mentor for a lot of us. And in this seat right down here, I am sure it has been mentioned in the special orders tonight, this second seat from the end on the second row in front of the leader's table, the JIMMY QUILLEN seat, is the place where we sort of headquartered around. We all knew that when you tried to occupy that particular seat, when JIMMY QUILLEN came along, he simply stood there until you got up and left. This was his seat.

Now, people that are not Members of the House may not recognize that we do not have assigned seats in this body. We can sit wherever we want to, and you are entitled to sit where you want to, except that seat. That is JIMMY QUILLEN's seat. It does not have his name on it, but it has his imprint on it. We all knew this was where he sat. When he came, we all got up and left and let him have his seat. But we all hung around him, we still do, and for the reason that JIMMY QUILLEN embodies intelligence and custom and tradition and leadership and stability and the continuity of this great institution.

Madam Speaker, we are going to miss his stalwart—I mean, this is an institution in and of himself inside this institution, and those of us who over the years have gone to JIMMY QUILLEN for advice on how to vote on a given issue or what he thought about this position or that position, we are going to be bereft without his guidance. We wish him well in his retirement.

Fortunately, JIMMY QUILLEN has his good health and he has good intelligence, superior intelligence, and he is going to fare well whatever he may choose to do, if anything. But we hope that he will come back here and from time to time give us his advice on the issues that confront our country, as he has over these years.

The service this man has rendered to his Nation over these decades is going to be hard to judge. It is going to be hard to comprehend because he served so long and so well. His tenure has spanned that of many Presidents, of great eras in our country. He has, above all, represented his people so well.

Here we talk about great issues and we talk about great movements in the Nation, but all of us represent people back home. JIMMY QUILLEN did that better than anybody I know. His first interest was that of his people back home. What do they think about this? What should I do about this issue as it affects them? And so his example for the rest of us, I am going to say, is almost unexampled because JIMMY QUILLEN is one of a kind. His example for the rest of us is going to last a long, long time.

I thank the gentleman for taking this time to honor our friend and our leader and our mentor and colleague and our friend for life. We wish him well in his retirement, and we hope that he will come back here and give us his sage advice every moment that he can. I am just as sure of this, whenever he comes back, whoever is sitting in that chair is going to get up and leave so that JIMMY QUILLEN can sit there as long as he wants. I thank the gentleman.

Mr. DUNCAN. Thank you very much, Congressman ROGERS. You mentioned a couple times Congressman QUILLEN's seat, and we have already referred to it. I have to tell you one week Congressman QUILLEN had to leave to go home before our last vote of the week. I knew Congressman QUILLEN was on a plane flying home, so I sat down in his seat. And in a few minutes I got a note from the cloakroom. It said on there, message from Congressman QUILLEN: Get out of my seat. Congressman QUILLEN's staff had seen on C-SPAN I was sitting in his seat, and they sent me a special message.

Mr. ROGERS. Will the gentleman yield?

Mr. DUNCAN. I will yield to the gentleman.

Mr. ROGERS. Rumor has it, and only rumor has it, that during a 15-minute vote, when we are milling around here waiting for the next vote or event to take place, as Mr. QUILLEN is seated in his seat, usually you are seated beside him. And JOHN MYERS is there, and I may be there or ZACH WAMP or ED BRYANT or somebody, the Tennessee row here, Tennessee-Kentucky row. Rumor has it that during those votes the page would come running down the aisle

with a message for Mr. QUILLEN to call so-and-so at his office. He would, of course, retire to the cloakroom to take the telephone call, in which case you, Mr. DUNCAN, would take his seat.

Now, the rumor has it that you were the one making those phone calls to page him off the floor. Is there any truth to that, Mr. DUNCAN? Come clean now.

Mr. DUNCAN. I will deny that on the record. But Congressman QUILLEN has always accused me of having that as my system of getting him out of his seat so that I could take it over. But I can assure you and the Nation watching on C-SPAN that I am not trying to take Congressman QUILLEN's seat.

But thank you very much for participating tonight. Since you mentioned Congressman QUILLEN's record, let me just read one brief statement from the Bristol Herald Courier.

□ 2015

And it says the Bristol newspaper said this at one point about Congressman QUILLEN. This is from October 1994. It says:

> Quillen's unmatchable record of constituent service and aggressive representation for the region's interest have built him the reputation of someone who puts people first, leaving fancy Washington ways for others.
>
> His seniority has earned him the respect and deference of Presidents and Governors of both parties over the years, as well as the admiration of the legions of constituents at home. Once elected for a new term, Quillen always has approached his job as being everybody's Congressman, not just a representative of Republicans alone.

It is a model others can only hope to emulate.

Before I yield to some who are following in Congressman QUILLEN's footsteps, another man who has requested a couple of moments to speak on behalf of Congressman QUILLEN is the longtime chairman of the House Committee on Agriculture, Congressman KIKA DE LA GARZA.

Mr. DE LA GARZA. Thank you very much, my colleague. Let me preface my words about our dear friend, JIM QUILLEN, by saying that when I came to this Congress, the gentleman's father came with me, and Mr. QUILLEN was already here and was very kind and generous with his time, advice, and counsel to a very lonely freshman Member. We enjoyed sometimes traveling both with the gentleman's father and his mother. And my service has been enhanced by those two gentlemen, among a few others, Mr. QUILLEN I consider to be a friend. He has been a dedicated servant to the Nation, to his State, to his district, working always, as has been mentioned, in a quiet, gentlemanly manner.

The Myers and Quillen seats all of us respect, no matter what, the same as the Montgomery and the Gonzalez seats. I have been here 32 years and I do not have a seat yet, but I will be leaving this Congress, so there goes my seat, but I leave with very pleasant memories of individuals with whom I have served. Even though when they are your peers you really do not appreciate the greatness of the individuals, it is only when you see that they are leaving, or you leave and look back, then you see how many great Members we have had in this Congress. And certainly Congressman DUNCAN and Congressman QUILLEN were some of the great Members. Wise, dedicated, always generous with their time.

One of my most pleasant associations with Congressman QUILLEN is that he likes Texas onions. I have to bring some Texan onions whenever they come, to him. And I have always enjoyed doing that.

We do hope that all of us will one day be remembered as kindly as he will be for all he has done. And there was no, I will say it in a manner as best as I can, there was no partisanship to his service here, even though all of us knew that he belonged to the Republican Party. But he did not live in a partisan way. He did not act in a partisan way. He did not treat individuals in a partisan way. And that is how I came up in this House, with both right and left, Democrat and Republican, those Congressmen that legislated without the partisan intervention.

We are missing some of that now, but hopefully it will come back to that era when these great Members participated in debate, very eloquent debate and very in depth debate on the issues. And certainly both the gentleman's father and Mr. QUILLEN were that type of individuals.

I thank the gentleman for allowing me the time to pay tribute. This is Mr. QUILLEN's hour, but you cannot separate DUNCAN and QUILLEN because they worked together for all those years. And we revere their memory, DUNCAN's memory, and we hope that Mr. QUILLEN will continue serving in whatever capacity he chooses to serve.

Mr. DUNCAN. Well thank you very much, Congressman DE LA GARZA, for those very kind remarks. You came to Congress with my father after the 1964 elections, in January of 1965, and you have had a great record. And the country owes you a great debt of gratitude for your service to your State of Texas and to this Nation, and thank you very much for participating in honor of Congressman QUILLEN tonight.

Next, I talk about—I read the editorial in which the Bristol newspaper said that Congressman QUILLEN's model is one that others can only hope to emulate. We have three gray freshmen from Tennessee who are striving very hard to follow the great example set for them by Congressman QUILLEN, and all are doing outstanding jobs. And I would like to call on, first, Congressman ED BRYANT.

Mr. BRYANT of Tennessee. Thank you, Congressman DUNCAN. I see that we are going by alphabetical order in our freshmen from Tennessee and I think that is appropriate.

It is somewhat daunting to stand here in the well and follow such outstanding Congressmen and to try to match or emulate them and praise Mr. QUILLEN like they do. I think would be impossible. But I too have known Mr. QUILLEN's long time through Tennessee, even though I am on the opposite end of the State. He is known certainly there by reputation and for what all he has done for Tennessee over the years. But it seems to me as one of the freshmen that has come in and tried to do a lot of things here, we also are responsible to honor the tradition of this Congress and those that have preceded us, and it seems to me this year that we are losing an awful lot of people. I am not going to try to name them all, but I see Congressman DE LA GARZA there who has been the chairman of the Committee on Agriculture; our speaker tonight, Mrs. MEYERS from Kansas; people like SONNY MONTGOMERY from Mississippi, and TOM BEVILL from Arkansas and JOHN MYERS who has spoken tonight so eloquently about his friend, Mr. QUILLEN, and we are going to miss all of these people, but Mr. QUILLEN especially, being from Tennessee, is close to our heart and of course we are here to talk about him tonight.

He has a fantastic record and history that many have alluded to earlier. He was one of the youngest if not the youngest publisher of a newspaper in the United States at age 20. He was a decorated veteran in the war and served in both theaters in World War II. He has been married, by my calculations, some 44 years to Mrs. Quillen. And I think she continues to serve as an inspiration to him.

An interesting story that I heard about him. When he was first elected some 34 years ago, and I was probably back in junior high or high school in those days, I understood that the people who were with him that night took the door off the hinges of his office to indicate the open door policy that he would have. And throughout the years he served the First District of Tennessee, he has taken his staff with him to each county he represents to fully hear the concerns of his constituents.

Congressman QUILLEN truly, truly does love his constituents. He loves the medical school in Kingsport. It is named after him but he truly loves the First District. He has taken that power that they have entrusted to him by reelecting him year after year, and brought that power to Washington and brought that representation of the First District of Tennessee here and represented them so well. Such big shoes to follow.

I know that there is an election now going on in Tennessee for that seat, and I know Bill Jenkins is running in

that seat and he well have the opportunity to come here and serve and I know will do a fine job. But it is going to be awfully difficult to follow someone like JIMMY QUILLEN. Mr. QUILLEN has served with dignity. He has served with quiet, effective power as has been mentioned.

He has been on the Committee on Rules some 32 years, the very powerful Committee on Rules, and has tremendous influence on the legislation that is passed in this House. You do not often see him on C-SPAN or on television, and that is not bad or good. He is behind the scenes working quietly and not asking for praise and not asking for the honors or asking for or seeking the publicity that does with this job.

I am just so proud to have been associated with him before I came up here, but especially these last 2 years that I have served with him in Congress. That has probably been one of my greatest joys, and I would like to direct this comment directly to Mr. QUILLEN. My being able to and having the honor of getting to know him even closer and finding out that reputation, and it is true that he is indeed a great gentleman, to just deal with him as a person has been a wonderful privilege and it has been exciting.

And when people back in Tennessee continue to ask me, what has been one of your great thrills of being in Congress, that certainly has been in terms of getting to know Mr. QUILLEN better and just seeing how effectively he works and how much he loves the First District and all of those people in the First District of Tennessee.

Again, it is my pleasure to come up here and add in a small way to this great tribute tonight. I know that we are going to run out of time. I will cut my remarks shorter. It has been a wonderful occasion my 2 years to serve with you, Mr. QUILLEN, and I look forward to continuing to work with you and seeking your advice and counsel.

Mr. DUNCAN. Thank you, Congressman BRYANT.

Our next speaker is the great Congressman from the Third District of Tennessee, from Chattanooga, Congressman ZACH WAMP.

Mr. WAMP. I thank the gentleman for yielding.

Madam Speaker, tonight I want to make reference to four retiring Members, and there are many great Members from both parties that are retiring, but four that have particularly meant a lot to me: SONNY MONTGOMERY of Mississippi, a Democrat, TOM BEVILL of Alabama, a Democrat; JOHN MYERS of Indiana, a Republican; and JIMMY QUILLEN from Tennessee, a Republican.

All four of these men have meant so much to this institution and this Nation, but so much to me personally, and it is two Democrats and two Republicans that I got to know extremely well that are all wonderful human beings and they will be sorely missed. And we do have an extraordinarily high amount of senior Members retiring that need proper tribute during these final days of the 104th Congress, the final legislative days of the 104th Congress.

Madam Speaker, as you know, there are 435 men and women in this institution, but there are very few of those human beings that are actually institutions themselves. JIMMY QUILLEN is an institution. Many, many years ago the love affair of east Tennesseans began with JIMMY QUILLEN. I believe that love affair developed because JIMMY QUILLEN was willing to do whatever it took to please those people in the First Congressional District of Tennessee where he is such an institution.

I think if they called and said their cat was in a tree, that usually is reserved for the fire department, but Congressman QUILLEN's staff, I am sure, would make sure that those people got their cat out of the tree. It does not matter how small the request or how large the challenge, JIMMY QUILLEN would get it done. He was a doer, a man of action his entire career here in this institution and we are going to sorely miss that.

You know, I was about as scared when I first met him as Dorothy was in the Wizard of Oz before she met the Wizard of Oz. It is that kind of awe and reverence in the State of Tennessee in which Congressman QUILLEN has held for many, many years, and I was scared of him but I got to know the man behind the institution and I have found him to be a very funny, warm, compassionate human being with an incredible memory. Even though he is 80 years old he does not forget a thing. Sometimes I wished he would. He remembers all those stupid things that I have said in my brief career, and some of those things that I wished I had not said he does not let me forget. We have a standing joke in east Tennessee that he treats Congressman DUNCAN like his son and he treats me like his stepson but I will take that.

Madam Speaker, JIMMY QUILLEN is a great human being, and he really is like a father to me, and I just cherish the moments that I have spent with him here. I know for a fact because the man gets up and walks and stays healthy; he walks at 5:45, 6 o'clock in the morning and his chief of staff, Frances Light, is also an institution here. She has been with him basically the whole time. And Frances deserves a lot of tribute here tonight as well. As we pay tribute to this brilliant career of this man, we better remember that staff, especially Frances, who has meant so much to that office.

You know, it is the constituent service that built that institution called JAMES H. QUILLEN in east Tennessee, and it was her effectiveness day in and day out that made that office second to none, world class congressional office in terms of efficiency and effectiveness and reaching the people's needs of east Tennessee.

□ 2030

He gets up and walks and stays healthy so I know he is going to live a bunch more years and I will get to enjoy a lot more time with him.

I tell you, Madam Speaker, I love JIMMY QUILLEN and I really appreciate that my life has been blessed by knowing him personally over these last few years and hope that we have many together. I appreciate the gentleman yielding me this time.

Mr. DUNCAN. Mr. Speaker, I thank the gentleman from Tennessee [Mr. WAMP] for those very appropriate remarks. Certainly ED BRYANT mentioned Mrs. Quillen, who Congressman QUILLEN gives the most credit to for him being here in the first place. It is very appropriate that Congressman WAMP mentioned Frances Light Currie, because she has been the real mainstay of Congressman QUILLEN's staff and maybe the person most responsible for him staying here for so many years. She deserves a lot of credit and tribute here tonight also.

Mr. Speaker, we have our third great freshman from Tennessee. We sometimes save the best for last. Congressman VAN HILLEARY represents a district that covers really the whole State of Tennessee. It goes from east Tennessee all the way over the west Tennessee, but much of it joins Congressman QUILLEN's district and I would like to yield to the gentleman from Tennessee, Mr. VAN HILLEARY.

Mr. HILLEARY. Madam Speaker, I thank the gentleman for yielding.

Everything almost has been said. I want to associate myself with everything that has been said about JIMMY QUILLEN, the great man that we are honoring.

In Washington it has been mentioned he was the dean of our delegation. What does that mean? It means you are a leader. Congressman GORDON mentioned that we all get along up here in Tennessee in the Tennessee delegation, Republican and Democrat. That is absolutely true. That is especially true when Tennessee's interests are at stake, and I think JIMMY QUILLEN deserves a lot of credit for that.

He exerts that leadership when the time comes, when there is something that comes along that has to do with Tennessee. And he has done a super job of it. I think he has presented quite a role model for the fellow that is going to follow him to look up to and he has done a super job at that.

He has also exerted leadership in other ways. He has been a mentor to so many of us up here. I think for those of us who are freshmen from Tennessee,

that is especially the case. And he has been a good friend and a good mentor the whole time we have been up here. He has done so much to put us under his wing, show us the ropes. And I cannot count the number of times we have asked his advice on so many different things. He was always happy to give it. Frances Light Currie was mentioned a while ago.

I think he has also shown leadership inside the walls of that office, as she has as his chief of staff. You can tell a lot about a fellow, it seems to me, when you look at the staff that he or she has as a Member of Congress up here. How loyal is that staff. How long have they been there; is it a revolving door going in and out of that office. In the case of JIMMY QUILLEN, that staff has been there an awful long time. Many of those members have been there about the whole time with Mr. QUILLEN. That says a lot about the staff.

It also says a lot about the gentleman embodied in JIMMY QUILLEN with regard to their staff and their loyalty. They have been a super staff to him. He has been an institution in east Tennessee, and I think they have done an awful lot to make him that institution. I think he would tell you the same thing if he was sitting here.

A Member of Congress' job is split. You have a job up here and you have a job back home. Back home JIMMY QUILLEN truly is synonymous with east Tennessee, where he has been for so many years after being born in Virginia. Everything is just about named JIMMY QUILLEN or JAMES H. QUILLEN in upper east Tennessee. I have been up there many times.

I was in his district not too long ago at a Lincoln Day dinner. It was in Sevier County. JIMMY QUILLEN will tell you real quickly that that is the home of Dolly Parton and he is awfully proud of that. But I was there and really the whole Lincoln Day dinner was a tribute to JIMMY QUILLEN.

He got up finally to speak. He did not talk a very long time, but what he said was, he said, Folks, I hope that you will remember me as a people's Congressman. In fact, that is exactly what they are going to do. ZACH WAMP mentioned a while ago that there was no task too large or too small, no challenge too great or too small. That is exactly the case. He has been a people's Congressman, and I am quite sure that that is how he is going to be remembered for many, many years to come.

Finally, I would just like to say, we have a saying in east Tennessee that you can take the boy out of the hills but you cannot take the hills out of the boy. I think more than anybody I have ever known that applies to JIMMY QUILLEN. He has always remembered where he came from. He never did get Washingtonitis, and he is going back home where he loves those mountains of east Tennessee and his wife, Cecile. We are going to miss you, Mr. QUILLEN. We love you and appreciate everything you have meant to us. Look forward to working with you in the future.

Mr. DUNCAN. Madam Speaker, I thank Mr. HILLEARY for those very fine remarks. I yield to another long time friend of mine and Congressman QUILLEN's, Congressman DUNCAN HUNTER, the outstanding Congressman from San Diego, CA.

Mr. HUNTER. Madam Speaker, I thank the gentleman for yielding. I could not help but join this delegation of Tennesseans and talk a little bit about, I could not help myself from joining the other member of the Duncan caucus, Jim Duncan, who was such a good friend and was preceded by such a wonderful colleague also, John Duncan. To my other, my co-colleague in the Duncan caucus, thanks for letting me have a minute, and to watch my friend KIKA DE LA GARZA and JOHN MYERS talk about JIMMY QUILLEN and about the great tradition and all of the good things that he brought to the House that sometimes are tough to see.

I have often thought of politicians, some politicians, some members of the political establishment make a great 30-minute impression. If they have a 30-minute meeting with you, you think you are the hottest thing in the world. But other politicians and statesmen make a 30-year impression. And JIMMY QUILLEN is one of those guys who made a 30-year impression.

He is a guy whose word was as good as his bond. When he told you he was going to do something, he did it. He was a great ally of mine, a great friend of mine in the House and a friend to so many of us and had that great wisdom that he expressed in that quiet, calm Tennessee manner.

I think in JIMMY, when you watch JIMMY and you talk with him, you had a little bit of an idea of the tradition that has gone before us in this House of Representatives. I am going to miss that. I am going to miss him. But it is neat that he is leaving such a great delegation of Tennesseans to follow in his steps. I thank my friend, my cofounder of the Duncan caucus, for letting me speak just a little bit.

Mr. DUNCAN. Madam Speaker, I thank Congressman DUNCAN HUNTER, a wonderful man, DUNCAN HUNTER. I know Congressman QUILLEN will really appreciate those remarks.

Let me just conclude this special order by saying that in our book, tonight is JIMMY QUILLEN's night in the House of Representatives, a body in which he has served so proudly and with such distinction for 34 years.

As has been mentioned earlier, Congressman QUILLEN now has the all-time record, the record for longest continuous service in the United States House of Representatives for anybody from the State of Tennessee. Many great Tennesseans have served in this body, Davy Crockett. President Andrew Johnson was a Congressman from Congressman QUILLEN's district from 1843 to 1853. James K. Polk served here and, of course, our current Vice President, AL GORE, Cordell Hull served in this body; many other leading Tennesseans have served in the United States House of Representatives. But Congressman QUILLEN has a record that will never be broken and has served his constituents with kindness, compassion, with honor and dignity and has made his mark, certainly, coming up the hard way, coming up from I think what would be described as dire poverty today to reach this body and serve in the United States Congress.

As so many others have said tonight, Congressman QUILLEN, you deserve this night and this tribute and so much more for all you have done for the people of east Tennessee. All of us love you. We respect you. We admire you, and we appreciate the great service that you have performed for the United States of America. You are not only a great Tennessean but a great American. We thank you for your service to this Nation.

Mrs. MORELLA. Madam Speaker, it is my great pleasure today to honor one of the House's longest serving and most highly respected Members. Congressman JAMES HENRY QUILLEN, of the first district of Tennessee, came to the House of Representatives in 1962 already a veteran of the Tennessee Legislature. Congressman QUILLEN holds the record for the longest continuous service by any Tennessee Member of the U.S. House of Representatives since Statehood in 1796, and is Dean of the Tennessee delegation in Washington. He became a member of the House Rules Committee in 1965, and is currently serving as Chairman Emeritus, and as such, is the first member to be bestowed with such an honor.

The vast popularity and support Congressman QUILLEN enjoys in his district has resulted in numerous accolades and awards, a variety of honorary doctorates and establishment of the Quillen Historic Tree Museum. He was named Tennessee Statesman of the Year in 1986. In 1996 Tennessee Governor Don Sundquist declared January 11th "James H. Quillen Day" in Tennessee to celebrate the Congressman's 80th birthday, a fitting tribute to a man who has devoted over half his life to serving both the State of Tennessee and this Nation.

Congressman QUILLEN has dedicated substantial time, effort, and money to further the course of medicine in Tennessee, even donating $800,000 of his re-election fund to Tennessee hospitals and colleges. His most significant achievement in this area was the securing of a medical school for Upper East Tennessee, now named the James H. Quillen College of Medicine in recognition of his tireless efforts.

Congressman QUILLEN's dedication to his district is well illustrated by his "Open Door" sessions, which he has held every nonelection year since his election in 1962. These sessions were triggered when, on his election

night, supporters took the door off the hinges at his campaign office in Kingsport to illustrate Quillen's election pledge to always be accessible to his constituents. This spontaneous symbolic demonstration of his campaign promise led the Congressman to initiate the practice of taking his entire district office to each of his congressional counties to endeavor to meet face to face with all those constituents who needed his assistance. This practice has proved a great success with constituents and has played a central role in developing the popularity and support that Congressman QUILLEN enjoys within his district.

In addition to his tireless efforts on behalf of his constituents Mr. QUILLEN is also well known for his anecdotes and unique sense of humor, with which he is known for enlivening house and committee sessions. A member of my staff who is a former teacher from the Congressman's district informed me of the time he brought his class group from Washington College Academy to meet with Mr. QUILLEN in the Capitol Buildings. When the children noticed his neon red tie emblazoned with ghost, cartoons, he replied that it was "to scare the girls away!".

When campaigning during his first race for the House in 1962, Congressman QUILLEN was fond of telling the "Redbird Story," a tale that soon became his classic trademark. He told of a very bright boy who took great pride in his ability to think intelligently. One day he found a small redbird and decided to test the wisdom of a local hermit who was the region's recognized Guru. The youngster completely enclosed the small bird in his hand and asked the hermit if the bird was alive or dead. If the hermit said the bird was alive, the boy would kill it. If the hermit said that the bird was dead, the boy would release it unhurt. When he asked the Great One the alive or dead question, the hermit simply replied: "Its life is in your hands". For Quillen the story had great significance, and after telling the story at campaign stops, he would add that "My political future is in your hands." This is an observation that has never been forgotten and is constantly reflected by Mr. QUILLEN's overwhelming commitment to his district.

Congressman QUILLEN has enjoyed the support of a highly committed and loyal staff—many of whom are constituents of mine. I would like to commend Dee Kefalas, Brenda Otterson, Ellen Phillips, Ben Rose, Sue Ellen Stickley, Richard Vaughan, and long time chief of staff Francis Light Currie for their years of support.

Mr. QUILLEN's professionalism, dedication, and humor will be greatly missed both by his constituents and this Congress. May I take this opportunity to wish Congressman QUILLEN and his wife Cecile the very best for a long and happy retirement.

Mr. TANNER. Madam Speaker, I rise today to pay tribute to the Honorable JIMMY QUILLEN, the distinguished dean of the Tennessee Congressional Delegation, who will be retiring at the end of this historic 104th Congress. Mr. QUILLEN's attributes and accomplishments are well known. We should all be proud of his outstanding length of service to the people of the First District, the State of Tennessee, and the Nation. He holds the record for having the longest continuous service by any Tennessee Member of the U.S. House of Representatives since Tennessee statehood in 1796. This is truly a record that will probably never be matched.

When you travel in Mr. QUILLEN's district, as I do when I drive back to west Tennessee, one cannot help but notice the beautiful mountainous region that he represents that was home to former U.S. President James K. Polk. In addition, one cannot help but notice the many wonderful tributes that have been bestowed upon Congressman QUILLEN and his family throughout east Tennessee. You literally cannot drive through east Tennessee without passing by a facility, or traveling on a road, that has been named in honor of Mr. QUILLEN and his family. He has served his constituency for 33 years and the institutions in Tennessee that bear his name are a testament that he serves with honor and dignity. Voters trust Mr. QUILLEN to be fair and to adequately represent their views in Congress. His famous "open door" policy that he began on election night in November of 1962 was not only one that he practiced with his constituents, but also was extended to every member of the Tennessee Delegation, regardless of party affiliation.

I have had the honor of serving with Mr. QUILLEN, and his wonderful staff, since 1989. Mr. Speaker, I know that you join with me, my staff, and the great people of Tennessee and the Nation in saying thank you to Congressman JIMMY QUILLEN for a job well done. I wish him and Mrs. Quillen Godspeed during his retirement. We all will certainly miss him.

EDUCATION CUTS IN THE 104TH CONGRESS

The SPEAKER pro tempore (Mrs. MEYERS of Kansas). Under the Speaker's announced policy of May 12, 1995, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes as the designee of the minority leader.

Mr. OWENS. Madam Speaker, we are moving toward adjournment. There is a rumor that we may be adjourning the 27th or the 28th of September. And there are some very important unfinished business items that relate to education which I would like to discuss tonight. The session is coming to an end, and it is kind of hard to get information. We seem to be treading water, and I suppose behind the scenes there are some fruitful negotiations taking place.

This is the end of the 104th Congress, the Congress that came in like lightning in January 1995. We came in and we had sessions at one point every day of the week and for 6 months a nonstop agenda. Now as we draw to the end of the session, the close of the session, there is a great calm that has settled over us. I hope it is not the calm before the storm. But the last few months, things have been sort of slowing down.

I want to congratulate the American people for having made that happen. Things have slowed down. The rapidity of the movement, the extremism that characterized the first few months of this session, we can all do without. It is just as well that we do not have it anymore. It is the public; it is the people out there with the common sense that should take the credit.

Everybody in Congress, everybody who is in politics knows how to measure public opinion. They listen to public opinion, and what happened in this case is that the extreme agenda was not a subtle agenda. It was quite open and honest. I congratulate the leaders of the 104th Congress, the majority Republicans, they were honest with their agenda. They laid it out there and people knew just what was going on.

They knew that drastic cuts were going to be made in education, drastic cuts would be made in jobs programs, drastic cuts would be made in housing programs. They knew that Medicare, Medicaid would be cut. They knew the agenda and, with the help of some spokespersons from the Democratic side to get them to understand it, slowly public opinion began to manifest itself and the people who listened to it on both sides, including the Republican majority, have come to the conclusion, I think, that in certain areas they are not going to hold, they are not going to continue the kinds of contempt for public opinion that was manifested in the first half of the 104th Congress.

Public opinion had been out there all the time making certain things clear. It is not that this is some new development. The public has always made it clear that they prefer education to be a priority of the government at every level. The polls have shown that for the last 5 years. Education has always been one of the top five priorities. It moved to the top, last 2 years one of the top three priorities. So for the leadership of the 104th Congress to insist that drastic cuts were going to be made in education was to sort of hold the public opinion process in contempt and to turn their back on the common sense of the American people.

Finally they have heard. Finally, as we move toward the resolution of the first budget, the budget for fiscal year 1996, after the two shutdowns and a lot of drama, one of the things that happened was that the cuts in education were rescinded. They were given up they gave up on the cuts in education.

Yes, there were humongous cuts in other areas, extreme cuts in other areas. I think the most extreme cuts probably took place in housing. But there were cuts in job programs, job programs. There were a number of cuts, 22 billion dollars' worth of cuts still took place, despite the retreat on education, $4.5 billion for education and labor, and they retreated on most of those related to education. Head Start was not cut. The title I program was not cut.

So we had an acknowledgment by the Republican majority that the common sense of the American people, which

said over and over again education should not be cut, education is priority, they bowed to that.

□ 2045

They bowed to that, and I hope they continue to bow to it. We do not know for certain, because in the appropriations bill that passed the House of Representatives before we went out for recess, there was an appropriations bill for the health and human services, education, health and human services, and in that bill there were still some drastic cuts for education programs.

No, they did not cut Head Start any more, and they did not cut title I any more. Those are too highly visible. They did cut Goals 2000. They did a number of other cuts, and you still had a kind of war with the common sense of the American people in respect to education being made a priority.

That situation still exists today. The appropriations bill passed by the House of Representatives is there waiting for action by the Senate, and we have heard that there is good news. Rumors are that the Senate may agree with the Democratic amendment that proposes to restore the cuts made by the House of Representatives in the House of Representatives budget, and not only to restore them, but to increase them. It means that the leadership of the Senate, the Republican leadership of the Senate, is listening, above the heads of the Democrats in the Senate, to the vast majority of the American people out there.

Madam Speaker, public opinion, common sense is registering. They have heard, and it looks at if we may come out of the 104th Congress with all the cuts restored and, perhaps, an increase. There is a rumor that the amount of money for education may be increased above what the House bill passed, substantially above that amount. It is very good news, and it is a victory for the common sense of the American people. The American people are to be congratulated for consistently insisting that education is a priority.

We came into this 104th Congress with the Republican majority proposing that the Department of Education be eradicated. It was that extreme; in 1995 we had a proposal on the table that the Department of Education be eradicated. The superpower of the world was going to do without a Department of Education at the Federal level. It will be the only government of any of the industrialized nations that has no central agency at all relating to education. It would have been a very barbaric and primitive kind of action to take, but it was proposed. It was proposed seriously.

I serve on the Committee on Economic and Educational Opportunities. That is the name that it has now, but for the other 12 years that I have been here it was called the Education and Labor Committee; and before our committee earlier in the session, in 1995, we had two men who should have known better come before the committee and testify that they wanted to abolish, eradicate, the Department of Education.

We had Lamar Alexander, the ex-Secretary of Education. He was the Secretary of Education under George Bush in his last 2 years. Mr. Alexander was proposing that we abolish, eradicate, the Department of Education. We had Mr. Bennett, who had been the Drug Czar, and he had once also been head of the Department of Education before also proposing that this civilized Nation, the leader of the industrialized free world, should not have a Department of Education.

So we are a long way from that kind of extremism; you know, the kind of extremism which followed that proposal with a proposal that we cut school lunches to the bone and that we take title I, one-seventh of the funding for title I, $1.1 billion; that we cut Head Start, which has never been cut in the history of its existence. That kind of extremism was rampant in the first half of the 104th Congress.

As we come to a halt, as we near the end, I am pleased to observe that we are going out not with a bang, but with a whimper. We appreciate the whimper. We have had enough extremism. Extremism is not good, and the Founding Fathers understood the need to have a check on any kind of rapid movement, any kind of blitzkrieg of ideas, a blitzkrieg of programs when they created the two Houses. They knew that one House would have sort of a calming effect on the other. Certainly the Senate, a more deliberative body with a longer term, was to be kind of a brake on extremism, and I think we should applaud the Founding Fathers again. It has worked; the other body has been a brake on the extremism in this House.

And now the other body has come to the rescue of the education appropriations. We are probably, according to rumors, going to get from the other body an increase in the education budget paid for by some very innovative program that I had mentioned 6 months ago, the possibility of using the income from the spectrum to help with our revenue problems, and I see that that is coming to pass. It is a concrete proposal in the Senate that the income from the spectrum should be used to fund this additional amount of money for education.

So we hope this key bill will really move forward in accordance with the rumors, that the positive kinds of things that are being talked about in the rumors will become reality and that the next few days, before we leave, we will see an appropriations bill emerge from the floor of the Senate, which will then go to conference, and we will have—we hope that the Members of the House will still be listening to the voice of the people, the common sense of the American people, and that they will be reasonable about returning education to a status of being nonpartisan activity.

Probably more important than foreign policy, education should be a bipartisan and nonpartisan activity.

You know, we used to have a sort of unwritten rule that was understood that foreign policy was bipartisan, you know, or even nonpartisan. That rule has been broken quite a bit by this present Congress, but maybe it applies, or should apply more so, to education. And we return to a situation that did exist when I first came to Congress where on the Committee on Economic and Educational Opportunities there would be intense arguments about how to do something, about which way we wanted to proceed to improve education, but there was no argument about the fact that we needed an education department.

We needed a Department of Education, and we needed to have an investment in education. How we would do it was a great bone of contention, but nobody ever proposed that we have drastic reductions in the role of the Federal Government in education.

Congress must keep its eye on this prize. Education ranks high in the minds of the people because they understand, they have a wisdom that endures, and they understand what is important and what is not important.

This has now been translated into the platforms of both parties. I think both parties have some strong statements about commitment to education. I do not think you still have in the Republican Party platform anything about eradicating the Department of Education. I think you have very strong statements in the Democratic platform, and you have very strong statements that are being made every day by the President about the commitment we need to make further to advance this Nation on its education agenda.

It is understood that national security, a great part of national security, is what we do in education. It is understood that the H.G. Wells statement that history is a race between education and catastrophe is truer than ever before, that we will have catastrophe if we do not rise to the occasion and make certain that this leader of the free world, this leader of the industrialized world, has the best possible education. An educated populace is our most valuable asset. An educated populace is our first line of security.

We should not have what has occurred in this 104th Congress; that is, a Congress proposing a $13 billion increase in the defense budget while it proposes a $4 billion cut in education programs. That is exactly the opposite

of what we should be doing. Our defense, our security, is very much tied up with education.

And I want to note, you know, that there are many people who understand this. Because there are so many different groups in America who understand this and have become more and more vocal, they have heard the call for help, they have heard the call to protect. We needed to protect ourselves from the extremism, and more and more the widespread and diverse support for education has manifested itself, and that is good. You know, let all flowers bloom; you know, let everybody who is interested in education come forward and participate in the process of getting a clear sense of direction as to where we should go with education.

It is not enough just to support it, it is not enough just to applaud the restoration of the funding at the Federal level. We must have a clear sense of direction as to where it is going to go. We must have a clear sense of how we are going to behave in our localities, the municipal governments, and a clear sense of how we are going to behave with our State governments and just what kind of commitment we are going to make for education as we go toward the 21st century.

The President has a good vision, but the Federal Government is only a small player in the whole education drama. The Federal Government, at most, has spent about 8 percent of the total education budget. At the height of Federal spending for education it did not get beyond 8 percent. The rest of the money is provided by local governments and State governments.

What is most important for the Federal Government is that it be the role model, that it be the drum major, that it set the tone; and that has been a positive development over the years that came to a halt with the advent of the 104th Congress. The tone was just the opposite. That the tone here in Washington was that the Federal Government should back away from the commitment, and, as a result, you have had commitments, retreat from commitments, in a number of States and a number of localities.

Certainly in the locality that I represent in New York City there has been a great retreat, a movement away from the commitment to education of the kind needed. We have in New York right now a good example for all of America to take a hard look at as to what happens when you have a retreat from a commitment to an investment in education.

There were 91,000 young people who reported for school on the opening school day who had no place to sit in New York City. This is hard to describe to most people throughout the country because 91,000 people, 91,000 students, is greater than the number of most school districts. Most school districts, you know, are in the 10,000 to 20,000 range, and many are much smaller than that, school districts. But here we have the New York City school district which has more than a million pupils. You know, at the height of the New York City enrollment, it once reached 1.2 million.

So we are not at a point now where there are more children than the city has ever had. We once had 1.2 million in the enrollment of the New York City schools. But the city is not prepared right now to take care of 1.6 million pupils. It is not because they have never had the situation before; it is because we have leadership that has no vision, a leadership that chose to not listen to the voices of common sense, to not listen to the constituency of the city, to the parents.

We had a chancellor of the schools who laid out the problem very well 2 years ago. He laid out the problem, he proposed a solution; he proposed a program to make the kind of repairs that were necessary so schools could be repaired, he proposed to build schools where they were needed, and it was all there.

So it was not that the vision had not been laid out by someone, an educator who understood what was going to happen. His name was Ray Cortines. He spent some time in Washington. He was a superintendent on the west coast at one point. He was well respected as an educator.

Well, he was kicked out of the city hierarchy. He was hounded to the point where he had to resign because he insisted that you have to prepare for the problems that you are going to face with respect to schools that are too old and crumbling, not safe, and we need to replace those, and we have a situation where, in certain areas of the city, the population is growing at a rapid rate.

□ 2100

So we were not prepared. Came the opening of school, and 91,000 young people had no place to sit, because the vision was not there.

If, in a highly visible situation like this, if there are no places to sit, if space, if the capacity to seat the children is not there, then you know that many other elements of the educational system also are in disarray. You cannot see the quality of teaching, you cannot easily see the quality of equipment and supplies, but if the basic space capacity is not there, then everything else is suspect.

There is a collapse in the education system in New York because of bad leadership, because leadership was extreme in another direction. The mayor was intent upon making tax cuts. The mayor was intent on sending a message that we would not spend as much for education as we have been spending in the past. It was a new mayor, a Republican mayor. He had some extremist views on certain items, and he put blinders on. Now the reality is there, the children had nowhere to sit.

In the midst of the reality, what has happened? We have had a refusal to recognize the reality. There is a great debate that the mayor has started about placing 1,000 of the 91,000 youngsters in parochial schools. There is a great debate about the fact that the parochial schools, the Catholic schools, have specifically said, we will take 1,000 youngsters, not just for this year but we will take them and we will take your worst youngsters, your most difficult in learning, et cetera, and we will keep them through our whole 6 years or a whole 8 years of schooling. You have to pay for them, though. You pay us what you spend per child.

That is another form of choice. In this case a religious school is involved, and there are questions of the constitutionality of it arising. All of that was pushed to the side because private industry said, we will pay for them. We will raise the money. You do not have to use public funds.

The mayor is busy applauding himself and going on to take care of 1,000 youngsters, and I want to congratulate him publicly for getting the private sector to put up money to educate 1,000 young people. I hope the private sector is going to provide $2 million per year, not just for this year but to keep the kids in the Catholic schools.

We are interested in children being educated. I do not think anybody should stand on ceremony and say this is not the right solution, it sets a precedent.

One thousand of the 91,000, good luck. We congratulate the mayor for saving 1,000. But what about the other 90,000? What are we going to do about them?

So I come back to my original concern here; that is, that if the Federal Government is going to drift back on track, if the public common sense is going to penetrate the beltway, if the public common sense is going to penetrate the House of Representatives' leadership, if we are going to come back to the reality that the people want education to be made a priority, that the people want an investment in education by every level of government, starting with the Federal Government, that the Federal Government is going to begin to set an example and become a role model again, then my concern is that we understand that this is not enough.

We applaud the President and his long platform related to education. We applaud the proposal that something be done about construction. It is a proposal that comes kind of late, but let us hope we can get it off the ground next year, with a small amount of money the Federal Government proposes to stimulate investment and construction for schools.

Senator CAROL MOSELEY-BRAUN and I, 3 years ago, authored a provision in the Elementary and Secondary Education Act which called for $600 million to be spent for construction and repairs, especially in situations where you had asbestos and you have lead in the water and you have unsafe conditions in the schools.

The $600 million that was authorized was cut down immediately in the appropriation process to $100 million. That was in the 103rd Congress. When the 104th Congress came in, one of the things they zeroed out right away was the $100 million for emergency repairs and construction. So there is nothing existing in Federal law right now which will give any aid to localities that need help with buildings, with space, with asbestos problems, with lead poisoning problems, with fire violations.

The city of Washington, DC, had several schools closed down on the opening day of school because they had fire code violations.

The mayor of New York says that, really, we do not have a problem with 91,000 youngsters; that really there are places for them to sit on the floor. There are just not desks for all of them; or that maybe there are places for them in other schools. New York is a big city. It has 8 million people. If you bus kids around to places where they have a few empty classrooms or empty seats, if you get it all together, you can find seats for half of the students.

Madam Speaker, I applaud that. If you can get it together, Mr. Mayor, please do, because you have 1,000 that you have taken to parochial schools; there are 90,000 left. If you can take half, move them around in buses, however expensive that may be, or however disadvantageous that may be for young children, if you can do that, then you have 45,000 taken care of. But what about the other 45,000?

And when you get through placing them, you acknowledge, the mayor acknowledges, the school board acknowledges, that many of them are in gyms. And they consider that normal now, because they have been in gyms holding classes for several years now. Many of them are in closets. Many of them are part-time in the cafeteria. Many of them are in small auditoriums. There are various innovations that have been accepted as normal.

So what if you began to meet the fire code violations, the fire code, and end some of the violations which must exist if you have youngsters packed into some of these spaces? Or health code violations, ventilation problems, where you do not have youngsters in a room with the proper ventilation? If you ended all those, our 45,000 of student problems would increase back up to 60,000 easily.

We have a major problem. We have a major problem. No matter what happens here in Washington, no matter how positive the appropriations bill is when it comes finally to the floor, and we will be finished with the appropriations process for this year, it will not help that situation very much, because we do not have anything in the appropriations bill for construction, for repairs. So there is a need to call upon the Federal Government in the future, yes, but there is a need right now at the local level, at the State level, to deal with an emergency.

We have got a generation of children, we have 90,000 young people, who, if we do not solve the problem this year, we partially solve it and it impacts them next year and the next year, what kind of education are you providing for those 90,000 young people? They cannot wait.

The Mayor has said this situation is going to be with us for quite some time. Let us understand, we cannot solve it overnight.

Whose children are involved? If your child was involved, would you be as calm as the mayor is, and say you cannot solve the problem overnight? Or would you be angry? Because we had a chance with Abe Cortines who predicted 2 years ago that we have a problem, and he was driven out of town by the harassment of this same mayor.

One of the items that I have on my agenda tonight is a discussion of National Education Funding Support Day, and that has a lot to do with Washington, of course, but it has more to do with the local level.

What I am trying to do, and this is a project that was conceived of by the National Commission for African American Education, the project was designed to try to engage local communities in the fight for getting more funding for education, to wake up people to the fact that education is something that is very essential, but we cannot take it for granted.

You cannot take for granted that the local officials are going to do what they have to do to plan to avoid having 90,000 kids in New York City not have seats. You cannot take for granted. There must be an involvement at all times by citizens, not just the parents but all of the citizens.

So National Education Funding Day, Funding Support Day, is designed to try to allow an opportunity for the businesses, for the labor unions, for the churches, sororities, all of them to get involved. We encourage them to do something for education. It is kind of a plagiarism on the National Night Out Against Crime.

The National Night Out Against Crime started, and it leaves it up to the locality to be innovative. You decide what you want to do to show that you are not afraid of criminals. You decide what you want to do to protect the fact that maybe the government is not doing enough about crime.

So we saw that phenomenon take place across the country and it caught on. People came out and they are very much active in the National Night Out Against Crime. I think it is on a Tuesday night in August.

So we are calling for a National Morning Out for Education. The date is October 23 this year. It was earlier than last year, which was November 14. National Morning Out for Education is what we are calling for National Funding Support Day.

Let any organization take part. Hopefully they will relate to an education institution, not just schools, but day care enters, Head Start centers, colleges, from kindergarten to graduate school. Let us do some things as laymen which show that everybody is concerned about education, we understand the importance of education.

By doing that as laymen, we send a message to the decision-makers. The elected officials, the people who are supposed to make decisions, will maybe begin to understand that what we have read in the polls is real. They have ignored the polls. The polls say that people at every level set education as one of the high priorities for government investment. They keep saying that. But for some reason the decision-makers are blind, or refuse to recognize that fact.

I do recall with great joy that we had a problem with libraries in New York City for years, getting enough funding. Public libraries were not being funded properly. I am very close to the situation because I am a librarian. I worked for the Brooklyn Public Library for 8 years before I went into city government.

We organized and we showed the elected officials for the first time that the best bang for the buck that you get in public life is through public libraries. You get more out of what you spend for public libraries than you do for any other activity, certainly any other educational activity. More people participate, use the books, use the facilities. The ratio of the dollars you spend to the good you achieve to the kind of help you give people is fantastic.

We finally made a breakthrough, and in the last mayoral election both candidates were vying with each other to see who could do the most for the libraries. That is the kind of breakthrough that I am optimistic about for education in general.

I think we are facing a golden age, that we have seen the worst. The early days of the 104th Congress were the worst days for education. Nobody in the future will ever propose that we eradicate the Department of Education again. I do not believe that is going to happen again.

I think we are on the verge of a new education-industrial alliance, that business understands that it is not

going to be able to just offer rhetoric about the need to have improvements in education. It is going to have to be consistently more involved, that business is going to have to be involved in terms of supporting the kind of government investment in education that is necessary, which if that means more taxes, maybe they will follow the example of the Senate and come up with more creative ways to get taxes, like using the sale of the spectrum.

Why not? The spectrum belongs to all of us. Why have we allowed it to be used for free all these years? The big broadcast industries have used the spectrum up there. It belongs to all of us. They have made billions of dollars. Why did it have to be given away to them for free?

Yes, we did, in the early days of the Nation, we had land grants. We had various ways that we gave land to people, so I guess giving the spectrum away was sort of following that.

The only problem with giving the spectrum away to the broadcasters is that there were only about four major broadcasters. Land grants went to thousands and thousands of people, and the grants of the spectrum, which were not seen as grants, they were given away to four major big broadcasting networks.

So we ought to come back to using that kind of revenue, capturing that revenue to put it into productive activities like education. People like Felix Rohatyn, I like to cite him because he is no wild-eyed liberal, he is a businessman, a multimillionaire, maybe a billionaire, and when he makes proposals people listen, because he has demonstrated in their milieu, the hard-nosed milieu of finance and business, that he knows what he is doing.

So the latest proposal of Felix Rohatyn, who was considered at one point for the Federal Reserve Board, but the name was dropped because of opposition it was felt it would meet from the Republican-controlled Senate, but Felix Rohatyn's ideas have been talked about for quite a while in a number of circles, conservative and liberal. He has come up with a simple proposal that ought to strike home here.

□ 2115

Viewing the chaos in New York in respect to schools and space and knowing that we have an extreme situation in New York, but it is not so different in Chicago, in Philadelphia, in Los Angeles, all of our big cities are in trouble in terms of aging infrastructures for schools. Big cities happen to be where most of Americans live. Most people want to dismiss cities as being lost causes. If you dismiss cities as being lost causes in America, what you are doing is dismissing the majority of the American population as being a lost cause, because the majority of the American population, overwhelmingly they live in cities.

Cities drive our cultures and cities have a lot to do across the world and throughout history with progress and advancement and the cities' role, you cannot substitute any other entity for the kind of role that cities play. If cities decline and cities decay and cities are no longer functional, then nations will no longer be functional. I hope that some day that gets through to our political decisionmakers.

Rohatyn understands this. Rohatyn has been involved when New York City was in fiscal trouble, he became the head of the Municipal Assistance Corporation, which is something like the Washington Financial Control Board that we have in this city now, and after his term there, he was still interested in the city and he proposed some concrete proposals that were not listened to. One of them related to schools.

I am going to read from an article that Rohatyn wrote for the Wednesday, September 11 issue of the New York Times, an op-ed piece by Felix Rohatyn. I will just read some sections of it. Rohatyn says that a decade ago, and, remember, he is responding now to the fact that 91,000 young people did not have a place to sit in New York city schools when they went to school.

A decade ago, in response to the abysmal state of New York City's public school buildings, the Municipal Assistance Corporation, with the support of Mayor Edward I. Koch and Gov. Mario Cuomo, committed $400 million of its surplus funds to creating a new School Construction Authority. This became the cornerstone of a five-year, $4.5 billion construction program aimed at providing decent schools and allowing for increasing enrollments over the next few years.

Yet today the system is more overcrowded than ever. The buildings are often decrepit and, in many cases, dangerous for the children and the teachers. In part, this is the result of poor management * * *.

In 1994, Ramon Cortines, then the Schools Chancellor, and the city's Commission on School Facilities and Maintenance Reform, led by Harold O. Levy, submitted a $7.5 billion, 5-year capital request. Mayor Rudolph Giuliani, struggling with the city's budget gap, gradually reduced this request to $2.9 billion, and later to $1.4 billion, and even the $1.4 billion is now no longer guaranteed.

Such problems are not limited to New York City or to schools. Practically, every large city and state face deteriorating schools, roads, bridges, mass transit systems, sewers, and pollution-control plants. Few have the money to make repairs or build anew, and many have legal restrictions on their debt capacity. They need Federal assistance—specifically a program that would return an existing source of Federal revenue over to state and local governments.

During the Presidential campaign, the 4.3 cent-a-gallon increase in the gas tax that was included in President Clinton's 1993 budget package has come under attack. Repealing it would be bad energy policy and bad economic policy. But it is worth considering a better use for the gas tax than Federal deficit reduction: making it available to state and local governments for public investment.

Localities could spend the money directly on construction and renovation, or leverage the funds with secured borrowing. State and city governments have been cutting back on public investment because of budgetary problems and legal limits on their abilities to issue bonds.

The income from a 4.3 cent Federal gasoline tax has the benefit of being highly predictable. It would provide about $5 billion to States every year, making it ideal for very long-term bonds issued for public investment.

Nationwide, this could comfortably support from $75 billion to $100 billion in new programs by state and local governments over 5 years, assuming that they would pay an additional 20 percent to 25 percent of the cost beyond their take on the gasoline tax.

With its share, New York State could generate $5 billion to $7 billion over the period. Each state would decide how best to use the money, but a significant portion would be committed to new schools and education technology.

Such a program could result in more than buildings. It could create at least 2 million new jobs, public and private. Most would likely be well-paying jobs related to construction. Others would be less specialized jobs that could be opportunities for young people who need a chance to break the cycle of welfare.

Under the new Federal law, finding work for welfare dependents is a hidden time bomb for state governments.

Yes, the money will be lost to the Federal treasury. But replacing $5 billion each year in a $1.5 trillion Federal budget is a small challenge compared with the benefits of $100 billion of additional investment in cities over 5 years. The program would undoubtedly receive strong support from mayors and governors, Republicans and Democrats, business and labor.

A program that would give city and state governments $75 billion to $100 billion would provide only a fraction of the more than $2 trillion needed nationwide for public improvements. But, if successful, the program could be extended and increased over time.

President Clinton has recognized the need for Federal assistance to state and local governments by signing the bill sponsored by Senator Carol Moseley-Braun, Democrat of Illinois, providing interest rate subsidies for local school construction. This was a good beginning, but it is not nearly enough.

Mr. Clinton has long called for public investment, yet neither party has put forth a program to meet the challenges facing urban America.

Turning the revenue from the gas tax into schools and other badly needed public buildings would be a large part of Bill Clinton's bridge to the 21st century.

End of the article by Felix Rohatyn in the September 11th New York Times.

I said before Mr. Rohatyn is a businessman. He is a millionaire, he has to pay lots of taxes. He understands very well what he is proposing. The gas tax exists already. We have had a lot of controversy about repealing it. He says leave it in place, distribute it to the States and local governments, and he thinks the State governors and the mayors of municipalities will be quite happy to have this kind of innovative action by the Federal Government which will stimulate them to match

them it to a certain degree and move for some improvements, including improvements on much needed educational facilities.

I have not even talked about the deterioration of the infrastructure of our colleges. We have a municipal college system, city college, City University of New York has 200,000 students. They have a problem with buildings, too. I have not talked about that.

My point is that I hope that we can look forward to some good news in the appropriations bill that comes from the conference of the Senate and the House. I hope that that will be a signal that we are ending the era of the attacks on the Federal role in education. I hope it will be signal that we are back on track, that education will again be a bipartisan activity. If nothing else comes out of this election year except that one positive feature, it will have a lasting impact on where the country is going.

We are talking about a revolutionary time where education is really as important as the rhetoric says it is. We have had rhetoric about how important education is for decades, for centuries, but it has never been more important than it is now.

I was fortunate enough to visit Russia, the former Soviet Union, this past summer, a seminar in Leningrad. Among the many things that I noted, one is of course the entrepreneurial spirit that has blossomed so quickly among Russians. Human beings are natural entrepreneurs and decades and decades of communism does not wipe out that spirit. So you are very impressed with how quickly it comes alive.

The other thing that is most impressive is the tremendous degree to which the population is educated. It is a tremendously educated population. I do not just mean literacy. This is an industrial nation. This is a nation with a population that has an industrial education, a technological, scientific education.

Yes, they had the worst political scientists in the world, but do not take that to mean that they do not have good scientists otherwise. The problem was political scientists are never given much credit, they are not celebrated like the other scientists, but the Soviet Union existed and plodded along and finally collapsed the way it did because they had the worst political scientists in the world. But they had scientists who put the space station up there that we are now rendezvousing, our astronauts are now going to their space station, and we should not forget that, that the kind of education, higher order education, theoretical, physics, chemistry, metallurgy, whatever you want to name, in a modern, industrialized, scientific society, it exists in Russia.

They understand computers very well. They are far behind us because their political scientists did not want to have an Internet. They did not want to allow a mass production of computers. They did not want to have decent telephones because they did not want people to communicate with each other. The political scientists wrecked the economy and almost wrecked the society once and for all, but it did not wreck it to the point where the education, especially the scientific and technological education, is not there. So you have Russia, you have other eastern European countries, you have Germany, you have numerous stations where education is far superior for the masses, far superior to the education that we provide here.

We talk about global competition, we talk about a small world, we talk about being able to hold our own in very loose terms, but it is very real. An educated population is our only guarantee that our society will be able to hold its own in terms of maintaining its market share, maintaining its standard of living. It can be drastically undercut. If you can have mass production of computer scientists in some other country, not just the Soviet Union, Russia, or Germany and the industrialized nations but in a nation which is a developing nation like India.

India has computer scientists on a par with computer scientists anywhere in the English-speaking world. So you have many computer companies who need computer programmers hiring people from India to work for wages of one year which is equal to one month's salary for American computer programmers. In fact, they call Bangalore, India the capital—and I have mentioned this before—Bangalore, India, is called one of the capitals of computer programming because if they do not bring the Indians from there to our companies here, if they have a problem getting them past immigration and getting enough into the country to do the things they want to do, they take the work to Bangalore.

Large numbers of American corporations are taking their computer programming work to Bangalore, India. They speak English, they understand science, computer science and so forth, and they are major competitors to people in the computer programming world in America. There will be more of these kinds of developments.

So education in terms of market share, in terms of staying ahead of the curve scientifically, et cetera, it becomes of utmost importance. Of course last night at the Committee for Education Funding dinner where 5 retiring Members of Congress were honored, PAT WILLIAMS spoke about education to prevent civic decay. That is not a small thing. In our country, which is a democracy, if we do not educate the populace, the very democracy itself will become an enemy if we do not have people who understand how this democracy works. So nothing is more important. We have activities that are going forward to try to get this across at many levels. Within the beltway and among people who know what the education agenda is, there are certain kinds of activities at work.

The Committee for Education Funding has a National Education Call-In Day which is tomorrow, September 18, 1996. They are giving everybody the capital switchboard, 202/225-3121, asking them to call the Members of Congress—Members of the House and Members of the Senate—and talk about the fact that we need help from the Federal Government to meet the challenges of growing enrollments, more students with special needs, new educational technology and a changing economy. That will work for certain groups of people as it has in the past and we hope that folks will call in and alert their Congressman to the fact that the appropriations bill for this year has not been passed.

□ 2130

Fiscal year 1997 begins on October 1st, and the education programs are not funded. We hope that either through a continuing resolution or an agreement on the appropriations bill we are going to reach the point where this is resolved, but it will not come automatically. So call in. Call in and remember that the Committee for Education Funding has some very hard facts that you ought to bear in mind.

Madam Speaker, I am going to read a few of those facts that the Committee for Education Funding put forward. Committee for Education Funding has about 80 different organizations in the country, national organizations, which have united under one umbrella to fight for more investment in education. So, they speak with great authority. School boards are represented, teacher unions, all kinds of organizations concerned with education. At high education level, at the preschool level, they are all there.

The fact sheet of the Committee for Education Funding reads as follows: It wants to remind us that over the last 2 years, education suffered cuts of more than $1.1 billion. Despite the fact that we stopped many cuts, it still suffered cuts of more than $1.1 billion over the last 2 years.

The fiscal year 1997 budget resolution, which is the one I am talking about now, passed by Congress this year, cuts education and—I am sorry, the budget resolution; in the budget resolution, which guides the appropriations process, we cut education and training by 17 percent in real terms over the next 6 years according to the Senate Committee on the Budget.

While calling for some program consolidation reductions, President Clinton's fiscal year 1997 budget request does propose to increase the investment of education back to $2.8 billion

in fiscal year 1997 and maintains that level of investment over the next 6 years.

Madam Speaker, I will not go on and on with these facts. I just wanted to say that the call-in sponsored by the Committee for Education Funding is a very good idea. It is one way to have people demonstrate that the public opinions are real, the public opinion polls are real; that there are real human beings out there behind those public opinion polls. Every politician is concerned about public opinion polls and focus groups and really being in sync with public opinion. So it is kind of a contradiction, a paradox, that they will not listen to the public when it comes to education.

We have to end that paradox. We have to hit the politicians, the decision-makers, and elected officials, the candidates, hit them with a sledgehammer and make them understand we mean business when we say education is a priority, ought to be a priority. One way you hit them with the sledgehammer is to keep banging away in every way possible.

Make the telephone calls on October 23rd when we have the National Education Funding Support Day. Organize some kind of group and demonstrate your concern by going to a school and linking up with a school. Some people have gone to schools and provided books, gifts. Other people have helped programs in schools. There is one group of parking agents who have said they will provide a week of safe conduct to certain schools in certain parts of the cities that have had trouble with kids not being able to get to school safely.

Whatever your particular organization can do, do it. We are urging that churches adopt a school and link up with what we call net day. There is a net day project that most of you have heard about. Net day means that that is a day when a locale or a State pledges to wire all of its schools, to provide the wiring necessary for the schools to have appropriate computers and for the schools to link up with the Internet.

A minimum net day effort is to wire the library of the school and five classrooms. So let us have some net days on October 23. If you cannot do it by October 23, then for the period between October 23 and the middle of November, in the middle of November we have National Education Week, from October 23 to the middle of November. Try to mobilize and get together the necessary ingredients and elements to wire your school, to wire the library and wire four classrooms. That is what net day is all about.

At the same time, you might consider the fact that there is a campaign on called the campaign to get the E rate. The E rate means a rate for the wired schools, for their being able to utilize the services, whether they are online services or whatever to come in the future at a reduced rate.

All schools and libraries, according to the law passed by the Congress, we passed the law which says the FCC must work out a way for all schools and libraries to get a reduced rate, to be accommodated. It does not spell out how the FCC should do that, so the Secretary of Labor has proposed that they do it for free to all schools and libraries. It will be easier to administer that way, and what the companies will be doing is developing future customers.

Madam Speaker, we have massive numbers of customers that, if they make it easy for them to get the necessary wiring and the cost of using the Internet and the various services is zero for the schools, then the kinds of people they will develop in the schools will be customers in the future forever. People spend 12 years in school, but they live two or three times that long. If they learn how to use these various facilities, they will be creating a market for themselves.

So we say the E rate should not just be a discount rate, but for schools and libraries why not have it completely free? And that is one proposal I would like to see us support. Secretary Riley has a proposal. If we do not get that, then there are various discounts that are being proposed that we will also fight for.

The FCC will make this decision sometime within the next 2 months, so it is important, as we participate in National Education Funding Support Day, to understand how important that is. That is a once in a generation time activity. Once you get that kind of benefit, it goes on and on, and it has implications for many years and many generations to come.

We talk a lot about how costly these new educational technology items are, computers, et cetera. And it is true they cost so much more than a desk and chair and book. In New York City we are struggling with the problem of just providing a desk and a chair. But we cannot get locked into a situation where we do not discuss educational technology, computers, online Internet, because we have not solved the problem of the desk and the chair. If every city in America had decided it would not build an airport until it fixed all the roads and all the sidewalks, then very few cities in America would have airports. They would be in very bad shape if they did not have airports.

So you have to look to the future and get involved in the new technology and what it can do for the imaginations of the youngsters who are in our schools and make certain that the schools in the inner city communities, like New York City, like my district in Brooklyn, one of the poorest districts, is not left behind because they do not have the computers and they do not have the access to the Internet.

Madam Speaker, all of it has to go together. We have to fight for the desk and fight for the chair, fight for the space in a building, fight for the safety in the building, the end of the violations related to asbestos or lead poisoning, ventilation. We have to fight for it all at one time.

It costs money. It will cost money, but it is not half as costly as some of the modern expenditures that we are accustomed to. We are ready to appropriate $13 billion more to the Department of Defense. In fact, that is what the majority, Republican majority has done. They have added $13 billion to the President's request for defense. A new attack submarine costs $775 million. A B–2 bomber, we can give 7 million more children an opportunity to become productive citizens for the cost of three B–2 bombers. We could double the safe and drug-free schools program for the cost of the *Seawolf* submarine program. America could hire an additional 267,000 elementary and secondary schoolteachers for a billion dollars. For a billion dollars we could spend an extra $23 on every elementary and secondary school child in the country. We could purchase 398,000 multimedia computers for a billion dollars.

You say a billion dollars is a lot of money. A billion dollars is what—the CIA had $2 billion in its slush fund that they could not account for. It had gotten lost. To let you know, $2 billion for the CIA was not very much, but $2 billion would go a long way in terms of spending for our school children.

Modern costs are high, but we should not get overwhelmed. We should understand that, if education is a number one national security item, if the people of the country, in their commonsense wisdom, have decided education ought to be the highest priority, then let us not hesitate to make the investment in education, to take us across that bridge to the 21st century. Our children deserve it, our great Nation needs it. I think we can do not less than what our capacity allows us to do.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 211. Concurrent Resolution directing the Clerk of the House of Representatives to make a technical correction in the enrollment of H.R. 3060.

The message also announced that the Senate agrees, to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the

bill (H.R. 3816) "An Act making appropriations for energy and water development for the fiscal year ending September 30, 1997, and for other purposes."

The message also announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 67. Concurrent resolution to authorize printing of the report of the Commission on Protecting and Reducing Government Secrecy.

ROCKFORD RESCUE MISSION: BRINGING THE COMMUNITY TOGETHER TO SOLVE COMMUNITY PROBLEMS

The SPEAKER pro tempore (Mrs. MEYERS of Kansas). Under a previous order of the House, the gentleman from Illinois [Mr. MANZULLO] is recognized for 60 minutes.

Mr. MANZULLO. Madam Speaker, I come to the floor of the House today to praise the efforts of the Rockford Rescue Mission in their winning fight against homelessness, addiction, and poverty. For more than 30 years, the Rockford Rescue Mission has provided food, shelter, job training, and drug and alcohol rehabilitation to the most needy in the Rockford community.

In 1964, Mr. Stewart, a recovering alcoholic, recognized that there were a number of men in downtown Rockford who were either alcoholic, unemployed, undereducated, lacking direction, or a combination of these. Mr. Stewart saw that these men congregated in relatively the same area and felt that there had to be some way to reach them and help them find direction back to being contributing members of the community.

With just $9.63, Stewart rented a small building on Kishwaukee Street, and the Rockford Rescue Mission was born. He took in the homeless. He fed them, gave them a place to rest, and helped in every way he could to see these men back to being part of the community instead of wayward outcasts.

Mr. Stewart asked his pastor and his wife, the Reverend Gerald and Nadine Pitney, to take over the directorship of the Mission. Reverend and Mrs. Pitney agreed and began a life-long, family commitment to serving and helping the poorest of the poor in the city. The Mission started small, serving only a few single men needing food and shelter.

Over the years, the needs of the Rockford community changed. More and more women and families needed help and direction. As these demands developed, the volunteers and limited staff worked tirelessly to expand the facilities and types of assistance they offered to meet Rockford's growing needs. Today, under the leadership of the Reverend Perry Pitney (the son of the Reverend Gerald and Nadine Pitney), the Rockford Rescue Mission is continuing its efforts to adjust to the changing needs of the community.

Reverend Perry Pitney, recognizing that the needs of Rockford's homeless have changed dramatically since the Mission first opened, stated, "The reality of who the homeless are has changed dramatically over the past few years. The idea of old, alcoholic male drifters passing through a community is now a proven myth. Homelessness is a local issue and must be dealt with locally."

The needs of the homeless in the Rockford community continue to grow. In 1995, the Rockford Rescue Mission served over 80,000 meals, housed over 18,000 people, and gave away over 87,000 food items, clothing, and household necessities. Now the Rockford Rescue Mission is looking to triple its size. In doing so, they will expand their programs for outreach into the community. The current facilities cannot keep up with the overwhelming number of people searching for a place to begin again. The Rockford Rescue Mission is dedicated to the future of Rockford and is committed to keeping its doors open to everyone seeking help.

The staff of the Mission wants Rockford to continue being a city of hope. The expansion of facilities and services will help supply the tools necessary to fight a winning battle against homelessness and poverty. This is a picture of what some of their new facilities will look like.

Homelessness, poverty, substance abuse, and unemployment are not problems unique to Rockford, Illinois. Nearly every community in this nation faces these problems. Clearly, our communities are all searching for workable solutions to help those of our neighbors looking to start over. The Rockford Rescue Mission has set itself apart as a model of compassion with real results.

Help: that is what the Rockford Rescue Mission is all about. Compassion: that is what drives the staff and volunteers to commit themselves to the betterment of the futures of men, women, and families in need. In turn, the entire Rockford community will have a better future.

I come to the floor of the House today to congratulate the Rockford Rescue Mission for more than three decades of service to people. In the best traditions of the United States, they have lived and taught compassion. They are expanding their efforts to reach more people. They have started work on renovating two buildings which will provide space for a thrift shop, the Helping Hand program, emergency services for men, women, and families, and a men's recovery program. The Mission realizes that programs to help children must be stepped up, curbing gang participation and violence. The Mission realizes that the cycle of poverty and homelessness is often perpetuated generation after generation. Reaching the children and breaking that cycle is of paramount importance.

Too many organizations today say, "All we need is more government money, more Federal grants, and we can accomplish the task." But Rockford Rescue Mission has accomplished all this without any government money. They did it on their own, meeting their obligations through donations from individuals, churches, and businesses. They have succeeded in helping the Rockville community by involving the Rockford community. The Rockford Rescue Mission has done more to fight poverty and homelessness than most government programs. Why? Remember what Reverend Pitney said, "Homelessness is a local issue and must be dealt with locally."

The Rockford Rescue Mission on South Madison Street in Rockford, IL has provided day to day survival assistance for three decades. Their philosophy is to help "All whom we can, in all ways we can, as long as ever we can." Day after day for 30 years, the Rockford Rescue Mission has helped the neediest of the needy with no questions asked. The Rockford Rescue Mission has helped find food, shelter, clothing, and guidance for the homeless, the battered, the addicted, and the hungry.

JUDICIAL TAXATION

Madam Speaker, we hear over and over how the Government must spend more money here and there. Who is the government? Is it us, here in Congress? Is it the bureaucrats inside the beltway? No. It is the average American person.

Who is the average American? The average American is the one who gets up at the crack of dawn fixes the childrens' breakfast, reads the morning paper, takes the dog out for a walk, kisses the spouse good-bye as one and in many cases both leave for work.

The average American goes to work to support the family, pay the bills, maybe sometime save enough to buy something new, or go on vacation. The average American wants a good life, and strives hard for it. The average American is competitive and wants to get ahead; no doubt wants America to get ahead.

So, I ask again, who is the government? My colleagues, the Government is the people—the average American person, who puts in a hard day's work.

But in today's society, as I alluded to a moment ago, it is becoming the norm—in a two parent household—that both parents must work to make ends meet.

Each person must work about a third of the day or more in order to cover the costs that each government (local, State and Federal) requires in order to operate.

Is it any wonder that Americans are upset when their government simply

suggests that more money will take care of a problem; that more money is going to solve an inconsistency?

I want to take some time tonight to explain what is happening in a school district in Rockford, IL.

People living in Public School District 205 are dismayed over the sharp increase in their property taxes as a result of a Federal court remedy in a disegration lawsuit against the school district. The compliants I have received from people include the fact that taxpayers are funding millions of dollars for a school master, attorney's fees, consultants, etc., while seeing little money going to educate their children. They complain, and rightly so, that huge spikes in real estate taxes are making homes in Rockford very difficult to sell. Seniors have advised me they can barely pay the taxes on their homes. This situation with the Rockford schools is dividing and devastating the city.

Rockford is not the only community affected by judicial taxation. There are numerous school districts having the same problems we are. The Federal judge in Kansas City, MO ordered taxes increased and spent over $1 billion, and there has been little improvement in the school system or with regards to desegregation numbers. Lawyers, masters, and consultants have been the beneficiaries of these court orders while the children's education has seen little improvement.

The people of Rockford continue to be placed in a situation where the Federal court enters remedies to be paid for with a checkbook that has no limits.

I know many of the people in the city of Rockford. They are not segregationists. They are concerned Americans. They are concerned about their neighbors. They are concerned about the quality of their schools and their children's education. But they are also concerned about making it through life. They are concerned about their living expenses. They are concerned about making ends meet. They are concerned about putting food on the table. They are concerned average Americans.

But, a law suit is filed. A judge makes a finding that there is not racial equality. The first thing that is needed—money. Money will solve the problem, so we need to raise capital in order to bring about equity.

Isn't anyone asking or wondering—Is there another way? What happens when the people are tapped out?

What about all of the additional daily expenses: other taxes, bills, food on the table?

I want to discuss constitutional authority and the expense of taxes for a moment.

The Constitution is the document that grants the authority to Congress, the executive branch, and the judiciary. Nowhere within that document does it say that anyone at the Federal level of government other than Congress can institute a tax increase, period. That's what it says, that's what it should mean.

But, a Federal judge, practically anywhere across the Nation, still will continue such tax mandates from on high. The people who are affected still will have to pony up expenses, whether they be to pay for the judicially imposed taxes, or to fight the imposition in court—which again takes money.

Judicial taxation is not, however, limited to school districts. Federal judges have ordered tax increases to build public housing and expand jails. Any State or local government is subject to such rulings from the Federal courts.

Now, are we seeing a pattern here? Does it really take more money to resolve a problem?

The Federal Government needs more money; so, it raises taxes. We've seen it done, several times over the past 20 years. Yes, we've seen in both Democrat and Republican administrations. We have seen it twice in the 1990's. Most recently, we had the largest tax increase in the history of this Nation—the $268 billion Clinton tax increase—to pay down the deficit and bring down the debt. Guess what, spending has continued to rise. The debt has continued to increase to over $5.1 trillion. That is a lot of money.

Remember that State governments still must operate. That costs money. Local governments need money to operate.

Now, in addition to all of that, we have a situation in which a Federal judge orders a community to pay more for something that is not necessarily their fault. Whether it be for a new jail—because of overcrowding, or to build a new school—because the ones that were closed down were not good enough. Remedies are necessary, but we must always examine the costs.

American parents, Rockford citizens, have always been concerned about the economic well-being and competitiveness of their children. No one has a greater stake in good jobs at good wages than do the parents who nurture and support their children. This will not change.

Parents know that excellent schools exist all over America. These schools often excel in spite of, not because of, out-of-State administrators or Federal judges. Parents ordinarily seek out schools that are friendly, familiar, and near. In so doing, they help create a sense of the school as a community dedicated to learning.

Researchers have found this sense of community to be an indispensable factor in academic success. Yet it is precisely this community that will be lost if the impact of un-democratically raised taxes continues this upward fashion.

Well, in school district 205—this Federal judge's order is tearing the community apart. People are fleeing the community because they don't have the money to pay for the extra expenses. I say again—the situation in Rockford, IL, is dividing the devastating the city.

Even Bill Clinton stated in his acceptance speech at the 1992 Democratic National Convention, "governments do not raise children—parents do."

If we are to take this seriously, that government cannot buy love and equality for children any more than money can buy happiness for adults, we must remember the forgotten American.

We are currently entering into a debate on reforming the Federal Tax Code. We will be studying the impact of Federal tax policy on personal savings and spending, the impact on State and local governments, as well as the overall effect on the economy.

One additional area that Congress needs to address is the impact judicial mandates and taxes on State and local governments. Actions by Federal judges that directly or indirectly force a State or local government to raise taxes have had serious impacts on our Nation's economy. In many cases, remedy decisions have forced State and local governments to increase taxes, putting more pressure on take home pay or affecting property values.

Everywhere you look, someone is getting taxes for this or that reason. A nickel here, a nickel there, doesn't seem like much. Now, multiply that out, over the long term. Before long, it adds up to $50 here, $50 there. Not much, some say. Guess what? It is a lot of money.

The forgotten American pays every single day—the one who gets up at the crack of dawn. Members here in Congress have the task to check the spending.

I have introduced legislation which places very strict limitations on the power of a Federal court to increase taxes for purposes of carrying out a judicial order.

This legislation is not about desegregation or any other decision where a Federal law has been broken. It is about taxpayers paying for Federal court remedies involving the raising of taxes without the permission of the taxpayers—this is taxation without representation. The remedy should be tempered by the community's ability to pay for it, without raising taxes.

If the school board, municipality, or State government feels that taxes have to be raised, then it should go to the people and ask for an increase. Otherwise, the school board should work within its mans. There is no such thing as a school district dollar just as there is no such thing as a Federal tax dollar. The money belongs to the people. Judicial taxation is a back door method to take people's hard earned money without representation.

I am not criticizing Federal judges. Our judges are honorable people. But a judge works within the parameters of the laws available to him or her. The purpose of my legislation is to make it very difficult for a Federal judge, who is an unelected official, to raise taxes, and therefore press him or her to work within the budgetary constraints of the State or local government.

Any lasting result that could come out of a judge's remedy decision must come from the community and must have the people behind it. There has been no success in cases where judicial mandates alone act as the remedy. As I mentioned before, there are many people who are willing to make a positive contribution to solving these problems. By relieving the State and local governments of the burden of judicial taxation, the people of a State, city, or school district will be able to step forward and be part of a solution that is best for the community.

Let me be explicitly clear that I am not talking about whatever remedies are made by the court. I am talking about how to pay for whatever remedy results from any decision. That is where Congress can have input into this area. I take no position on what remedial actions may be enacted—that is a matter of the elected officials on the State and local level, but I am constrained to take a position on how those remedies are funded. This becomes a Federal function because this is a Federal judge applying Federal and constitutional law.

Congress must act on tax reform in all areas. The power of unchecked taxation is a very serious threat to our system of government, it is a threat to the average American who is trying to make ends meet.

Government—every single one of us—cannot continue to stand idly by and watch the tax dollars be raised and spent unchecked. We have an obligation, as the guardians of the Federal purse, to make sure that the money of the forgotten American is spent wisely.

Because we must remember how hard the average American, the forgotten American has to work in order to pay for the bed where he or she sleeps, pay for the food and coffee they eat and drink for breakfast, pay for the food that they pack for their kids' lunches, pay for the gas to power the car that they must buy, and go to work and come home to the house that must be paid for. This is the forgotten American who pays, not only for the bills in everyday life, but for the tax bills that run the American Government. It is for these people that we, ourselves, must work hard to make sure that each and every tax dollar is raised and spent correctly and wisely.

The time for reform is now.

THE DRUG ISSUE—IT'S EVERYONE'S RESPONSIBILITY

Madam Speaker, this evening I also want to discuss one of the biggest problems facing this nation: illegal drug use.

Statistics show that illicit use is rising at an alarming rate. Drug use among our nation's children has more than doubled in the past four years—a staggering rate of increase.

The scourge of illicit drugs is rampant in our society. How do we know this? Well, we read it in our local newspapers everyday; we hear about it on the daily radio and television talk shows; we see it on our nightly news programs.

Some may say that this saturation reporting is desensitizing the general public to the problems that drug abuse is causing in America's communities, homes and schools, and with our children—our future.

I've heard a lot of rhetoric from both political parties about drug abuse. However, this is not a partisan issue. Drug abuse knows no political ideology.

Let's take a look at some of those alarming statistics from some recent studies. On August 1, 1996 the U.S. Department of Health and Human Services reported:

Drug use among teenagers has skyrocketed—from 1992 to 1995, and overall drug use among those 12 years-old to 17 years-old has gone up 78 percent;

Marijuana use from the same period more than doubled at 105 percent;

Use of the hallucinogenic drug LSD also more than doubled at a 103 percent increase; and

Cocaine use increased a staggering 166 percent for that time frame.

Another study—this one from Luntz Research, shows that among teenagers up to the age of 17:

60 percent say they can buy marijuana within one day;

62 percent have friends who use marijuana;

58 percent have been solicited to buy marijuana; and

58 percent know someone who personally uses hard drugs such as LSD, heroin or cocaine.

This is staggering as much as it is tragic.

There is a study that is particularly disturbing. It is a survey, apparently the first of its kind, that asked parents and teens about attitudes toward drugs. Sponsored by Columbia University's Center on Addiction and Substance Abuse, it found that:

Two-thirds of baby-boomer parents who experimented with marijuana as teenagers expect their own children will do the same;

Overall, that 46 percent of the parents surveyed said they expect their children to try illegal drugs;

Forty-nine percent—almost half—of parents surveyed knew someone who uses illegal drugs today; and

One-third of parents have friends who currently use marijuana. These are friends of the parents.

These studies reveal a common theme: that drug use is on the increase and there seems to be a growing apathy about its misuse. The message that drug use is bad for society is somehow getting lost.

It is not just the numbers; it is the simple fact that people feel that there is a need to experiment and use drugs, and that it is somehow expected. In areas around the country, it seems to have become almost a right of passage for our adolescents into adulthood.

Is this the message we want to send? Of course not. Drug abuse reaps deadly consequences. Almost three-quarters of all crime is somehow drug related. Drug abuse sets the stage for death by overdose and suicide. There are scores of accidents caused by drug use. Make no mistake about it: drugs have an impact on each and every member of our society, and we must do something about it. And I don't mean we, as Congress. No the we I am talking about is everyone in our country.

The issue of drugs is not, and should not be, about election year politicking. It is and must be about attempting to deal with this scourge, this blight on our nation. Who's to blame? That is the political question. What to do? That is the real question. Let's not talk about blame; let's talk about what to do.

To answer that question we must begin by asking ourselves whether we have done what we can to work against this national disgrace. Drug abuse knows no race, no political persuasion, no economic class, no gender. It is everyone's problem because it affects everyone.

That is why everyone must do his or her part to work for a lasting solution. It starts at home. The effort begins with parents and guardians. The responsibility continues with our schools—it takes constant reminders from our teachers and administrators about the problems of drugs. The responsibility is with our media and entertainment industry, and it continues with our business leaders. Responsibility is with our elected officials—Republican, Democrat, and Independents.

Our children need guidance and role models so that when they come of age they can exercise individual responsibility and make the right choices concerning drugs.

But is the next generation being given the direction it desperately needs? When I look at the Columbia University study, it makes me wonder. Joseph Califano, president of the National Center on Addiction and Substance Abuse at Columbia University and a former secretary to the U.S. Department of Health, Education and Welfare states:

> That the baby boomers appear to be so ambivalent and so resigned to drug use by kids is very disturbing. They should be mad as hell. Instead, they're saying there's nothing we can do about it.

In the past, Mr. Califano astutely remarked:

Drugs are not dangerous because they are illegal; they are illegal because they are dangerous. Not all children who use illegal drugs will become addicts, but all children, particularly the poorest, are vulnerable to abuse and addiction. Russian roulette is not a game anyone should play. Legalizing drugs is not only playing Russian roulette with our children. It's slipping a couple of extra bullets in the chamber.

He makes a good, solid point. People should care about drugs, drug abuse and society's attitudes about it. Congress, most of all, should never discuss legalization of drugs. We should be discussing how to keep people from using drugs at all.

I want to discuss how one member of this body thought he could make a difference. He is Representative ROB PORTMAN. Mr. PORTMAN saw a problem and decided he wanted to address it head on. When he found that it worked, he decided to share this information with other members of Congress. It is something that is based in commonsense, indeed. It is the Community Anti-Drug Coalition.

This coalition is an attempt by participating members of Congress to mobilize the local communities in conjunction with local law enforcement; schools; parent/teacher associations; community clubs—such as the Lions and Rotary Clubs; the media—television, newspaper and radio; churches; state and local politicians; local, state, and national anti-drug and rehabilitations services to jointly arrive at a solution to end illegal drug use and drug abuse. The effort is to get everyone involved in community-wide, and by extension, a nation-wide anti-drug awareness project. It is a very exciting opportunity for members of Congress to utilize their public offices as a soap box and encourage all members of their communities to get involved in the simple message that we all know to be true: Drugs are dangerous, drugs are bad, people should not use drugs.

I encourage everyone watching at home and members here in the chamber to get involved. This is a problem that needs a comprehensive solution. The solution involves participation and action by all segments of the local community and at all levels of government. Let's not wait any longer.

□ 2200

Lastly this evening I am going to be joined by my colleague, Congressman PETER HOEKSTRA of Michigan. I yield to the distinguished gentleman from Michigan [Mr. HOEKSTRA].

Mr. HOEKSTRA. Madam Speaker, I thank my colleague for yielding. It was with some interest, as I was coming out to Washington earlier today, that I read in USA Today and went out and took a look at what the Associated Press [AP] had to say about the similar article that was in USA Today. It is described by Bruce Babbitt, one of the members of the President's administration. He describes it as "It is a great win/win situation for everyone." And you take a look at it and say, now, what would somebody in the President's administration be calling a win/win, a win/win for everybody. If it is a win/win for everyone, it is a win for those of us in Washington, it is a win for the American people and whatever projects.

And when you get beyond the win/win, what you find is that it is, quoted in one of the Washington papers, Babbitt proposes a new tax.

You were talking earlier in your special order about taxes. We know how much the American people are taxed. And it appears that for Mr. Babbitt and for the President, perhaps that number is not high enough yet, that when 38 cents of every dollar that the American family earns goes to pay taxes at the local, the State or the Federal level, maybe that is not quite enough; that when the average American family works until May 7 of every year to pay that 38 cents or to pay their share of State and local and Federal taxes, Mr. Babbitt and the President still do not believe that that is enough. When they figure out that the cost of government, when you not only take the cost of taxes that we directly pay, but you add in the indirect cost of government and the rules and regulations and that we work, that the average family works until July 3 to pay those additional costs, we find out now what Independence Day means. It has a whole new meaning.

It no longer means independence from the tyranny of taxation with no representation, but in today's world, it means that on July 4 is the first day that the average American keeps what they earn on that day and they do not send it to one form of government or another or are not paying for the cost of regulations.

Mr. MANZULLO. Madam Speaker, what happens during the month of July and August is that the average American decides to go on vacation.

Mr. HOEKSTRA. Madam Speaker, what in the world does vacation have to do with new taxes?

Mr. MANZULLO. Well, Secretary Babbitt has found a way to tax the accoutrements of vacation.

Mr. HOEKSTRA. What is that?

Mr. MANZULLO. Things that you use on vacation.

Mr. HOEKSTRA. Madam Speaker, I believe that we ought to be fair to Mr. Babbitt, and I have misspoken myself. We are not talking about a new tax. The fee or the—excuse me, the term that the Secretary uses is, U.S. Interior Secretary Bruce Babbitt would put a, not a tax—a surcharge on outdoor-related equipment, and so it is not a tax.

Later on now the AP goes on to take the liberty of describing a surcharge as a tax, but Mr. Babbitt has not called it a tax. He is working with, teaming with a wildlife group. And they also do not use the term "surcharge" or "tax." They call it a "user fee." This is what I think is interesting. We will talk a little bit about the amount. We will talk about the amount.

But listen what they say about a user fee, which Mr. Babbitt calls a surcharge, which the Associated Press calls a tax, and which you and I would probably call a tax because what it means is that an American citizen is taking some money and sending it to government, and that is typically a tax.

But they go on to say, make sure that the user fee must not act as a barrier to a product's sale. The user fee must not act as a barrier to a product's sale. So obviously, again, this is a case of companies and small businesses, because we will go through the list, these things are sold by small businesses. These small business people in America just must be making excess obscene products.

I know that the distinguished chairwoman in the Speaker's chair this evening is chairing the Small Business Administration and cannot participate in this dialog. But I am sure if she had the liberty to participate in this dialog, the meetings and the hearings that we have had with her, she would clearly indicate that small businesses are under tremendous pressure and that any attempt to go back to small businesses or the American people probably would be hindrance to the sale of a new product.

□ 2215

This is naive people in Washington saying we can charge people more, but of course it will not be a barrier to sale of more product. I gladly yield.

Mr. MANZULLO. You know, what is interesting is what is going to be taxed. I mean film.

Mr. HOEKSTRA. Gentleman give an example?

Mr. MANZULLO. Film. Secretary Babbitt wants to put a 2 to 3-percent national sales tax on cameras, film, lenses and, look at this, an outdoor sleeping mat.

Now there is no tax on a mattress inside the house, no national tax, but if you sleep outside, he wants to have a 5-percent outdoor recreation equipment.

We just bought my son a mountain bike. We do not live in the mountains, but we bought him a mountain bike, and he wants to put a 5-percent tax on mountain bikes.

Look at the list of things he wants to tax: backpacks, camping stoves.

I have Century Tool located in the district that I represent, and I am going to talk to them tomorrow and say: "Look at Secretary Babbitt, wants to put a 5-percent surcharge because people cook outside, that somehow they're to be penalized for that."

Camping utensils, canoes, canteens; 5-percent tax on canteens, climbing equipment, compasses.

Secretary Babbitt needs to perhaps have a compass to find his way out of this tax hysteria, but he wants to have a 5-percent tax put on compasses, cooking bags, floatation vests, hiking boots, kayaks. The whole ski industry would be subjected to now a new 5-percent tax: skis, poles, boots.

Sleeping bags. My kids have sleeping bags; they never slept outside. They sleep on the floor of the family room.

Snow shoes, Tents.

Every tent in America would be subjected to a new 5-percent Babbitt tax, Babbitt-Clinton tax. And canoe paddles, or prepacked camp foods.

That is interesting.

Mr. HOEKSTRA. If the gentleman would yield?

Mr. MANZULLO. Yes.

Mr. HOEKSTRA. I mean you are getting to the fun parts now. I mean we think about it, the list that you have just gone through. Backpacks? The majority of backpacks in this country—

Mr. MANZULLO. Is for school.

Mr. HOEKSTRA. Go to schools. It is the kids.

I have got three kids, 14, 11 and 8. They all go to school every morning with backpacks. Those now next year, when we go out and buy them with a Clinton, new Clinton-Babbitt tax, those backpacks will cost 5 percent more.

But you forgot a couple of interesting things in there because obviously it is clear that Mr. Babbitt believes that government is not taking enough money, and otherwise he would not be proposing it. But remember this is a big number. This is a 5-percent tax. In Michigan our sales tax is 6 percent. You now tack on a 5-percent on top of that so he obviously believes government is not big enough and is not spending too much and he wants a little bit more money. But he also believes that the IRS is not big enough because we are going to have to come up with rules and regulations to implement this. We are going to tax certain camping utensils, but only those that are connected or folding. So, if it does not connect or snap together or fold, you do not pay the tax.

Mr. MANZULLO. So if a Swiss army knife has a spoon on it or a fork, that would be taxed, but a smaller Swiss army knife would not be taxed.

Mr. HOEKSTRA. If it only had knives, and if it had just the blades with no forks——

Mr. MANZULLO. Screwdrivers and things like that.

Mr. HOEKSTRA. I do not know, but we would have a bureaucrat at the IRS who would make that call.

Mr. MANZULLO. And what about talking about——

Mr. HOEKSTRA. Do not go to the calls yet, but take a look at another one, the floatation vests.

Mr. MANZULLO. Floatation vests?

Mr. HOEKSTRA. Floatation vests. Select, and for those—you know, this is, I am glad that they have already got the bureaucrats involved because for most people, floatation vests are just kind of like life preservers. But are we going to tax all floatation vests, or are we going to go to the IRS and come up with a set of rules and regulations that say these vests are taxed, taxed as 5 percent, and these are not? We are only going to tax selected classes of life preservers, but of course we are not going to tax standard lifeboat vests.

You know, there is stuff on here. You outline the skis, polls, boots. That includes cross-country and downhill. Make sure we do not forget snowboards; they are now on the list. I do not know what a stuff sack is, but they are going to be taxed.

Now let us go on. So we have covered—if you are going to have any fun outside, you know you can figure you are going to pay 5 percent, and it is not on this list, but I bet it soon will be: rollerblades will be on there. I cannot imagine not having rollerblades.

Mr. MANZULLO. Well if you have skis, you have to have rollerblades as a matter of equity——

Mr. HOEKSTRA. Otherwise it would be discrimination.

Mr. MANZULLO. Right.

Mr. HOEKSTRA. But then going on to the category that you were talking about: cause. For those of you that have bird feeders in your backyard you will now know that we are going to have the Clinton-Babbitt backyard and wildlife products tax.

Mr. MANZULLO. At 5 percent.

Mr. HOEKSTRA. Five percent, the Backyard and Wildlife Products Act. Five percent. And what are we going to tax here? We are going to tax wild birdseed and other wild animal feed except seed that is packaged for pet feed.

All right. So we are going to have somebody in Washington again describing, you know, what is pet feed and what is wild animal feed.

Mr. MANZULLO. Reclaiming my time, would birdseed for robins and birds that are not considered to be wild, would that be taxed?

Perhaps the tax would be based upon the tax people would have to come to your backyard and determine which birds were eating the seed, then have a proportionate tax based upon that.

Mr. HOEKSTRA. Yes, and I would guess that if you took your seed that was packaged for pet feed and you ran out of wild bird feed but you took your seeds for pet feed and you used it outside for a wild bird, you know, you would be breaking the law.

Mr. MANZULLO. But what if your pets are wild birds?

Mr. HOEKSTRA. Well, if it is a pet and it is wild, then it cannot be your pet. But I bet we would have a regulation on defining when a pet is a pet and when it is wild it is not.

Mr. MANZULLO. And would the gentleman comment on whether or not the new Clinton tax would impact birds that decided to be hygienic and take a bath?

Mr. HOEKSTRA. Yes, we cover that, or excuse me, the Clinton-Babbitt tax covers that because we do have a tax here on wild birdbaths.

Mr. MANZULLO. Wild birdbaths.

Mr. HOEKSTRA. Wild birdbaths, and we also have a tax on wild bird houses, bat houses, squirrel houses and houses constructed for use by other wildlife, nest platforms for wild birds.

Mr. MANZULLO. And You know what is amazing about this is that Mr. Babbitt, claiming to be a conservationist, would want to try to do everything possible to encourage the wisest use possible of our natural resources and to encourage people to feed the wild birds in the backyard, and instead he wants to impose another tax.

Mr. HOEKSTRA. I beg to take exception because I take Mr. Babbitt at his word. He does believe that he is doing the best for wildlife because what he is doing is he is saying: "You as American citizens don't know what to do for wildlife or the birds in your backyard. Send me the tax because when I collect the money, States would then apply for the money to fund specific projects and would be required to match 25 percent of the Federal grants."

So this is not about protecting or preserving the environment; it is just about how we do it. You pay the tax, you send the money to Washington so that the bureaucrats here in Washington can figure out what projects are best to do, and you know you cannot do that at the State level. We have got to have people in the Interior Department who are going to get this money from the IRS, who will then review the grants, and this is, you know, goes back—you are aware of the myth project that we have been working on, the myth that says only Washington can do things right. This is going to create a new department on not Independence Avenue, on Dependence Avenue, because it is going to be once again bureaucrats making decisions.

In this case they are taking your money that you are going to buy birdbaths, birdhouses, bat houses, birdseed and this even goes on. You got a hummingbird feeder in your backyard.

Mr. MUNZULLO. So what?

Mr. HOEKSTRA. You got to pay taxes on the hummingbird feeder. If you go to the grocery store and you buy suet and you put it in this little mesh thing, I am sorry, that is now taxed. You have to pay.

Mr. MANZULLO. It is a tax on fat.

Mr. HOEKSTRA. A tax on fat.

Mr. MANZULLO. And if the gentleman will yield, then there is a special tax, a 5-percent tax on books, videos and audio. We have a CD-ROM that we play on the back porch of our farm.

We call R. Olsen. Occasionally an eagle will stop by on its way to the Mississippi River, or a great blue heron, and we have the Roger Torrey Peterson bird guides, the tremendous bird guides, the books that you buy so you can examine and identify the birds in your backyard, and those audio tapes of wildlife calls, you know, the owl tapes, you know what I mean. We play those at night, and the owls, you can see the owls fluttering around, and we take the flashlight, teach the kids about nature.

My wife is a biologist and loves to teach the kids about the environment. All that will be subject to another 5 percent tax, talk about an additional tax on educational materials.

Mr. HOEKSTRA. If the gentleman will yield, it goes on. We have talked about outdoor recreation equipment, backyard wildlife products, books and videos. You talked about the binoculars or may be we have not covered that yet; binoculars, hand lenses, spotting scopes, tripods, window mounts. Sorry. Those all now also have a 5-percent tax.

This now goes on, talks about recreational vehicles, RVs. Now the tax rate is much lower on this.

Mr. MANZULLO. Starting lower.

Mr. HOEKSTRA. What is that?

Mr. MANZULLO. Starting lower.

Mr. HOEKSTRA. But we all know once a tax is in place, we do not raise it. Well, maybe that is not right. Usually when we have a tax in place it provides a floor from which to raise it, but you go out and buy an RV, or you go out and buy a sport utility vehicle—you know, a camper, a motor home a travel trailer or any of this. We are now talking about a quarter to a half a percent tax on these items.

You know we have been joking about this, about what the Clinton-Babbitt tax looks like, because I mean it is, it is taking more money out of the system, it is moving decision-making to Washington. But this is a serious proposal, and this is indicative of what this administration believes. They believe Washington does not have enough money, that the American people are not even intelligent enough to make basic decisions about wildlife in these types of things, and they want more, they want more rules and regulations, and they want to grow the IRS, and they want more of our money, and they are blatantly going out and talking about increasing taxes and not talking about tax simplification. This is complicating the tax code, and it provides another avenue for Washington to suck a little bit more money out of our pockets and feed it to the bureaucrats here in Washington.

Mr. DE LA GARZA. Madam Speaker, if the gentleman will yield?

Mr. MANZULLO. Yes.

Mr. DE LA GARZA. I thank the gentleman, and I just wanted to take a brief moment here, that Sunday I heard a speaker, and he mentioned an item that I think would be very appropriate here, although it is very enlightening to hear the gentlemen discuss this issue. But he mentioned about a speaker who had a speech prepared, and everyone started leaving, and more people left, and more people left, and more people left. Finally there was only one left. So he went and finished his speech, then went to thank the gentleman for staying, and the gentleman says: "The only reason I stayed is because I'm the next speaker."

And I thought I would mention this at this time.

□ 2230

Mr. HOEKSTRA. Madam Speaker, we thank the gentleman for staying.

Mr. MANZULLO. We thank the gentleman for staying. Does the gentleman from Michigan have anything else to add?

Mr. HOEKSTRA. We are going to hear a lot more about this issue and others like it. We on our side of the aisle, we have pushed for family tax relief. We believe that Washington already collects enough of our money and we do not want any more money in Washington. We want to return it back to families. We want to return it back to small businesses, because we believe the best engine for growth in this country are small businesses and Americans deciding the priorities for where they spend their money.

This I believe is just the beginning of a whole new series of taxes that a Clinton administration would love to put on the American people. You and I were both here in 1993 when we in this Congress, you and I both voted against it, but when we in this Congress came forward and it passed the Clinton tax increase, where again it became very clear, government is not big enough, we do not have enough money, we want more. This is just what I believe is the first scheme to get more money from the American people.

I think it goes after it exactly the wrong way. It taxes the very things that are important to families, that are important to children. It hides the tax, because it would be a tax at the manufacturer's level, not at the sales tax level, so once again people will be paying taxes and they will not know that it is actually going to the Federal Government. At the same time, it does it in such a way that much of the tax dollars that will be raised will be used to fund bureaucrats here in Washington.

The gentleman and I, we are talking about tax simplification, we are talking about going to a flat tax, we are talking about going to a consumption tax, or anything that takes the huge array of IRS tax booklets, so we could actually go fill our taxes out on a postcard or whatever. All this represents is a whole new series of taxes, complicated taxes describing what camping utensils will and will not be taxed, which flotation vest, which hiking boots. It is absolutely the wrong way to go at this time, or almost at any time.

I cannot see any time where this kind of a tax in this kind of a direction would be appropriate. But it is an important lesson I think for the American people to understand that this is what the Clinton administration is talking about. This is the direction they are going.

Mr. MANZULLO. Reclaiming my time, Madam Speaker, and we have at times tried to put a bit of levity into Secretary Babbitt's and President Clinton's proposal to increase taxes on things such as bicycles, mountain bicycles and outdoor sleeping mats. I think it is a dark day in America when the administration would come to the American people and say, because you use the outdoors, we are going to tax you.

We are talking about a hidden 2 percent to 3 percent tax on a camera, on films. We are talking about kids that buy binoculars to look at birds and other animals in the fields, we will have a 5 percent hidden tax. We are talking about a simple book that talks about nature.

Is that not interesting? You can have a book that describes how to rearrange the inside of a house, that would not be subject to a tax, but a book that talks about how to examine birds and wildlife and things outside—ostensibly even plants—would be subject to a tax.

This is the forgotten America of whom I have spoken so many times in this Congress, the person who gets up at the crack of dawn, packs the lunch. Perhaps both spouses go to work; one of them is working solely for taxes. They get the kids off to school, they write the checks, and they ask themselves in the morning, why is it that we are working harder than ever in our entire lives and taking home less money?

The answer is very simple, because government at all levels is too big. What is even more dangerous about this new proposed Babbitt-Clinton tax is the fact that Americans will be paying a tax and not even know it is a tax, because the tax will be buried into the cost of the manufacturer's product.

Mr. HOEKSTRA. If the gentleman will continue to yield, Madam Speaker, think of the arrogance that is used to describe this tax, the arrogance toward the American taxpayer, because they say the user fee must not act as a barrier to a product sale.

Do these people never get outside of the beltway? Who thinks that the average American family, the parents that pack their kids off to school in the

morning, that they have an extra 5 percent to pay for backpacks, for compasses, for dry bags, sleeping bags, hiking boots? No big deal, it is only 5 percent. They have that.

They talk about the pressure on the family, and the financial pressure, but then it is kind of like where are they coming from? Five percent, of course they can; hey, they have 5 percent more to send to Washington. And they do it on a whole range of things.

It is an arrogant way of taking a look at the American family and saying, we in Washington need 5 percent more, and you, at the family level, you have it. You can afford to easily give us 5 percent, because if we ask you for 5 percent more, that will not be a barrier to you being able to buy this product.

Where have they been? And maybe it is time for the Clinton-Babbitt team to get outside of the beltway and talk to some real Americans, and find out how much 5 percent means to them.

Mr. MANZULLO. Madam Speaker, I include for the RECORD this teaming with wildlife product list which shows the proposed tax on the products.

The material referred to is as follows:

TEAMING WITH WILDLIFE PRODUCT LIST

The following list is a draft of those products being considered for a user fee. Before this list is incorporated into the draft legislation, we are asking companies, customers (users) and coalition members to provide feedback on this list, as well as other details of the proposal. The products listed below would have a graduated user fee of ¼%–5% of the manufacturer's price. The user fee must not act as a barrier to a product's sale. Beside each category is a suggested level for the user fee. Feedback from companies and consumers will help determine the final list of products and the percent to apply to each.

Outdoor Recreation Equipment (5%): Backpacks, Camping stoves, Camping stove fuel, Camping tarps, Camping utensils (connected/folding), Canoes, Canteens, Climbing equipment, Compasses, Cooking kits, Dry bags, Flotation vests (selected classes—not standard life boat vests), Hiking boots, Hiking staves, Kayaks/spray skirts, Mountain bicycles, Outdoor sleeping mats, Skis/poles/boots (cross-country, downhill, telemark), Sleeping bags, Snowshoes, Tents, Paddles, Portable water purifiers, Prepacked camp foods, Scuba diving masks/snorkels/goggles/flippers, Snowboards, Stuff sacks, Wet suits/Air tanks/Regulators/Spearguns, Whitewater rafts.

Backyard and Wildlife Products (5%): Wild bird seed and other wild animal feed (except seed packaged for pet feed); Wild animal and wild bird feeders such as hummingbird feeders, suet feeders and other types of feeders; Wild bird baths; Wild bird houses, bat houses, squirrel houses and houses constructed for use by other wildlife; Nest platforms for wild birds.

Books, videos, Audio (5%): Field guides to bird identification, nest identification, animal tracks, mammals, fishes butterflies, insects and other animal groups; "How-to" guides such as wildlife viewing guides, hiking and paddling guides, etc.; Audio tapes of wildlife calls; CD-Rom guides to wildlife and its enjoyment.

Binoc, Monoc and Spot Scopes (5%): Binoculars, Hand lenses, Monoculars, Spotting scopes, Tripods, Window mounts.

Photographic Equipment and Supplies (2–3%): Cameras, Film, Lenses, Lens filters, Photo disc, Range finders (including those designed for use with photographic cameras and parts thereof).

Recreational Vehicles (RV's (¼%–½%, no more than $100): Campers/motor homes/travel trailers.

Sport Utility Vehicles (¼% no more than $100):

MEXICAN INDEPENDENCE DAY

The SPEAKER pro tempore (Mrs. MEYERS of Kansas). Under a previous order of the House, the gentleman from Texas [Mr. DE LA GARZA] is recognized for 60 minutes.

Mr. DE LA GARZA. Madam Speaker, I take the time today to inform the House and my colleagues that yesterday, September 16, was Mexican Independence Day. I spent the day visiting schools on the border area where I live that were celebrating on our side of the Rio Grande River the Mexican independence. I would like to relate to why it impacts on our side, and a little bit of what we have in unison with the people of Mexico and the nation of Mexico.

First, let me say that the odyssey began some 500 years ago, when the first Spanish galleons traveled across the Atlantic under the sponsorship of a gracious queen of Spain, really searching for the Far East and the spices, and all of the other things that they wanted to bring back to Spain and to Europe, but a sailor named Christopher Columbus navigated his way and ended up in the islands of the Caribbean. From then came further and further immigration to the new lands, to the new world.

Some of the first galleons that traveled from Spain, and the Spanish and the Portuguese navigated the world over, all the seas of the world, and then Great Britain and all of the other navies of the European nations, those that had navies, but this was the beginning of colonizing, the beginning of bringing people.

Records show that the Spaniards came to Hudson Bay, to the northeast part of the United States, throughout the Atlantic, through the Gulf, but the eventual landings in which we are interested tonight came into what is now Mexico, basically Mexico and the Gulf parts of the United States. Although others went to what is now Peru, Chile, Argentina, they began settlement throughout all of the Americas.

The relation to us, and this is of interest, is that in 1776, the process for independence began in what is now our Nation, the United States of America, by mostly immigrants from Great Britain, some German and other Europeans, but basically from Britain who had taken dominion over the lands that we now know as the northeast part of the United States, and a few States of the South. All of us know the interest and it was mentioned in earlier debate about taxation without representation.

Eventually there was that yearning for independence which all individuals have inherently, so began the quest for independence, and the independence that was declared independent; or we, those who represented our country at that time, their desire for independence led to the Declaration of Independence on July 4, 1776.

Mexico came some 33 years later, in 1836. That was what began the process, on September 16, 1810. So what I wanted to bring out to the attention of our Members is that people of similar interests and similar desires that lived in Mexico and were the leaders of Mexico wanted their independence from Spain, so we had probably the most powerful nation in the world at that time, Spain, with dominion over what we now know as the Americas.

They were saying the same thing, and that is the interest that we insist that our children and hopefully all of our people understand, that unity in thought and in deed by people of similar character and similar interests, and by accident, there were many similarities. There was a cry for independence here; there was a cry for independence in Mexico.

A bell was rung in Philadelphia, the Liberty Bell that all of us know. Thirty-some years later a bell was rung at a village named Dolores Hidalgo, which could be almost the echo of what we heard in Philadelphia, almost the echo of the bell that rang at Dolores Hidalgo, shouting the same thing: Liberty, just, freedom, equality. It has been hard to achieve and it is not yet ultimately achieved, both in our country or in Mexico, but that was the beginning.

George Washington was, in Mexico, Father Miguel Hidalgo y Castilla. We had a Betsy Ross that is credited for weaving the first flag of our country. Mexico had a lady, Dona Josefa Ortiz de Dominguez, that was a part of the independence movement, and actually warned the Mexican insurgents or the Mexican freedom-loving leaders of that effort that the Spaniards were coming to catch them and imprison them.

Those are the things that we recollect at this time, because they almost copy our Constitution, and the Jefferson and the Franklins, Mexico had their counterparts. Morelos was a foremost Parliamentarian in Mexico, and they have had harsh times because of internal problems, military.

But this is something that we ought to realize and consider in our dealings with Mexico, that we were dominated by the British, and I say we, those that lived here at that time.

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My part of Texas was not a part of the endeavor of 1776 because we were a

part of New Spain. Then when those great Mexicans, of which my family was one, although we lived far away from the area up where the events occurred, it was nonetheless part of New Spain, and later it became part of Mexico when Mexico secured its independence from Spain. And then when Texas secured its independence from Mexico in 1836, we became Texas. And then when Texas joined the Union, we became citizens of the United States of America for which we are proud and we have served. You can count the Purple Hearts, you can count the Medals of Honor, you can count those who served. I served twice, Navy and Army. My mother's youngest brother died in the service of our country. We have his Purple Heart. So those are the things that unify us. I wanted to say to some of our colleagues that might have some concern that we have a double culture. Well, double or triple culture does not diminish an individual, it enhances the individual. It brings more knowledge, it brings more activity related to their individual ethnic beginnings.

In Texas, the center part of Texas when Mexico wanted to colonize the northernmost part of their territory at the time, which stretched basically from Texas to California, to Oregon, all what we call now the Southwest, they sent impresarios which they offered land to go bring from Europe people to colonize, to come and live on the land. But one caveat was, don't bring Spanish, don't bring British, don't bring French. Those were the three nations that coveted that area. So they went to middle Europe and they brought German and Czech and Slovak and Polish, some Hungarians. Madam Speaker, those are the ethnic groups in my congressional district now in Texas that came when we were a part of Mexico. They settled in that area, and I have in my district all of those ethnic groups, speaking their language, their culture.

Next week there is going to be a Czech night near Corpus Christi. We have the German festivals, we have the Polish festivals. This is part of what the United States is. This is a mosaic of what we are and who we are. That is why the interest in the Mexican independence. Because if they had been no Mexican independence, we may not have at this time what we now know as the United States of America.

Also in an unfortunate incident of history, two-thirds of Mexico became part of the United States. Texas, New Mexico, Arizona, California, Oregon, Utah, Colorado, almost all of that area which was Mexico became part of the United States. And now we proudly proclaim and pledge allegiance to our flag. But yet we have respect for whom our ancestors were, what they did, and where they came from. And so we have this dual, that when we celebrate Mexican independence day, many of our families, my family, were part of that effort and became independent from Spain, as our brethren from the northeast became independent from Great Britain. And now we are what we are, incidents of history but nonetheless reality in the world we live in. And because of that, we are the most powerful Nation in the world, in the history of the world.

Also this morning, Madam Speaker, I was able to participate in a Hispanic month celebration at the Department of Agriculture. As unmerited as it may have been, they honored me with a plaque being chairman of the Committee on Agriculture. But this is something that most of our colleagues need to know, and the people need to know, that when the Spaniards came to the new world, they brought what was the beginning of American agriculture, the greatest agricultural nation in the world. But they brought the seeds for wheat, the vines for the grapes. They brought many of the European agricultural products. But here was corn and cocoa and some argument about tobacco but I insist that tobacco was here. Potatoes. Throughout the Americas, we wove together what the Europeans brought with what we already had here. And in many parts of this Western Hemisphere, the Indians, we call them that, the Aztecs in Mexico, they had irrigation systems, they had aqueducts. At the same time they had aqueducts in Spain and all the areas of Europe. The basic American water law comes from Spain. But the natives in this hemisphere, the Aztecs, performed surgery. They had zoological gardens grander than any that you see now throughout our country. They had pyramids grander than those on the River Nile. And in Guatemala and in the Yucatan and in Peru, the Incas, we had a civilization equal at least to that that came from Europe. This is part of our history, part of our culture.

That is what I wanted to tell my colleagues, that when we celebrate Mexican independence day, we are celebrating part of what has been an impact on what is now the United States of America, including territory. Because this was the way to the Pacific that belonged to Mexico at that time, in 1848, the Treaty of Dolores Hidalgo that was transferred to the then fledgling United States of America. So you cannot separate the issue. I as an individual cannot separate or bring myself to separate myself from the culture, from the ethnic derivatives. I serve this Nation, this country, that flag. But yet some of my ancestors served the other country and that flag, and forever I will have respect for both, but loyalty to this one. So that is something I wanted to make clear. For those who may have some confusion, for those that may ask, well, why would we celebrate Mexican independence?

Mexico has had a very harsh history, occupied by Spaniards first, occupied by the French. President Benito Juarez began the process of ridding Mexico of the French occupation. The Austrian emperor opposed an emperor of Mexico named Maximilian and they did not have the ability to resist but eventually a humble Indian named Benito Jurarez led an effort to rid Mexico of the imposition of foreign rule. And we celebrate the Fifth of May, which is the culminating battle, not the end, of getting the French out of Mexico. That is celebrated on the border and through many parts of the United States where there are Mexicans or of Mexican descent, because this was what rid all of the new world of foreign powers. The French were the last to occupy Mexico and after that, there has been basically no formal occupation of any of the lands of North and South America. We celebrate that with great joy, we do in Texas because the general that led the Mexican troops had been born in Texas, when Texas was a part of Mexico. So we take great pride in that. That general was born in what is now my congressional district, in Goliad, TX, when his father was head of the garrison for the Mexican army in Goliad, TX. Goliad later played a part in the Texas effort for independence against Mexico. But I wanted to congratulate, if for no one else but myself as a Member of this House, the people of Mexico and the Government of Mexico.

One word that I would like to leave, and it is quoted quite often, that President Benito Juarez said that "among men, as among nations, respect for the rights of others is peace." And that we honor on the Fifth of May.

And then another great President of Mexico and my good and dear friend, President Gustavo Diaz Ordaz, said right here from this rostrum when he delivered an address to a joint session of Congress that, and I quote, "Geography has made us neighbors, history has made use friends." He said that right from here, Madam Speaker. And that is what we celebrate when we celebrate. You cannot separate the United States of America, as we know it today, from the Mexican people, from the Mexican culture because, as President Diaz Ordaz said, "Geography has made us neighbors, history has made us friends." That is irrevocable, that is inseparable.

And so I join with all of those that celebrated yesterday throughout the United States Mexican independence with this explanation, if I might call it, of why we do that, why we are proud, and what we have done in order to foster and enhance the United States of America which for those of use that are citizens is indeed something that we feel that an accident of history made me a citizen of the United States of America but one that I am terribly proud, but I will always have a love, admiration and respect for the Mexican people because at one time we were

part and a great part of our country was part of their country. That is irrevocable, but also you cannot separate it from your feelings and from the interests that you have when neighbors honor and respect neighbors.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GANSKE (at the request of Mr. ARMEY), for today and the balance of the week, on account of illness.

Ms. EDDIE BERNICE JOHNSON of Texas (at the request of Mr. GEPHARDT), on Tuesday, September 17, on account of being unavoidably detained.

Mr. HEINEMAN (at the request of Mr. ARMEY), for today and the balance of the week, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Ms. GREENE of Utah) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes September 20.

Mr. BILIRAKIS, for 5 minutes each day on September 17, 18, 19, and 20.

Mr. DREIER, for 5 minutes, today.

Ms. GREENE of Utah, for 5 minutes, today.

Mr. MICA, for 5 minutes on September 17 and 18.

Mr. HUNTER, for 5 minutes, today.

Mr. KINGSTON, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous material:)

Mr. STOKES.
Mr. BENTSEN.
Mr. SKELTON.
Mr. DEUTSCH.
Ms. DELAURO.
Mr. LEVIN.
Ms. WOOLSEY.
Mr. BARRETT of Wisconsin.
Mr. DELLUMS.
Mr. REED.
Mr. UNDERWOOD.
Mr. STARK.
Mr. NADLER.
Mrs. MEEK of Florida.
Mr. POSHARD.
Mr. PALLONE.
Mr. JACOBS.

(The following Members (at the request of Ms. GREENE of Utah) and to include extraneous material:)

Mr. BARRETT of Nebraska.
Mr. FIELDS of Texas.
Mr. TALENT in three instances.
Mr. DIAZ-BALART.
Mr. FRANKS of New Jersey in two instances.
Mr. BASS.
Mr. RADANOVICH.
Mr. BEREUTER in two instances.
Mrs. MORELLA.
Mr. BILIRAKIS.
Mr. SCHIFF.
Mr. MARTINI in two instances.
Mr. HUTCHINSON.
Mr. DORNAN.
Mr. BURR.

(The following Members (at the request of Mr. DE LA GARZA and to include extraneous material:)

Mr. CLINGER.
Mr. DUNCAN.
Mr. CHRYSLER.
Mr. GOODLATTE.
Mr. ENGLISH of Pennsylvania.
Mr. EVERETT.
Ms. KAPTUR.
Mr. LEWIS of Georgia.

ADJOURNMENT

Mr. DE LA GARZA. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock p.m.), the House adjourned until tomorrow, Wednesday, September 18, 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:

5152. A communication from the President of the United States, transmitting his request to make available appropriations totaling $300,000,000 in budget authority to the Department of Agriculture, $100,000,000 in budget authority to the Department of the Interior, a $100,000,000 supplemental request for Veterans Compensation and Pensions, and making available appropriations totaling $50,000,000 in budget authority to the Department of Housing and Urban Development and to designate the amounts made available as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, pursuant to 31 U.S.C. 1107 (H. Doc. No. 104-264); to the Committee on Appropriations and ordered to be printed.

5153. A communication from the President of the United States, transmitting his requests for fiscal year 1996 supplemental appropriations and fiscal year 1997 budget amendments totaling $1,097 million for programs that are designed to strengthen our anti-terrorism, counter-terrorism, and security efforts in this country and abroad and to designate the amounts made available as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, pursuant to 31 U.S.C. 1107 (H. Doc. No. 104-264); to the Committee on Appropriations and ordered to be printed.

5154. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Amendment to Revenue Limit on Bank-Ineligible Activities of Subsidiaries of Bank Hold Companies Engaged in Underwriting and Dealing in Securities [Docket No. R-0932] received September 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5155. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to Australia, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

5156. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Lamps; Reflective Devices and Associated Equipment (National Highway Traffic Safety Administration) (RIN: 2127-AF90) received September 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5157. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans State: Approval of Revisions to the State of North Carolina's State Implementation Plan (SIP) [FRL-5606-3] received September 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5158. 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 Pollutants for Source Categories: Perchloroethylene Dry Cleaning Facilities; Amendments (RIN: 2060-AF90) received September 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5159. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Pyridaben; Pesticide Tolerances for Emergency Exemptions (RIN: 2070-AB78) received September 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5160. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Implementation of the Telecommunications Act of 1996: Reform of Filing Requirements and Carrier Classifications and Anchorage Telephone Utility, Petition for Withdrawal of Cost Allocation Manual [CC Docket No. 96-193] (AAD 95-91) received September 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5161. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Human-System Interface Design Review Guideline [NUREG—0700, Rev. 1] received September 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5162. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of defense articles or defense services sold commercially to Taiwan (Transmittal No. DTC-53-96), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5163. A letter from the Assistant Secretary for Legislative Affairs, Department of State,

transmitting notification of a proposed license for the export of defense articles or defense services sold commercially to Algeria (Transmittal No. DTC-47-96), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5164. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of defense articles or defense services sold commercially to France (Transmittal No. DTC-61-96), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5165. A letter from the Deputy Director, Office of Personnel Management, transmitting the Office's final rule—Prevailing Rate Systems; Abolishment of Norfolk, MA, Nonappropriated Fund Wage Area (RIN: 3206-AH58) received September 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

5166. A letter from the Chairman, Securities and Exchange Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1995, pursuant to 5 U:S.C. 552b(j); to the Committee on Government Reform and Oversight.

5167. A letter from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Red Snapper Management Measures (RIN: 0648-AG89) received September 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5168. A letter from the Assistant Attorney General, Department of Justice, transmitting a draft of proposed legislation to amend the criminal law, title 18 of the United States Code, to prevent economic espionage and to provide for the protection of trade secrets in interstate and foreign commerce; to the Committee on the Judiciary.

5169. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulation; Lower Grand River, Louisiana (U.S. Coast Guard) [CGD08-96-003] (RIN: 2115-AE47) received September 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5170. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Stability and Control of Medium and Heavy Vehicles During Braking (National Highway Traffic Safety Administration) [Docket No. 92029; Notice 11] (RIN: 2127-AG06) received September 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5171. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airspace Designations; Incorporation By Reference (Federal Aviation Administration) [Docket No. 28674; Amendment No. 71-28] received September 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5172. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 28675 ; Amdt. No. 1751] (RIN: 2120-AA65) received September 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5173. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishement of Class E Airspace; Miller, SD (Federal Aviation Administration) [Airspace Docket No. 96-AGL-11] received September 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5174. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767 Series Airplanes (Federal Aviation Administration) [Docket No. 96-NM-216-AD; Amendment 39-9757; AD 96-19-10] (RIN: 2120-AA64) received September 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on transportation and Infrastructure.

5175. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthness Directives; Gates Learjet Model 35 and 36 Series Airplanes Modified by Raisbeck Supplemental Type Certificate (STC) SA766NW (Federal Aviation Administration) [Docket No. 96-NM-63-AD] (RIN: 2120-AA64) received September 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5176. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; American Champion Aircraft Corporation Models 8KCAB, 8GCBC, 7GCBC, 7ECA, 7GCAA, and 7KCAB Airplanes; Correction (Federal Aviation Administration) [Docket No. 96-CE-36-AD; Amendment 39-9726; AD 96-18-02] (RIN: 2120-AA64) received September 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5177. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney JT9D-7R4 Series Turbofan Engines (Federal Aviation Administration) [Docket No. 94-ANE-51; Amendment 39-9721; AD 96-17-11] (RIN: 2120-AA64) received September 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5178. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Industrie Aeronautiche E Meccaniche Model Piagio P-180 Airplanes (Federal Aviation Administration) [Docket No. 95-CE-78-AD; Amendment 39-9750; AD 96-19-02] (RIN: 2120-AA64) received September 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5179. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; De Havilland Model DHC-8-100 Series Airplanes (Federal Aviation Administration) [Docket No. 95-NM-266-AD; Amendment 39-9745; AD 88-09-05 R1] (RIN: 2120-AA64) received September 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5180. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB 2000 Series Airplanes (Federal Aviation Administration) [Docket No. 96-NM-231-AD] (RIN: 2120-AA64) received September 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5181. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Jetstream Model 4101 Airplanes (Federal Aviation Administration) [Docket No. 96-NM-225-AD] (RIN: 2120-AA64) received September 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5182. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-9-80 Series Airplanes and Model MD-88 Airplanes (Federal Aviation Administration) [Docket No. 95-NM-221-AD] (RIN: 2120-AA64) received September 16, 1996, pursuant to 5 U.S.C. 801(a) (1) (A); to the Committee on Transportation and Infrastructure.

5183. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Qualified Pension, Profit-Sharing, and Stock Bonus Plans (Revenue Ruling 96-48) received September 16, 1996, pursuant to 5 U.S.C. 801(a) (1) (A); to the Committee on Ways and Means.

5184. A letter from the Chief Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Minimum Vesting Standards (Revenue Ruling 46-47) received September 16, 1996, pursuant to 5 U.S.C. 801(a) (1) (A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 3153. A bill to amend title 49, United States Code, to exempt from regulation the transportation of certain hazardous materials by vehicles with a gross vehicle weight rating of 10,000 pounds or less; with amendments (Rept. 104-791). Referred to the Committee of the Whole House on the State of the Union.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 3348. A bill to direct the President to establish standards and criteria for the provision of major disaster and emergency assistance in response to snow-related events; with an amendment (Rept. 104-792). Referred to the Committee of the Whole House on the State of the Union.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 3923. A bill to amend title 49, United States Code, to require the National Transportation Safety Board and individual air carriers to take actions to address the needs of families of passengers involved in aircraft accidents; with an amendment (Rept. 104-793). Referred to the Committee of the Whole House on the State of the Union.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 4040. A bill to amend title 49, United States Code, relating to intermodal safe container transportation (Rept. 104-794). Referred to the Committee of the Whole House on the State of the Union.

Mr. CLINGER: Committee on Government Reform and Oversight. H.R. 3802. A bill to amend section 552 of title 5, United States Code, popularly known as the Freedom of Information Act, to provide for public access to information in an electronic format, and for other purposes; with an amendment (Rept. 104-795). Referred to the Committee of the Whole House on the State of the Union.

Mr. HYDE: Committee on the Judiciary. House Joint Resolution 191. Resolution to

confer honorary citizenship of the United States on Agnes Gonxha Bojahiu, also known as Mother Teresa (Rept. 104–796). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2505. A bill to amend the Alaska Native Claims Settlement Act to make certain clarifications to the land bank protection provisions, and for other purposes; with an amendment (Rept. 104–797). Referred to the Committee of the Whole House on the State of the Union.

Mr. MOORHEAD: Committee on the Judiciary. H.R. 3968. A bill to make improvements in the operation and administration of the Federal courts, and for other purposes; with an amendment (Rept. 104–798). Referred to the Committee of the Whole House on the State of the Union.

Mr. MOORHEAD: Committee on the Judiciary. S. 533. An act to clarify the rules governing removal of cases to Federal court, and for other purposes (Rept. 104–799). Referred to the Committee of the Whole House on the State of the Union.

Mr. MOORHEAD: Committee on the Judiciary. S. 677. An act to repeal a redundant venue provision, and for other purposes (Rept. 104–800). Referred to the Committee of the Whole House on the State of the Union.

Mr. WALKER: Committee on Science. H.R. 3936. A bill to encourage the development of a commercial space industry in the United States, and for other purposes; with an amendment (Rept. 104–801, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2941. A bill to improve the quantity and quality of the quarters of land management agency field employees, and for other purposes; with an amendment (Rept. 104–802, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Ms. GREENE of Utah: Committee on Rules. House Resolution 522. Resolution waiving points of order against the conference report to accompany the bill (H.R. 3675) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1997, and for other purposes (Rept. 104–803). Referred to the House Calendar.

Mr. SPENCE: Committee on National Security. House Concurrent Resolution 180. Resolution commending the Americans who served the United States during the period known as the cold war; with an amendment (Rept. 104–804 Pt. 1).

Mr. SPENCE: Committee on National Security. House concurrent Resolution 200. Resolution expressing the sense of the Congress regarding the bombing in Dhahran, Saudi Arabia; with an amendment (Rept. 104–805). Referred to the House Calendar.

Mr. SPENCE: Committee on National Security. H.R. 4000. A bill to amend title 10, United States Code, to restore the provisions of chapter 76 of that title (relating to missing persons) as in effect before the amendments made by the National Defense Authorization Act for fiscal year 1997; with an amendment (Rept. 104–806). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committee on Agriculture discharged from further consideration. H.R. 2941 referred to the Committee of the Whole Hose on the State of the Union.

Pursuant to clause 5 of rule X the Committee on Government Reform and Oversight discharged from further consideration. H.R. 3936 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 5 of rule X the Committees on International Relations and Intelligence (Permanent Select) discharged from further consideration. H. Con. Res. 180 referred to the House Calendar.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 2941. Referral to the Committee on Agriculture extended for a period ending not later than September 17, 1996.

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 3936. Referral to the Committee on Government Reform and Oversight extended for a period ending not later than September 17, 1996.

Pursuant to clause 5 rule X the following action was taken by the Speaker:

H. Con. Res. 180. Referral to the Committees on International Relations and Intelligence (Permanent Select) extended for a period ending not later than September 17, 1996.

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. FILNER:

H.R. 4080. A bill to amend the Small Business Act to establish programs and undertake efforts to assist and promote the creation, development, and growth of small business concerns owned and controlled by veterans of service in the Armed Forces, and for other purposes; to the Committee on Small Business, and in addition to the Committee on Veterans' Affairs, 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. OBERSTAR (for himself, Mr. OBEY, Mr. KILDEE, Mr. DINGELL, Mr. VISCLOSKY, Mr. LATOURETTE, Mr. HOKE, Mr. LAFALCE, Mr. GUTIERREZ, Mr. STUPAK, Ms. KAPTUR, and Mr. BROWN of Ohio):

H.R. 4081. A bill to direct the Secretary of the department in which the Coast Guard is operating to submit to the Congress a plan and cost estimate for the engineering, design, and retrofitting of the icebreaker *Mackinaw;* to the Committee on Transportation and Infrastructure.

By Mr. HERGER:

H.R. 4082. A bill to direct the Secretary of Agriculture to conduct a pilot project on designated lands within the Plumas, Lassen, and Tahoe National Forests in the State of California to demonstrate the effectiveness of the resource management activities proposed by the Quincy Library Group and to amend current land and resource management plans for these national forests to consider the incorporation of these resource management activities; to the Committee on Resources, and in addition to the Committee on Agriculture, 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. SCHAEFER:

H.R. 4083. A bill to extend certain programs under the Energy Policy and Conservation Act through September 30, 1997; to the Committee on Commerce.

By Mr. ABERCROMBIE (for himself and Mr. FALEOMAVAEGA):

H.R. 4084. A bill to amend the Native American Graves Protection and Repatriation Act to provide for Native Hawaiian organizations, and for other purposes; to the Committee on Resources.

By Mr. BAKER of Louisiana (for himself, Mr. BACHUS, and Mr. LAZIO of New York):

H.R. 4085. A bill to terminate the property disposition program of the Department of Housing and Urban Development providing single family properties for use for the homeless; to the Committee on Banking and Financial Services.

By Mr. BEREUTER (for himself, Mr. CRANE, Mr. GIBBONS, and Mr. BERMAN):

H.R. 4086. A bill to authorize the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of Mongolia; to the Committee on Ways and Means.

By Mr. BROWDER:

H.R. 4087. A bill to designate certain Federal lands in the Talladega National Forest in the State of Alabama as the Dugger Mountain Wilderness; to the Committee on Resources, and in addition to the Committee on Agriculture, 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. CONDIT:

H.R. 4088. A bill to provide for the conveyance of certain property from the United States to Stanislaus County, CA; to the Committee on Science.

By Mr. ENGLISH of Pennsylvania:

H.R. 4089. A bill to amend title 31, United States Code, to provide that recently enacted provisions requiring payment of Federal benefits in the form of electronic funds transfers do not apply with respect to benefits payable under the old-age, survivors, and disability insurance program under title II of the Social Security Act; to the Committee on Government Reform and Oversight.

H.R. 4090. A bill to amend the Internal Revenue Code of 1986 to clarify the application of the retail tax on heavy trucks and trailers; to the Committee on Ways and Means.

H.R. 4091. A bill to amend title II of the Social Security Act to establish, for purposes of disability determinations under such title, a uniform minimum level of earnings, for demonstrating ability to engage in substantial gainful activity, at the level currently applicable solely to blind individuals; to the Committee on Ways and Means.

By Mr. FOGLIETTA (for himself, Mrs. CLAYTON, Mr. CUMMINGS, Mr. FATTAH, Mrs. MEEK of Florida, Mr. DELLUMS, Mr. OBERSTAR, Mr. OWENS, Mr. TOWNS, Mr. HILLIARD, Mr. ACKERMAN, Mr. FROST, Mr. CLYBURN, Mr. BARRETT of Wisconsin, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. JOHNSTON of Florida, Mr. TORRES, Ms. WATERS,

Ms. NORTON, Ms. MCKINNEY, Mr. FORD, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WATT of North Carolina, Ms. BROWN of Florida, and Mr. JACKSON):

H.R. 4092. A bill to prevent law enforcement agencies from stopping people on highways because of their race or color; to the Committee on the Judiciary.

By Mr. FRANKS of New Jersey (for himself, Ms. MOLINARI, Mr. FRELINGHUYSEN, and Mr. MARTINI):

H.R. 4093. A bill to require the Federal Aviation Administration to address the aircraft noise problems of New Jersey and Staten Island, NY; to the Committee on Transportation and Infrastructure.

By Mr. GEKAS (for himself, Mr. COX, Mr. PORTER, Mr. WOLF, Mr. DAVIS, Mrs. MORELLA, Mr. GILCHREST, Mr. HAYWORTH, Mr. BEREUTER, Mr. CRAPO, Mr. SPENCE, Mr. SHADEGG, Mr. ROHRABACHER, Mr. HORN, Mr. HANSEN, and Mr. EHLERS):

H.R. 4094. A bill to amend title 31, United States Code, to provide for continuing appropriations in the absence of regular appropriations; to the Committee on Appropriations.

By Mr. GOODLATTE:

H.R. 4095. A bill to protect the national information infrastructure, and for other purposes; to the Committee on the Judiciary.

By Mr. HOKE.

H.R. 4096. A bill to encourage and expedite the granting of membership in the North Atlantic Treaty Organization to Romania, Slovakia, and Slovenia; to the Committee on International Relations.

By Ms. LOFGREN:

H.R. 4097. A bill to amend title 18, United States Code, with respect to child exploitation offenses; to the Committee on the Judiciary.

By Mrs. MEYERS of Kansas:

H.R. 4098. A bill to enhance the administrative authority of the president of Haskell Indian Nations University, and for other purposes; to the Committee on Economic and Educational Opportunities, 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. PORTMAN (for himself, Mr. CARDIN, Mr. ENSIGN, Mr. MATSUI, Mr. HOBSON, and Mr. POMEROY):

H.R. 4099. A bill to amend the Internal Revenue Code of 1986 to modify the application of the pension nondiscrimination rules to governmental plans; to the Committee on Ways and Means.

By Mr. STARK:

H.R. 4100. A bill to amend titles XVIII and XIX of the Social Security Act to require hospitals participating in the Medicare or Medicaid Program to provide notice of availability of Medicare and Medicaid providers as part of discharge planning and to maintain and disclose information on certain referrals; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUDDS:

H.R. 4101. A bill to direct the Secretary of the department in which the Coast Guard is operating to provide rescue diver training under the Coast Guard helicopter rescue swimming training program; to the Committee on Transportation and Infrastructure.

By Mr. INGLIS of South Carolina (for himself and Mr. SCOTT):

H.J. Res. 193. Joint resolution granting the consent of Congress to the Emergency Management Assistance Compact; to the Committee on the Judiciary.

By Mr. DAVIS (for himself, Mrs. MORELLA, Mr. WYNN, Mr. WOLF, Mr. MORAN, and Mr. HOYER):

H.J. Res. 194. Joint resolution granting the consent of the Congress to amendments made by Maryland, Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact; to the Committee on the Judiciary.

By Miss COLLINS of Michigan (for herself, Mr. BARRETT of Wisconsin, Mrs. CLAYTON, Mr. FILNER, Mr. FRAZER, Mr. PETE GEREN of Texas, Mr. GREEN of Texas, Mr. HASTINGS of Florida, Mr. BROWN of Ohio, Mrs. SCHROEDER, Ms. WATERS, Mr. PAYNE of New Jersey, Ms. BROWN of Florida, Mr. THOMPSON, Mr. JEFFERSON, Ms. NORTON, and Mrs. MEEK of Florida):

H.J. Res. 195. Joint resolution recognizing the end of slavery in the United States, and the true day of independence for African-Americans; to the Committee on Government Reform and Oversight.

By Mr. FRANKS of New Jersey:

H. Con. Res. 215. Concurrent resolution to encourage the Secretary of State, foreign nations, and others to work together to help reunite family members separated during the Holocaust; to the Committee on International Relations.

By Mrs. KENNELLY:

H. Res. 523. Resolution designating minority membership to certain standing committees of the House of Representatives; considered and agreed to.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 784: Mr. DEAL of Georgia.

H.R. 789: Mr. BEREUTER and Mr. POSHARD.

H.R. 1023: Mr. HEINEMAN, Mr. KOLBE, and Mr. CRANE.

H.R. 1073: Mr. SKAGGS and Mr. WAMP.

H.R. 1074: Mr. SKAGGS and Mr. WAMP.

H.R. 1325: Mr. PETRI and Mr. OBERSTAR.

H.R. 1662: Mr. FATTAH.

H.R. 2006: Mr. PETRI.

H.R. 2167: Mr. GILMAN, Ms. LOFGREN, and Mr. LATOURETTE.

H.R. 2185: Mr. CANADY and Mr. MATSUI.

H.R. 2246: Mr. MOAKLEY.

H.R. 2434: Mr. STENHOLM, Mr. NEAL of Massachusetts, and Mr. MATSUI.

H.R. 2748: Mr. FRANK of Massachusetts.

H.R. 2807: Mr. ENGEL and Mr. HINCHEY.

H.R. 2927: Mr. LIPINSKI.

H.R. 3030: Mr. LEWIS of Georgia.

H.R. 3142: Mr. SALMON, Ms. DUNN of Washington, Mr. BASS, and Ms. FURSE.

H.R. 3199: Mr. DORNAN and Mr. ROEMER.

H.R. 3226: Mr. BROWN of California and Mr. SHAW.

H.R. 3250: Mr. WELDON of Pennsylvania.

H.R. 3311: Mr. MORAN, Mr. BARCIA of Michigan, Mr. OLVER, Mr. HEFNER, and Mr. FROST.

H.R. 3391: Mr. PALLONE.

H.R. 3433: Mr. FRANKS of New Jersey.

H.R. 3498: Mr. FATTAH.

H.R. 3514: Mr. WELDON of Florida and Mr. SALMON.

H.R. 3518: Mr. DORNAN and Mrs. SEASTRAND.

H.R. 3591: Mr. CONDIT.

H.R. 3690: Mr. CRANE, Mr. HASTINGS of Washington, and Mr. NETHERCUTT.

H.R. 3691: Mrs. THURMAN.

H.R. 3704: Mr. EVANS, Mr. HILLIARD, Mrs. MINK of Hawaii, Ms. BROWN of Florida, Mr. MILLER of California, Mr. SANDERS, Mr. FALEOMAVAEGA, Ms. LOFGREN, Mr. LIPINSKI, Ms. WOOLSEY, Mr. FOGLIETTA, Mr. YATES, Mr. GUTIERREZ, Mr. LEWIS of Georgia, Mr. CLAY, Mr. ACKERMAN, Mr. GIBBONS, Mr. COLEMAN, Ms. NORTON, Mr. DELLUMS, Mrs. COLLINS of Illinois, Mr. DEUTSCH, Mr. HINCHEY, Mr. PETERSON of Minnesota, and Mr. OWENS.

H.R. 3752: Mrs. CUBIN, Mr. SKEEN, and Mr. COOLEY.

H.R. 3775: Mr. EDWARDS, Mr. SALMON, and Mr. TEJEDA.

H.R. 3835: Mr. BLUTE, Mr. BORSKI, Mr. BOUCHER, Ms. BROWN of Florida, Mr. HILLIARD, Mr. KENNEDY of Massachusetts, Mr. LAHOOD, Ms. MCKINNEY, Mr. OWENS, Ms. RIVERS, and Mr. STUPAK.

H.R. 3838: Mr. HOSTETTLER and Mr. BARTLETT of Maryland.

H.R. 3860: Ms. LOFGREN, Mr. EVANS, and Mr. DEUTSCH.

H.R. 3905: Mr. CASTLE.

H.R. 3923: Mr. GILLMOR and Mr. EVANS.

H.R. 3927: Mr. KENNEDY of Massachusetts, Mr. DURBIN, and Mr. MCHALE.

H.R. 3942: Mr. ROGERS.

H.R. 3950: Mr. BARTLETT of Maryland and Mr. DAVIS.

H.R. 3984: Mr. FIELDS of Texas and Mr. DORNAN.

H.R. 4019: Mr. CUNNINGHAM, Mr. WICKER, Mr. LEWIS of California, Mr. RADANOVICH, Mr. BAKER of Louisiana, Mr. HORN, Mr. CALVERT, Mr. HUNTER, Mr. ROHRABACHER, Mr. DREIER, Mr. HAYWORTH, Mr. WHITE, Mr. NEY, Mr. PACKARD, Mr. KING, Mr. MOORHEAD, Mr. CRANE, Mr. INGLIS of South Carolina, Mr. LIPINSKI, Mr. WELLER, and Mr. STOCKMAN.

H.R. 4036: Mr. HAMILTON, Mr. LANTOS, Mr. BERMAN, Mr. HYDE, Ms. ROS-LEHTINEN, and Mr. GOODLING.

H.R. 4037: Mr. DELLUMS.

H.R. 4062: Mr. HORN.

H.R. 4066: Mr. DORNAN, Mr. RIGGS, Mr. HERGER, and Mr. CUNNINGHAM.

H.R. 4068: Mr. BISHOP.

H.J. Res. 173: Ms. PRYCE.

H.J. Res. 174: Ms. PRYCE, Mr. HANCOCK, Mrs. MYRICK, and Ms. FURSE.

H. Con. Res. 21: Mr. KLUG and Mr. STUPAK.

H. Con. Res. 51: Mr. LANTOS and Mr. GILMAN.

H. Con. Res. 145: Mr. GILMAN.

H. Con. Res. 212: Mr. DEUTSCH.

H. Res. 30: Mr. CREMEANS, Mr. BROWDER, Mr. NEY, Mr. TRAFICANT, and Mr. CHRYSLER.

H. Res. 490: Mr. BURTON of Indiana, Mr. KINGSTON, Mr. ROHRABACHER, and Mr. TORKILDSEN.

H. Res. 501: Mr. HASTINGS of Florida.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 4278

Omnibus Appropriations Act for Fiscal Year 1997

OFFERED BY: MS. HARMAN

AMENDMENT NO. 1: At the appropriate place, insert the following new title:

TITLE— . DEFICIT REDUCTION LOCK-BOX

DEFICIT REDUCTION LOCK-BOX

SEC. . (a) ESTABLISHMENT OF LEDGER.—Title III of the Congressional Budget Act of

1974 is amended by adding at the end the following new section:

"DEFICIT REDUCTION LOCK-BOX LEDGER

"SEC. 314. (a) ESTABLISHMENT OF LEDGER.—The Director of the Congressional Budget Office (hereinafter in this section referred to as the "Director") shall maintain a ledger to be known as the "Deficit Reduction Lock-box Ledger". The Ledger shall be divided into entries corresponding to the subcommittees of the Committees on Appropriations. Each entry shall consist of three parts: the 'House Lock-box Balance'; the 'Senate Lock-box Balance'; and the 'Joint House-Senate Lock-box Balance'.

"(b) COMPONENTS OF LEDGER.—Each component in an entry shall consist only of amounts credited to it under subsection (c). No entry of a negative amount shall be made.

"(c) CREDIT OF AMOUNTS TO LEDGER.—(1) The Director shall, upon the engrossment of any appropriation bill by the House of Representatives and upon the engrossment of that bill by the Senate, credit to the applicable entry balance of that House amounts of new budget authority and outlays equal to the net amounts of reductions in new budget authority and in outlays resulting from amendments agreed to by that House to that bill.

"(2) The Director shall, upon the engrossment of Senate amendments to any appropriation bill, credit to the applicable Joint House-Senate Lock-box Balance the amounts of new budget authority and outlays equal to—

"(A) an amount equal to one-half of the sum of (i) the amount of new budget authority in the House Lock-box Balance plus (ii) the amount of new budget authority in the Senate Lock-box Balance for that bill; and

"(B) an amount equal to one-half of the sum of (i) the amount of outlays in the House Lock-box Balance plus (ii) the amount of outlays in the Senate Lock-box Balance for that bill.

"(3) CALCULATION OF LOCK-BOX SAVINGS IN SENATE.—For purposes of calculating under this section the net amounts of reductions in new budget authority and in outlays resulting from amendments agreed to by the Senate on an appropriation bill, the amendments reported to the Senate by its Committee on Appropriations shall be considered to be part of the original text of the bill.

"(d) DEFINITION.—As used in this section, the term 'appropriation bill' means any general or special appropriation bill, and any bill or joint resolution making supplemental, deficiency, or continuing appropriations through the end of a fiscal year.".

(b) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 313 the following new item:

"Sec. 314. Deficit reduction lock-box ledger.".

TALLY DURING HOUSE CONSIDERATION

SEC. . There shall be available to Members in the House of Representatives during consideration of any appropriations bill by the House a running tally of the amendments adopted reflecting increases and decreases of budget authority in the bill as reported.

DOWNWARD ADJUSTMENT OF 602(A) ALLOCATIONS AND SECTION 602(B) SUBALLOCATIONS

SEC. . (a) ALLOCATIONS.—Section 602(a) of the Congressional Budget Act of 1974 is amended by adding at the end the following new paragraph:

"(5) Upon the engrossment of Senate amendments to any appropriation bill (as defined in section 314(d)) for a fiscal year, the amounts allocated under paragraph (1) or (2) to the Committee on Appropriations of each House upon the adoption of the most recent concurrent resolution on the budget for that fiscal year shall be adjusted downward by the amounts credited to the applicable Joint House-Senate Lock-box Balance under section 314(c)(2). The revised levels of budget authority and outlays shall be submitted to each House by the chairman of the Committee on the Budget of that House and shall be printed in the Congressional Record.".

(b) SUBALLOCATIONS.—Section 602(b)(1) of the Congressional Budget Act of 1974 is amended by adding at the end the following new sentence: "Whenever an adjustment is made under subsection (a)(5) to an allocation under that subsection, the chairman of the Committee on Appropriations of each House shall make downward adjustments in the most recent suballocations of new budget authority and outlays under subparagraph (A) to the appropriate subcommittees of that committee in the total amounts of those adjustments under section 314(c)(2). The revised suballocations shall be submitted to each House by the chairman of the Committee on Appropriations of that House and shall be printed in the Congressional Record.".

PERIODIC REPORTING OF LEDGER STATEMENTS

SEC. . Section 308(b)(1) of the Congressional Budget Act of 1974 is amended by adding at the end the following new sentence: "Such reports shall also include an up-to-date tabulation of the amounts contained in the ledger and each entry established by section 314(a).".

DOWNWARD ADJUSTMENT OF DISCRETIONARY SPENDING LIMITS

SEC. . The discretionary spending limits for new budget authority and outlays for any fiscal year set forth in section 601(a)(2) of the Congressional Budget Act of 1974, as adjusted in strict conformance with section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985, shall be reduced by the amounts set forth in the final regular appropriation bill for that fiscal year or joint resolution making continuing appropriations through the end of that fiscal year. Those amounts shall be the sums of the Joint House-Senate Lock-box Balances for that fiscal year, as calculated under section 602(a)(5) of the Congressional Budget Act of 1974. That bill or joint resolution shall contain the following statement of law: "As required by section 6 of the Deficit Reduction Lock-box Act of 1995, for fiscal year [insert appropriate fiscal year] and each outyear, the adjusted discretionary spending limit for new budget authority shall be reduced by $ [insert appropriate amount of reduction] and the adjusted discretionary limit for outlays shall be reduced by $ [insert appropriate amount of reduction] for the budget year and each outyear." Notwithstanding section 904(c) of the Congressional Budget Act of 1974, section 306 of that Act as it applies to this statement shall be waived. This adjustment shall be reflected in reports under sections 254(g) and 254(h) of the Balanced Budget and Emergency Deficit Control Act of 1985.

EFFECTIVE DATE

SEC. . (a) IN GENERAL.—This title shall apply to all remaining appropriation bills making appropriations for fiscal year 1997 or any subsequent fiscal year.

(b) DEFINITION.—As used in this section, the term "appropriation bill" means any general or special appropriation bill, and any bill or joint resolution making supplemental, deficiency, or continuing appropriations through the end of a fiscal year.